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Environment
Manatū Mō Te Taiao

2E CHAPTER STANDARDS

Recommendations on Submissions Report for the first set of
National Planning Standards

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Context to this document

This document forms part of the suite of recommendations on submissions reports prepared for the National Planning Standards. It should be read in conjunction with the Overall Introduction and is likely to reference the other recommendations on submission reports listed below. The recommendations on submissions reports are organised as follows:

1. **Overall introduction**

- Explanation of all of the recommendations on submissions reports
- High-level submissions analysis

Detailed recommendation reports

2A. **Regional Policy Statement Structure Standard report**

2B. **Regional Plan Structure Standard report**

2C. **District Plan Structure Standard**

2D. **Combined Plan Structure Standard**

2E. **Chapter Standards report** including

- Introduction and General Provisions Standard
- National Direction
- Tangata Whenua Standard
- Strategic Direction Standard
- District-wide Matters Standard
- Designations Standard
- Schedules, Appendices and Maps Standard

2F. **Format Standard** including

- Chapter Form Standard
- Status of Rules and Other Text and Numbering Form Standard

2G. **Zone Framework Standard**

2H. **Spatial Layers Standards** including

- Regional Spatial Layers Standard
- District Spatial Layers Standard

2I. **Definitions Standard**

2J. **Noise and Vibration Metrics Standard**

2K. **Electronic Accessibility and Functionality Standard** including

- Baseline electronic accessibility
- Online interactive plans

2L. **Mapping Standard**

2M. **Implementation of the Standards**

1 Introduction

This report includes all of the chapter standards for the National Planning Standards. It assesses the submissions on these and makes recommendations. The order of the sections in this report reflects the order of these standards in the notified draft.

This report includes:

- Introduction and General Provisions Standard
- National Direction
- Tangata Whenua Structure Standard
- Strategic Direction Structure Standard
- District-wide Matters Standard
- Area-specific Matters Standard
- Designations Standard
- Schedules, Appendices and Maps Standard

2 Introduction and General Provisions Standard

2.1 Background

This section covers the changes recommended for the Introduction and General Provisions Standard. This chapter standard is mandatory for all policy statements and plans.

The Introduction and General Provisions Standard provided sections and matters to be included in the introduction part of all policy statements and plans. The standard included the following sections: introduction, how the plan works, interpretation and national direction chapters and provisions.

2.2 Submissions

Of the 56 submitters on this proposal, 52 were in support with suggested changes and 4 were in opposition or opposed the overall structure of the standard and chapters or sections.

2.2.1 Support

Those in support of the proposal included industry, councils, environmental groups and iwi. These groups tended to agree with the scope of what the standard covered. In particular, industry groups working across boundaries also found that the standard helped to achieve the aim of the planning standards by increasing the ease of usability of plans for plan users working across different council boundaries.

2.2.2 Opposition

Four councils opposed or raised significant concerns about the Introduction and General Provisions Standard because of the structure being proposed and the mandatory requirement to follow this structure. Selwyn District Council and Western Bay of Plenty District Council expressed a preference for removing chapter headings. Matamata–Piako District Council also did not support the standard, because of the proposed structure. Dunedin City Council currently has a strategic direction section with key issues and methods, then assessment criteria and rules in district- or area-wide chapters. It has a preference for this structure, rather than an introduction part.

2.2.3 Suggestions for improvement

Suggestions for improvement to the Introduction and General Provisions Standard related to improving the readability and usability of the sections in the standard by clarifying aspects of them or streamlining them. Two submitters, Heritage New Zealand Pouhere Taonga and KiwiRail Holdings Ltd, addressed the need for an easy way to “see at a glance the relationship between zone rules, policies and objectives, and the equivalent provisions in specific chapters such as historic heritage and infrastructure” or to have specific text on these. Submitters such as

the Resource Management Law Association also requested clarity on phrases such as “local strategic scene setting” and “key information about the region and/or district that is of relevance from a resource management perspective”. Waitomo District Council recommended combining the introduction and purpose sections.

Submitters also raised concerns surrounding the level of detail they would need to include, and the appropriateness of locating some provisions in the Introduction and General Provisions Part, rather than further back in the plan or in a section 32 Resource Management Act 1991 (RMA) report. Auckland Council submitted that interpretation material, such as definitions, should be shifted to the back of the plan, to minimise adding bulk to the beginning of the plan, because “adding unnecessary bulk to the front of the plan is contrary to the Standard’s intent of improving usability”. Several councils also suggested combining the tables in the introduction standard, removing references to the RMA and including information in section 32 reports, rather than the introduction part.

Some submitters also suggested provisions that could be added to the Introduction and General Provisions Standard, where they believed it would be most appropriate for them to be addressed. In particular, iwi groups requested a place for Treaty of Waitangi settlement legislation and related management documents. Tūwharetoa Māori Trust Board and the Waikato River Authority submitted that a location for directions specific to a region, or a reference to include provisions from these directions when they apply to them, was particularly important for documents such as the Vision and Strategy for the Waikato River.

Auckland Council requested a general rules chapter be included in the Combined Plan Structure Standard. Auckland Council considered that a general rules section is needed to “set out a common approach on matters that can arise with any application for any activity, such as determining activity status, activities not provided for, notification etc”. The Council does not consider it “appropriate to place general rules in the Introduction chapter as it is not a logical place for plan users to look”.

2.3 Analysis

2.3.1 Introduction analysis

Submitters raised concerns about the appropriateness of the inclusion of certain provisions in the introduction section, especially the details to be provided in tables. Several submitters suggested that the directions to provide tables that give the date of updates to the plan, maps and designation and heritage orders (Table 7: Update table, Table 8: Map update and Table 9: Designations and heritage orders), should be combined into a single table or removed from the section. It is recommended that the directions to include detail on plan updates and the tables are removed and, instead, information is placed on a website. Reducing the content in the introduction will help to remove unnecessary information in plans, thereby reducing bulk and improving usability.

Submitters also requested more flexibility so that they could determine structure locally. They also requested flexibility to enhance readability. To enhance flexibility and readability, we also recommend removing the direction to include a foreword and/or mihi from this section. However, a placeholder is provided for this in the structure standards, should a local authority wish to include this. This will make the introduction section less directive, increasing flexibility for local authorities to determine when and how to address this type of text.

Purpose section

Submitters on the purpose section also requested that provisions that they viewed as more appropriately addressed outside of the plan or in a section 32 report were removed. The Resource Management Law Association submitted that the standards should “generally not require the inclusion of material that repeats the [Resource Management] Act unless there is a good reason for it” or to “provide guidance as to the level of detail required ... where information required by the Act must be stated in a planning instrument”.

In response to submissions such as these, we recommend removing references to the RMA where possible. This helps to streamline the plan by reducing content included in it and improves usability of the standards by focusing sections more clearly. This information is also included in section 32 reports.

As discussed above, iwi groups in particular were concerned to have a location for Treaty of Waitangi settlement legislation and related documents. Whetu Consultancy Group explained the importance of providing a prominent place for these matters, submitting that “recognising Treaty of Waitangi settlement legislation in Part 1 acknowledges the government/Crown recognition to address historical and contemporary grievances, and to provide for cultural and commercial redress through legislation and measures within that legislation”.

Plans are also required to address some Treaty of Waitangi settlement legislation and related documents, such as those relating to the Waikato River. To make sure this information is clearly included in the Introduction and General Provisions Part, we recommend adding new ‘RMA Part 2 Māori and Treaty of Waitangi Settlements’ directions in the ‘How the Plan Works’ section, where Māori-related RMA Part 2 matters and Treaty of Waitangi settlement legislation and related documents are addressed. Providing these directions ensures that the Treaty of Waitangi settlement legislation and related documents will have an easily locatable and prominent place in the plan, addressing submitter concerns and improving readability and usability, by providing the introduction and general provisions sections with clear focuses.

A direction for catch-all rules for activities not anticipated by the plan was considered but is not recommended. A direction on this is considered to encourage non-optimal rule drafting and 87B of the RMA already applies. Not including a place for such rules does not preclude them from being placed in other relevant chapters or sections of a plan or policy statement.

2.3.2 ‘How the plan works’ analysis

Statutory context section

Submissions on the statutory context section similarly raised points relating to improving the usability of the draft standards. The Waikato Regional Council suggested that local authorities should be required to include a ‘statement’ rather than a ‘discussion’ on the hierarchy of RMA planning documents, to remove the possibility of ambiguity. It is recommended that this suggestion is followed, and that the requirement to provide a discussion is removed and replaced with an explanation of how documents relate to each other. Te Rūnanga o Ngāi Tahu suggested amending the ‘how the plan works’ section to include iwi management plans in the list of documents important to the context and content of plans “so as to include all relevant information in one place for user ease of use”. The New Zealand Law Society and Resource Management Law Association recommended referencing water conservation documents for similar reasons. It is recommended that sections of the RMA that reference relevant

documents are referenced to improve clarity. Water conservation orders are also recommended to be included under the National Direction heading.

General approach section

Other submissions on the 'how the plan works' section focused on improving the clarity of the directions in the standard. In particular, submitters wanted more clarity on spatial layers. In the view of Heritage New Zealand Pouhere Taonga, the "'how the plan works' section is critical in understanding the relationship between zone rules and overlay rules (e.g., the rules for historic heritage) and which predominates if there is a conflict". In response to this, we recommend adding a new section to the chapter called 'relationships between spatial layers', where the way that spatial layers relate to each-other is explained.

Submissions to this and other sections emphasised the importance of a place to address integrated management. Iwi groups identified this as connected to Māori resource management. Te Rūnanga o Ngāi Tahu explained in its submission that: "[i]n the interests of integrating hapū/iwi values throughout the Standards ... it [is] important to include a directive to acknowledge traditional management practices or values in this Standard". We view the location where we acknowledge integrated management as an appropriate place to also address Māori resource management and an effective way to weave these values through the plan. We recommend amending the *General Approach* direction on integrated management to include a reference to Māori environmental management.

With regard to the request for a general rules chapter from Auckland Council, we agree that general rules can be useful. However, when we looked at the general rules in plans, we found that many of them dealt with information requirements, activity status of rules, how plan spatial layers relate to each other, and other administrative-type rules. We consider that these are best set out under the 'how the plan works' heading, in the chapters most appropriate to the rule or direction. We will add this information to our guidance documents but we do not recommend any changes to the standards themselves.

Legal effects of rules section

Seven submitters requested removing this section or parts of it, viewing it as unnecessary once the plan is operative and repetitive of information already included in the RMA. The New Zealand Planning Institute and Waitomo District Council submitted "this will simply repeat what is stated in the RMA, which has little value and is unlikely to be useful to the public using the Plan. Furthermore, once a District Plan is fully operative, it becomes obsolete". However, others suggested retaining the section and including standard text.

Western Bay of Plenty District Council submitted that "there is no need for each council to write this section themselves. The legal effect of rules should be standard in all plans and therefore the text for this should be part of the national planning standards". We analysed whether to include standardised wording for local authorities to include in plans, to aid plan users with understanding the application of the RMA provisions relating to the legal effect of rules. A direction and mandatory text was drafted. However, it is recommended that this is not included in the first set of planning standards. This was because the text would need to paraphrase the RMA, in order to be of use to plan users and make the requirements relating to the legal effect of rules easy to understand. This level of para-phrasing of RMA requirements needs to undergo an extremely rigorous legal test, and therefore it was not considered appropriate.

2.3.3 Interpretation analysis

Definitions and glossary

Most submissions in relation to the interpretation chapter addressed the inclusion of only te reo Māori terms in the interpretation chapter and the glossary. The New Zealand Law Society and Te Rūnanga o Ngāi Tahu questioned why te reo Māori terms should be treated differently from other terms and included in a glossary. Te Rūnanga o Ngāi Tahu raised the point that it could “cause confusion for the plan reader who will likely refer to the definitions section for all word definitions regardless of language”. To reduce confusion, we recommend broadening the glossary to include both te reo Māori and non te reo Māori terms. We also recommend including additional text in the section to address concerns about the clarity around which te reo Māori terms should be included in the definitions and glossary sections, and in the interpretation chapter when sections of the plan are translated into te reo Māori.

Location of interpretation

The Auckland Council submission requested for the definitions section to be moved to the back of the plan to “minimise adding bulk to the beginning of the plan” and more appropriately achieve the intent of the standards to improve usability by removing unnecessary bulk. Both Auckland Council and Kapiti District Council also raised the point that when using 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”. Most submitters supported the location of the interpretation section. In Kapiti District Council’s view, “from a practical perspective ... definitions are more accessible at the front of a paper/PDF plan, rather than under the bulk of the back of the Plan”.

We recommend retaining the interpretation chapter and its location near the beginning of the plan because of the accessibility that this provides. However, we acknowledge that the significance of this direction will reduce over time as more councils transition their plans to an ePlan format. Even so, we understand the value in having a consolidated list of definitions in one part of the plan and prefer its location to be as part of the introduction. We do recommend that directions for the format of the section are located with the definitions standard.

2.3.4 National direction analysis

National direction location

Transpower, Horowhenua District Council, Tauranga City Council, the Joint Southland Councils’ Technical Submission, Whetu Consultancy Group and South Taranaki District Council requested clarification on whether Schedule 1 processes would be required to update the national direction standard, when new national direction instruments are created and must be included. Transpower voiced common concerns about the continued relevance of the standard if Schedule 1 processes were required. It submitted that:

...unless all subsequent changes to these documents include a National Planning Standard direction to update the documents without a Schedule 1 process, Table 13 could be expected to hinder application of the National direction instruments as it will retain the application of the dated standard until any change is formally adopted through a Schedule 1 process.

The section can be updated without a Schedule 1 process, because it is mandatory.

Format

A number of submitters requested greater clarity on the details provided in the National direction instruments table (table 13). For example, Tauranga City Council requested guidance on the inclusion of links in plan text, and Whangarei District Council requested guidance on what level of details should be provided in tables, “to ensure there is not an expectation to have an overly detailed assessment within the Plan”. The Joint Southland Councils’ Technical Submission was unclear about the details to be included in tables. Isovist Limited suggested avoiding tables within tables, submitting that “this approach is workable but in terms of usability and onscreen clarity this is not always ideal for an online viewer, particularly on smaller, mobile devices”.

To improve the clarity of the section and the tables, we recommend removing instructions from the tables in the national direction standard and placing them above the tables, so that just the national direction and details about its inclusion in the plan are addressed in the table. This approach is consistent with that taken to the format of tables through the Draft National Planning Standards.

Provisions included in the national direction standard

There are provisions that submitters requested that were either included or removed from the national direction standard. The Resource Management Law Association and New Zealand Law Society suggested that water conservation orders (WCOs) should be included in the national direction standard. It is recommended that WCOs included in the national directions instruments heading and a new chapter created in the structure. They are national direction that local authorities must follow and that affect plans. Moving them to this part will make sure that they are alongside other national direction with a similar origin and mandatory status. It is recommended that the standard includes mandatory text that councils must insert in policy statements and plans when the WCO chapter is included. The mandatory text gives an overview of WCOs relevant to the region or district and requires councils to include detail of whether or not their policy statement or plan is consistent with the WCOs, or if a review is yet to be undertaken. This requirement is consistent with the requirements of the national policy statement and national environmental standard chapters.

However, it is recommended that WCOs remain in the ‘how the plan works’ statutory context, because they are only applicable to certain regions and are not included as national direction instruments in RMA subpart 1.

The Joint Southland Councils’ Technical Submission and Manawatu District Council requested inclusion of hyperlinks. Waitomo District Council raised concern about updating hyperlinks. We recommend including a direction requiring hyperlinks in the national direction standard. Hyperlinks can be updated as technical amendments without a Schedule 1 process.

A number of submissions reflected a need for greater clarity about the details provided in the National Direction heading tables. Whetu Consultancy requested clarity on whether documents could be updated without full public consultation. The process for doing this will be addressed in guidance. For example, Tauranga City Council requested guidance on the inclusion of links in Plan text and Whangarei District Council requested guidance ‘to ensure there is not an expectation to have an overly detailed assessment within the Plan’.

It is also recommended that a new general direction is recommended to be included that allows councils to include additional content to address national direction implementation in

their local setting. This would also help to improve clarity of the national direction standard, by providing a clear location for content relevant to a local context.

National Policy Statements

The heading is recommended to include the New Zealand Coastal Policy Statement (NZCPS) to be legally correct and improve visibility of the NZCPS in policy statement and plans. The options to be inserted into the associated table were reassessed and redrafted to now focus only on whether or not the policy statement or plan has been reviewed, and if it has, providing a reference to the review date and change. This change is recommended as requiring councils to choose an options that relates to whether or not national policy statements have been 'full effect' or not can involve a value judgement. The recommended approach of referencing a relevant review removes this. There can also be instances where NPS's have only been partially given effect to in a policy statement or plan and require references of the parts of policy statement or plan that does not have full effect. An example of when this would apply is the case of the National Policy Statement for Freshwater (NPSFM), where there may be a valid instance where a plan change only partially gives effect to the NPSFM, as councils will have until 2025 to complete full implementation across all catchments.

It is also recommended that the table and directions are amended to include the 'Hauraki Gulf Marine Park Act 2000' when relevant to the region or district. This is because parts of the 'Hauraki Gulf Marine Park Act 2000' are treated as a NPS and NZCPS.

National Environmental Standards

As RPS's do not contain rules it is recommended that the directions are amended to only relate to plans.

Western Bay of Plenty District Council and the Joint Southland Councils' Technical Submission questioned the feasibility of providing details on which plan rules are more stringent or lenient than national environmental standards. However, industry groups, including the Forest Owners Association, 2degrees, Horticulture New Zealand, Vodafone New Zealand Limited, Spark Trading New Zealand Limited, KiwiRail Holdings Ltd, NZ Telecommunications Forum Inc and ACI Operations New Zealand, supported the requirement to include this information. The telecommunication companies considered that it would "provide clarity for plan users" and ACI Operations New Zealand Limited considered that "this requirement will assist in ensuring that local authorities properly turn their minds to consistency between the NESAQ [National Environmental Standards for Air Quality] and RMA plans".

Providing the details of which plan rules are more stringent or lenient than NES's was not originally considered onerous, as the only currently relevant NES is the NES on Plantation Forestry 2017. Further discussion on the complexities of the assessment required by councils in assessing which rules are more lenient and stringent than the standards was undertaken in light of the requirements of the NES on Plantation Forestry. In light of this, and submissions it is considered that requiring this information to be put into plans is not practical for councils or will provide the information useful for plan users. It is likely that there will be more NES's of relevance in the future. It is recommended that the requirement to provide these details is removed from the standards and the standard only applies to the NES's that currently have this requirement, so that it does not seem too onerous for local authorities.

It is recommended that the previous directions that required the mandatory tables to be updated when a policy statement or plan change or review gives effect to national direction is deleted. These directions were considered to be unclear in terms of council's obligations and in practice it will be a Ministry obligation to update the table to include new national policy statements as it is gazetted. It is expected that the process to update the standards table will run in parallel to the gazettal of the new piece of national direction.

Regulations Chapter

Submitters generally supported the inclusion of regulations in the national direction standard. The Joint Southland Councils' Technical submission questioned the reason for including a regulations chapter and submitted that the directions were 'unclear about what is required to be included'. However, Manawatu District Council and Bay of Plenty Regional Council were 'overall supportive' because of the ease of finding the regulations and where changes have been made. RMA s58G(2)(a) requires the first set of national planning standards to include 'a structure and form for policy statements and plans, including references to relevant...regulations made under this Act'. This means that the regulations section will be maintained.

The original intention of the regulations section was to include only regulations 'that manage how certain activities can be carried out under the RMA'. Three regulations were listed as examples. Bay of Plenty Regional Council noted that three key regulations were missing from this list. To assist local authorities with determining which regulations should be included and provide more comprehensive details, it is recommended that a full list of regulations be included in the regulations table.

Implementation and Guidance

Whangarei District Council submitted that "some of this information seems more appropriate in s32 documents rather than in the District Plan". The use of guidance will ensure that an appropriate level of detail is included in the national direction standard.

Submitters viewed guidance for the national direction standard as important for successful implementation of the standard. Manawatu DC and Perception Planning Ltd requested that 'consideration be given to the role of specific guidance, training and development of best practice in the consistent and effective implementation of National Policy Statements (NPS) and National Environmental Standards (NES) documents'. Guidance could clarify when and how updates to the standard will take place.

2.4 Recommendations

We recommend the following changes are made to the Introduction and General Provisions Standard:

- remove the directions to include detail on updates to plans, heritage orders and designations and the tables containing this information
- remove the direction to provide a foreword/mihi from the introduction heading, but maintain the placeholder for a foreword/mihi chapter in the District Plan Structure Standard
- remove the purpose section requirements to reference RMA and Treaty of Waitangi principles

- add directions to include Māori-related RMA Part 2 matters, Treaty of Waitangi settlement legislation and related statutory documents
- amend the 'how the plan works' heading directions to read "an explanation of the approach taken around integrated management, including (where relevant) hapū/iwi management values and/or practices"
- amend the 'how the plan works' heading directions so that RMA planning documents do not require a "a discussion..."
- amend the 'how the plan works' to reference parts of the RMA that refer to key planning documents, such as iwi management plans
- create a new 'relationships between spatial layers' heading in the 'how the policy statement/plan works' section
- remove the 'how the plan works – legal effect of rules' section and do not include standard text
- move directions for definitions to the definitions standard
- amend the 'glossary of te reo Māori' terms in the interpretation chapter to simply be 'glossary'
- include additional text in the 'interpretation' section to clarify when te reo Māori terms are included in the definitions and glossary tables
- remove instructions from the tables in 'National direction instruments' and place separately above
- require links to National Direction
- add a new direction in National Direction that allows councils to include additional content to address their local setting
- provide a location for WCOs in the National Direction Standard
- add the New Zealand Coastal Policy Statement to the 'National Policy Statements' heading
- change the details in the National Policy Statements table to focus only on whether or not the policy statement or plan has been reviewed, and if it has, providing a reference to the review date and change
- amend the National Policy Statements table and directions to include 'Hauraki Gulf Marine Park Act 2000' when relevant to the region or district
- amend the national environmental standards directions so that they only relate to plans
- remove the requirement to provide details on which plan rules are more stringent or lenient than NES's that are not in force
- provide the full list of regulations to be included in the plan in the regulations table in the national direction standards
- delete the direction tables to be updated when a policy statement or plan change or review gives effect to national direction
- proceed with clause 26(a), with an amendment to refer to a 'local authority' instead of a 'consent authority'.

2.5 Guidance to accompany this standard

The following guidance to accompany the Introduction and General Provisions Part is recommended as a result of matters raised in submissions:

- information about where “general rules” can be placed in the structure
- how national direction documents are updated in plans when they are changed or when new national direction is released.

3 Tangata Whenua Standard

3.1 Background

This section covers the changes recommended for the Tangata Whenua Structure Standard. This standard applied to all policy statements and plans.

The purpose of the Tangata Whenua Structure Standard is to provide a location where tangata whenua-related provisions can be placed. It focused largely on process-related provisions, with policies and objectives intended to be integrated throughout the plan. The draft standard proposed that tangata whenua objectives and policies are included as part of the structure standards for all plans. The tangata whenua standards are largely included in the Introduction and General Provisions Standard, Strategic Direction Structure Standard and District-wide Matters Standard. A tangata whenua/mana whenua chapter is also provided.

Suggested provisions to place in this part include:

- an explanation of local iwi/hapū identification of iwi authorities and values
- tangata whenua–local authority relationships, cultural impact assessments and monitoring
- engagement with tangata whenua, RMA requirements, best practice
- recognition of iwi and hapū planning documents
- statutory acknowledgements.

The Tangata Whenua Structure Standard also provides a place for a te reo Māori glossary in the interpretation section of all plans. The purpose and context of the plan and strategic directions sections recognise sections 6(e), 7(a) and 8 of the RMA, the Treaty of Waitangi and issues of significance.

A cultural purpose zone, overlay and mapping tools for sites of significance are also included as part of the Tangata Whenua Structure Standard.

3.2 Submissions

Submissions on the Tangata Whenua Structure Standard were received from 22 iwi/Māori representative groups and around 35 district and regional councils, industry groups and non-governmental organisations. Most submitters supported the standards. Submitters emphasised the need to ensure provisions are still incorporated throughout the plan, that flexibility still remains for mana whenua to determine provisions and that the incorporation of large amounts of material is avoided.

Iwi/Māori submissions typically raise broader concerns about the recognition of Māori planning and resource management interests by planners, councils and the Crown, and the way planning standards can help to address these.

3.2.1 Support

Most iwi, industry groups and councils supported the Tangata Whenua Structure Standard because it makes tangata whenua concerns prominent and easy to locate in plans. Te Runanga o Ngāti Awa submitted that “we think this is needed in post-settlement New Zealand because

we find planners and consents officer struggle to recognise and provide for Māori and their various relationships with place”.

Industry groups and iwi in particular appreciate the simplification and standardisation of plans because they work across multiple councils and people who they work with may not have the technical skills to understand complicated plans. For example, Te Korowai o Ngāruahine Trust works across four councils and Te Rūnanga o Ngāi Tahu works across 28 councils.

Councils also support the standardisation of tangata whenua provisions in principle, although raise concerns about the need for flexibility, the ability to change provisions without a Schedule 1 RMA process and avoiding material that would add unnecessary bulk to plans. Councils also raised concerns about the implications on resourcing and the need for support to ensure they are adequately resourced and skilled for successful inclusion of tangata whenua-related provisions in their plans.

3.2.2 Opposition

Matamata–Piako District Council and Ngāi Te Rangi opposed the standards. Ngāi Te Rangi raised concerns over the compartmentalisation of iwi perspectives because of the ‘rigidity’ and ‘isolation’ that could result. Matamata–Piako District Council questions the level of resourcing needed and whether, in particular, the section outlining relationships would best be signalled elsewhere, such as in mana whakahono a rohe agreements. The Council also emphasised the need for local uniqueness to still be articulated in plans.

3.2.3 Suggestions for improvement

Most submitters suggested changes to the Tangata Whenua Structure Standard to address concerns. Around 10 iwi/Māori groups and councils emphasised a need to ensure that Māori values and perspectives are addressed in policies, objectives, methods and rules throughout the plan, as well as in this section. Papa Pounamu raised a need to go “beyond a narrative and into the policy framework”, and the Southland Shared Services Chief Executives’ Subcommittee explained that it would think it is essential that it can continue to use local iwi management plans as ‘to koura tuia’, or a golden thread, weaving Maori values and aspirations throughout the documents.

Iwi groups also suggested wording changes to fit with their local dialects. For example, four groups suggested use of the term mana whenua. A suggested improvement by Te Rūnanga o Ngāi Tahu was also to enable terms to be changed, or synonyms used, based on consultation with mana whenua.

Council submitters raised concerns over the ability to change provisions that may develop fluidly without a Schedule 1 process, such as the inclusion of new consultation processes as a result of mana whakahono a rohe newly developed iwi management plans. Their preference was to shift such provisions out of the plan and hyperlink or reference to them. A similar concern was that the level of detail required would make plans bulky by requiring a lot of content to be placed in the section. Bay of Plenty Regional Council submitted that it is streamlining regional policy and regional plan content and that inclusion of detail would be difficult for it, with its region containing 37 iwi and over 250 hapū. While Auckland Council supports the proposal in principle for efficiency, it has a statutory acknowledgement appendix that is 55 pages long and it believes having to include this within the actual tangata whenua part of the plan would be impractical. Councils also expressed apprehension about having set sections rather than working with tangata whenua to determine these.

3.3 Analysis

3.3.1 Plan integration

Around 10 iwi and council submitters raised concerns that the draft Tangata Whenua Structure Standard would result in iwi perspectives being placed solely in Part 2, rather than integrated throughout objectives, policies, methods and rules in the plan. The original intention of the standard was for process-related provisions to be addressed in the tangata whenua chapter then iwi perspectives integrated throughout the plan. This would make plans consistent with current best practice approaches and recently developed plans, such as the Greater Wellington Regional Council's Natural Resources Plan and the Southland plans.

We recommend adding a direction in the foundation standard to integrate iwi provisions throughout plans. This would involve adding text to require local authorities to consider integrating them.

We also recommend changing this standard to a chapter in the Introduction and General Provisions Standard, rather than having a standalone chapter, to integrate it further with other standards. If it is placed as part of the Introduction and General Provisions Standard, it is less likely to be addressed in isolation from other standards. This change significantly affects all structure standards, because it has the effect of merging Part 1 and Part 2.

3.3.2 Flexibility and scope of provisions

Council submitters questioned whether the level of content required in the tangata whenua section should be reduced or whether provisions should be made non-mandatory. As discussed above, councils with many iwi groups, such as Auckland Council and Bay of Plenty Regional Council, raised the issue that the draft standard would create for them by adding bulk to plans. Council submitters also raised the point that much of the content could be addressed in section 32 reports. Concerns also emerged around the tension that defining content could create for relationships, and the issue that processes that are continuing to develop would be unable to be amended easily, with the required Schedule 1 process. Some councils and iwi also expressed a preference for determining these provisions locally.

The draft standard states that 'if' content is included it must be included in the specified sections. This means that including the content itself is already non-mandatory. However, to make the location more flexible and reduce plan bulk, we recommend including an option in the foundation standard to cross-reference or link to other parts of the plan or content outside of the plan. This means that the information will still be easily accessible, but it will not add to the bulk of plans and will be able to be amended more easily without a Schedule 1 process. To increase flexibility, we recommend having instructions to consider including provisions in the chapter, if they are addressed in it, rather than requiring them to be included under particular headings. We also recommend emphasising that this should be determined with iwi.

3.3.3 Te reo Māori

A number of submitters recommended changes to the te reo Māori used in the draft standards. Te Rūnanga o Ngāi Tahu recommended that the order of iwi/hapū was changed around. Four councils and iwi submitters expressed a preference for use of the term 'mana whenua' rather than 'tangata whenua' because this refers to those who have mana whenua rights in the area. We recommend requiring that the term that is going to be used is to be

determined locally, because this allows the local context to be reflected. We intend to suggest that local authorities use either the term ‘tangata whenua’ or ‘mana whenua’, if a decision cannot be made locally.

Submissions also commented on the way that te reo Māori is addressed in the plan. Iwi and council submitters expressed a desire to be able to use synonyms for terms to fit with local dialect and the concern that RMA definitions do not fit with ones used locally. Questions were also raised over whether Māori terms should be included separately from other definitions in a glossary. To address these concerns, we recommend broadening the scope of the glossary to include non-te reo terms, removing te reo terms from the definitions (as also discussed in the definitions report) and requiring terms to be determined locally with Māori.

3.3.4 Significant issues

A point raised in submissions by the Independent Māori Statutory Board, Taranaki Regional Council and Auckland Council is that section 62(1)(b) of the RMA places an obligation for a regional policy statement to state the significant resource management issues of iwi authorities. We recommend adding a section to regional policy statements to reflect this. The tangata whenua chapter includes a place for these in regional and district plans. We also intend to include a location for issues of significance to iwi in the strategic direction section of plans, so these issues are addressed upfront and can then be integrated throughout in policies, objectives and rules.

Whetu Consultancy Group and iwi groups with Treaty of Waitangi settlement legislation that influences plans, including Tūwharetoa Māori Trust Board, Te Arawa River Iwi Trust and Maniapoto Māori Trust Board, submitted that the draft planning standards would need to provide a place where this would be incorporated. Treaty of Waitangi settlement legislation can affect plan provisions and is an important part of addressing sections 6(e), 7(a) and 8 of the RMA. We recommend adding a place to incorporate this in the introduction part of the draft standards (‘how the plan works’ statutory context section). Plans are already required to comply with this legislation.

Some submitters questioned whether statutory acknowledgements should be included in the draft tangata whenua provisions chapter. Auckland Council and Bay of Plenty Regional Council suggested they would be better placed in an appendix or outside of the plan, due to the large volume of material that may need to be incorporated. Another submitter questioned whether they would fit best in the ‘community values’ section of the district-wide provisions, with sites of significance, because of the similar resource management implications. We recommend maintaining a list of relevant statutory acknowledgements in the tangata whenua chapter, because they sit alongside other similar resource management arrangements in this chapter. Enabling hyperlinking outside the plan, or cross-referencing to other parts of the plan, will mean any substantive content associated with the list of statutory acknowledgements can be addressed elsewhere.

Submitters were also concerned about the willingness of iwi to share the details of sites. We are proposing wording to suggest content to be included only when it has been provided by iwi. In addition, Auckland Council, Te Rūnanga o Ngāi Tahu and Hastings District Council expressed a preference for the term ‘sites of significance to mana whenua’. We recommend maintaining the term ‘sites of significance to Māori’, because it is broader and mana whenua can be included within it.

3.3.5 Spatial layers and zones

Submissions addressed a number of potential changes to the spatial identification of cultural sites in the draft planning standards. Single sites often cover a large area, so a way to identify these beyond a single symbol is suggested. However, a decision was made to remove symbols for sites of significance from the standards, to provide flexibility for local authorities to determine these locally with tangata whenua and iwi. Sites and areas such as cultural landscapes will also be able to be included in other chapters and cross-referenced to this heading. This means they can be placed in sections such as the natural environment values section of the district-wide chapter and alongside sites and areas of significance in the heritage and cultural values chapter, indicating their equal relevance to outstanding and significant landscapes. It is suggested that the Māori cultural zone be renamed the Māori purpose zone, to better reflect the activities that take place within it, which do not necessarily involve cultural practices.

Some councils have sections that specifically address papakāinga and Māori-owned land. These councils recommend including a similar section in the draft planning standards. However, because the standards direct councils to consider whether to include additional sections and special-purpose zones, it is recommended that such a section is not created and that it is added, when appropriate, in accordance with local consultation. This best reflects local preferences and circumstances, which differ across districts depending on Treaty of Waitangi settlements and iwi development. Similarly, Horticulture New Zealand submitted for the standards to require maps of mana whenua status. It is recommended that this also remains a consideration to be determined locally.

3.3.6 Guidance

The Tangata whenua/mana whenua standards refer to the use of best practice examples of working with tangata whenua/mana whenua. Submitter requests for guidance for the tangata whenua standard focused on the potential to improve council best practice by providing examples in guidance. Horticulture New Zealand requested “that a guidance document is prepared by MfE [Ministry for the Environment] to assist Council’s and Tangata Whenua to identify how they will work together to identify engagement requirements for resource consent processes”. Te Runanga o Ngāti Ruanui Trust suggested “the inclusion of International Guidance documents such as the United Nations Declaration on the Rights of Indigenous Peoples”. Similarly, Manawatu District Council suggested:

...the implementation guidance could provide a useful opportunity to highlight good practice case studies where local councils have worked collaboratively and positively with tangata whenua to ensure local planning documents represent tangata whenua values, aspirations and provisions.

The New Zealand Planning Institute viewed council guidance as beneficial because “there are very few Māori planners in the planning profession”. Bay of Plenty Regional Council raised the challenge that:

...the level of detail listed in the standards will require staff to possess at a minimum a good knowledge base of Te Ao Māori, technical and advisory experience ... which some councils currently struggle with and may not be equipped with staff with adequate expertise, capabilities and competencies to provide.

Case studies, or the location of where councils can find best practice advice, may be provided.

Guidance may be needed to demonstrate examples of how case studies are intended to operate in plans. The Māori Advisory Group emphasised the importance of involving tangata whenua/mana whenua in forming tangata whenua/mana whenua provisions in plans. Guidance will emphasise the intention that these standards are written like this. Auckland Council submitted that it would also be useful for guidance to make it clear that it is intended for tangata whenua provisions to be integrated throughout plans. As suggested in the Southland Joint Council's Technical Submission, the intention of references to tangata whenua in different sections will also need to be explained. In addition, as Gisborne District Council requested, the flexibility of the standards will also be clarified.

Māori concepts and te reo terms may also be explained in guidance. In consultation with the Māori Advisory Group, it was suggested that it would be useful for councils if concepts such as tikanga Māori and mātauranga Māori were explained, so that they are successfully incorporated throughout the plan. Te Rūnanga o Ngāi Tahu was also cautious of the inclusion of sites of significance. Guidance on the tikanga for identifying these may also be useful, so they are not identified in the plan incorrectly.

3.4 Recommendations

We recommend the following changes are made to the Tangata Whenua Structure Standard:

- clarify integration of iwi perspectives throughout plans via a direction in the foundation standard
- change Tangata Whenua/Mana Whenua to a chapter in the Introduction and General Provisions Standard, with the implication that this merges Part 1 and Part 2 of all policy statement and plan structure standards
- provide for cross-referencing to other parts of the plan where provisions related to this chapter are addressed
- provide for this chapter to link to content outside of the plan
- remove requirement for content to be placed under particular headings, and include a direction for local authorities to consider including content
- enable local authorities to determine the word to be used to refer to Māori locally, and suggest use of the term 'tangata whenua/mana whenua' if this cannot be decided
- remove te-reo RMA definitions and require terms to be determined and agreed between councils and Māori
- add a section to address significant resource management issues to iwi authorities in regional policy statements
- include a section on resource management issues of significance in the strategic direction of plans
- add a place to incorporate Treaty of Waitangi settlement legislation in the introduction, 'how the policy statement/plan works' statutory context section
- provide a location for issues of significance to iwi authorities in the strategic direction section

- maintain the position of statutory acknowledgements in draft tangata whenua provisions standards, enable linking outside the plan and cross-referencing inside the plan, and require information to be included only when determined in consultation with Māori
- include wording to indicate that information on sites and areas of significance in the plan must be included after agreement with Māori
- maintain the creation of a zone for Māori land and papakāinga through special-purpose zones
- remove mapping symbols related to tangata whenua standards and enable these to be determined locally
- rename the 'Māori cultural zone' to 'Māori purpose zone'

3.5 Guidance to accompany this standard

The following guidance to accompany the Tangata Whenua standard is recommended as a result of matters raised in submissions:

- provide case studies and or references to best practice advice
- explain the intention of content and information on sites of significance to be formed with tangata whenua/mana whenua
- explain the intention of the standards to provide local authorities flexibility to form provisions locally with tangata whenua/mana whenua
- explain the intention for tangata whenua/mana whenua provisions to be integrated throughout plans
- provide explanations of Māori concepts and terms in guidance.

4 Strategic Direction Standard

4.1 Background

This section covers the changes recommended for the Strategic Direction Structure Standard. This standard was only relevant for district plans.

The Strategic Direction Structure Standard provided a consistent place and manner to present the significant strategic matters that influence decision-making and how the local authority will address those matters. The standard proposed included objectives and policies for resource management matters of importance to the district and RMA Part 2 and Treaty of Waitangi principles.

The following issues are covered in more detail in the following sections:

- inclusion of strategic issues
- addressing issues of significance to iwi authorities
- monitoring of the environment
- integrated management
- urban form and development
- interaction with other national planning standards.

4.2 Submissions

The 18 submitters on the Strategic Direction Structure Standard supported the standard, although most also suggested changes. Horticulture New Zealand and New Zealand Pork both suggested this should be a mandatory standard because of the importance of it for integrated management and consistent management of cross-boundary issues.

4.2.1 Support

Submitters who support the proposal included industry and business, councils, professional bodies and iwi/Māori groups. Submitters supported the proposal because of the way that it achieves the planning standards' objectives to provide consistency across plans. As explained above, this was viewed as particularly important for strategic matters. Horticulture New Zealand supported the proposed standard because "Strategic Direction is of critical importance to regional policy statements, regional and district plans" and "strategic direction is important for managing urban and rural growth, resource pressures, integrated management and cross-boundary issues and ensuring section 6 matters are addressed consistently".

4.2.2 Opposition

There was no direct opposition to this standard. However, some submitters questioned whether the strategic direction part was the most appropriate place for information to be included and whether information from other parts of the plan would be repeated in it. Wellington City Council was concerned that information from the tangata whenua part may be repeated, and suggested "that rather than repeating this information, where a district plan

includes a specific tangata whenua plan section, a simple cross-reference should be provided to direct the reader to the tangata whenua section”.

Manawatu District Council was concerned that “information might be duplicated” or plans would become “overly detailed and discursive” because of potential repetition of information from the introduction. As the Council explained, “a Council may describe the local strategic scene under clause 4 of S-INTRO and provide similar information in response to S-SD clause 3”.

4.2.3 Suggestions for improvement

Suggested improvements to the Strategic Direction Structure Standard tended to focus on the interaction of the standard with other parts of the plan. For example, the Joint Southland Councils’ Technical Submission requested guidance on the difference between the objectives of this chapter and the tangata whenua chapter. Similarly, Rotorua Lakes Council was unsure whether the standard would require “implementation of Māori resource management provisions in Part 2 of the RMA to be located in the strategic direction chapter”, and Perception Planning Limited considered that “care will need to be taken that there is not either unnecessary duplication between the two Standards”. The Resource Management Law Association and the New Zealand Law Society requested consistent inclusion of the part in regional plans.

Submitters also suggested that certain provisions be included in the Strategic Direction Structure Standard. Horticulture New Zealand emphasised the importance of addressing regional and urban growth. Te Rūnanga o Ngāi Tahu recommended the Strategic Direction Structure Standard as the main place to address integrated management and monitoring, considering integrated management to be:

...an approach to environmental management which requires recognition of the linkages between different parts of the environment, and adopts a range of tools to identify and manage environmental effects across these different parts, and to ensure co-ordination across institutional barriers such as agency boundaries.

4.3 Analysis

4.3.1 Urban form and development

As explained above, submitters view the Strategic Direction Structure Standard as an important location for provisions that provide a strategic overview of the region. Buller District Council submitted “the flexibility to include strategic direction is strongly supported as it will enable Councils to focus on significant resource management matters for their district where needed”. Urban development is viewed as an important matter for providing an overview of a region. For example, Horticulture New Zealand submitted that “the Strategic Direction theme should be compulsory in a district Plan to ensure consistency of direction for urban and rural growth development”. New Zealand Pork also requested a rural growth chapter. Matters relating to this can fit into other chapters, so a decision was made not to include all of them in a specific chapter. This is discussed in more detail in the Combined Plan Structure Standard recommendation report.

It is recommended that a heading on urban form and development should be added to the Strategic Direction Structure Standard, to ensure that the part does provide a location where this can be addressed.

4.3.2 Integrated management

Submitters also view the Strategic Direction Structure Standard as a location to address integrated management. Horticulture New Zealand, New Zealand Pork and Te Rūnanga o Ngāi Tahu submitted on this matter. The draft National Planning Standards provide a location for addressing the approach taken to integrated management in the introductory ‘how the plan works’ chapter as part of the ‘general approach’ section. It is recommended that integrated management remains in this location, because it explains the way it is addressed throughout the plan and guides plan users on how to identify it in the plan.

4.3.3 Issues of significance to iwi authorities

Wellington City Council, the Joint Southland Councils’ Technical Submission, Rotorua Lakes Council and Perception Planning Limited raised concerns about the overlap between the inclusion of RMA Part 2 Māori resource management provisions and Treaty of Waitangi principles in the Strategic Direction Structure Standard and Tangata Whenua Structure Standard. Wellington City Council suggested cross-referencing to the tangata whenua section and the Joint Southland Councils’ Technical Submission questioned how the objectives of the two sections differed from each other.

To make the Māori resource management issues addressed in this part more consistent with the other provisions included in it, it is recommended that the direction is changed to require ‘resource management issues of significance to iwi authorities’ to be addressed. This has a closer link to the strategic matters addressed in the section and is consistent with the RMA requirement to address ‘resource management issues of significance to iwi authorities’ in regional policy statements.

4.3.4 Monitoring of the environment

Another strategic issue that submitters raised as relevant to the Strategic Direction Structure Standard was monitoring and evaluation of the state of the environment and the plan, including how these both relate to tangata whenua resource management issues and mātauranga Māori. Te Rūnanga o Ngāti Ruanui Trust submitted that this can be viewed as part of integrated management, explaining that the RMA “provides mechanisms to assist with integrated planning ... such as implementation and monitoring”.

In contrast, Bay of Plenty Regional Council submitted that “the inclusion of extraneous material”, such as monitoring, “was inconsistent with the general trend towards modern streamlined planning documents”. Local authorities are not required to include content relating to monitoring of the effectiveness and efficiency of policies and methods within their regional and district plans. In addition, procedures and processes needed to evaluate the effectiveness and efficiency of plan provisions may not be known at the time the plan is promulgated. The agile nature of the adaptive frameworks needed for monitoring also does not mesh well with planning processes, where the content of a planning document can only be amended through a Schedule 1 RMA process. For these reasons, it is recommended that a direction to include monitoring is not added to the Strategic Direction Structure Standard.

4.3.5 Interaction with other National Planning Standards

A central theme throughout submissions to the Strategic Direction Structure Standard was how this standard interacts with other parts of the district plan, regional policy statement and regional plan structures. Waikato Regional Council suggested that the Strategic Direction

Structure Standard could be an appropriate place to address regional plans and regional policy statements. However, these are included in the introductory 'how the plan works' section. New Plymouth District Council suggested that:

...a statement should be added [that] indicates that for the purposes of preparing, changing, interpreting and implementing the Plan, all other objectives and policies in all other chapters are to be read and achieved in a manner consistent with the strategic direction objectives.

Similarly, Te Runanga o Ngāti Ruanui Trust submitted that 'the instructions' column in the structure standards should state that local authorities must implement the Tangata Whenua Structure Standard with the Strategic Direction Structure Standard, because of the linkages between the two. These suggestions were not pursued, because the strategic direction part of the standard addresses the management of region-wide matters rather than the way they are included in the plan.

Instead, it is recommended that the strategic directions part is shifted to be the first chapter in the district-wide matters part, to integrate it further with the other standards. This, combined with another recommendation elsewhere to merge Part 1 and Part 2 of the draft standards, means the District Plan Structure Standard now has two fewer parts in its overall plan structure.

Manawatu District Council and the Resource Management Law Association were concerned about the repetition of directions to include strategic information from the Introduction and general provisions section direction to include local strategic scene setting. It is recommended that the direction to include strategic direction in the Introduction and general provisions section is removed, to avoid repeating information.

4.3.6 Guidance

Guidance on this standard will need to elaborate on provisions, to specify what may be included in them. This is especially the case for the newly added 'urban form and development' section. In addition, guidance may address overlaps with other standards, especially the tangata whenua standard, and information to be included on resource management issues of significance to iwi authorities.

4.4 Recommendations

We recommend the following changes are made to the Strategic Direction Structure Standard:

- add an 'urban form and development' heading
- change the direction relating to 'Māori resource management provisions in Part 2 of the RMA 1991, and Treaty of Waitangi principles' to relate to addressing 'resource management issues of significance to iwi authorities'
- remove the direction 'local strategic scene setting' in the Introduction and General Provisions standard
- make the strategic direction standard a chapter in district-wide matters part, noting that this removes the original Part 3 from the overall district plan structure
- keep 'integrated management' in the 'how the plan works' section in the Introduction and General Provisions standards section

4.5 Guidance to accompany this standard

The following guidance to accompany the Strategic Direction standard is recommended as a result of matters raised in submissions:

- elaborate on provisions, to specify what may be included in them including the 'urban form and development'
- address overlaps with other standards, especially the tangata whenua standard, and information to be included on resource management issues of significance to iwi authorities.

5 District-wide Matters Standard

5.1 Background

The District-wide Matters Standard covers common planning matters that can be addressed in topic-based chapters for district plans and that do not conform to zone boundaries. These relate to values, risk and specific activities, such as noise and temporary activities. The intent of the standard is to locate topic-based provisions in the relevant district-wide matters chapters rather than in area-specific matters chapters. For example, noise rules relating to a residential zone should be located in the noise chapter of a plan, not the residential zone chapter.

The District-wide Matters Standard specifies mandatory directions that apply to all district-wide matters and specifies six chapter standards for the main district-wide matters:

- natural environment values
- environmental risks
- community values
- infrastructure and energy
- subdivision
- general district-wide matters.

5.2 General submissions on District-wide Matters Standard

5.2.1 Submissions

Fourteen submitters supported or supported in part the District-wide Matters Standard.¹ Submissions were received on four matters of detail, which are considered below:

- reference to ‘methods’ throughout the standard, rather than rules
- potential duplication of provisions in chapters and sections
- clarify whether chapters for all district-wide matters are required
- cross-referencing between area-specific matters and district-wide matters.

¹ Taupō District Council, Rotorua District Council, Upper Hutt City Council, Porirua City Council, New Plymouth City Council, MidCentral Public Health Service, Whetu Consultancy Group, Trustpower, Vodafone, Spark, Horticulture New Zealand, Southern Cross, PSPIB/CPPIB Waiheke Inc/AMP/Stride.

5.2.2 Analysis and recommendations

Reference to ‘methods’ throughout the District-wide Matters Standard and chapter standards

The Canterbury Mayoral Forum and the Selwyn, Buller and Waitomo district councils requested that references to ‘methods’ be deleted from the District-wide Matters Standard. The submitters were concerned that the reference to methods is inconsistent with section 75 of the RMA, which states that district plans must contain rules and may contain methods other than rules. Forest and Bird supported the reference to methods.

The District-wide Matters Standard and associated chapter standards contain a number of clauses that refer to “objectives, policies and methods, including rules (if any) that manage...”. The intention of these clauses was to direct councils to locate their provisions in the correct location, if they have those provisions. The intention was not to require all of those provisions if they do not have them. That is, it was not the intention to require methods, other than rules, if a council considers rules are sufficient to implement the policies for the district.

However, we acknowledge that the wording in the draft standard is wider than section 75(1) and (2) of the RMA, and therefore the standard should be amended to delete references to methods. This is consistent with our recommended approaches elsewhere to have the standards reflect the particular requirements of the RMA for the contents of plans and policy statements, while not precluding the ability for councils to provide additional content if they choose to. To do this, it is considered more efficient to refer to ‘provisions’ instead of ‘objectives, policies and rules (if any)...’. To make it clear what is meant by the term provisions, we recommend adding a direction that states the meaning of the word ‘provisions’ in the new Foundation Standard.

Potential duplication of provisions in chapters and sections

The Canterbury Mayoral Forum and Western Bay of Plenty District Council sought clarity to ensure that provisions are not duplicated at the chapter and section levels of plans. One submitter gave an example that an environmental risks chapter would be required to have objectives, policies and rules, and some of these would be duplicated by objectives, policies and rules in the natural hazards section of that chapter.

We consider that the submitters’ concern about potential duplication is addressed by recommended changes to the structure of Part 4 – District-Wide Matters and the mandatory directions for district-wide matters. The result of these recommended changes is that:

- chapters without provisions attached have become headings, under which chapters of similar topics and values are grouped. Sections have become chapters. For example, environmental risk is now a heading that has separate chapters on natural hazards and hazardous substances under the heading (refer to section 5.4)
- a new mandatory direction is provided that allows sections and subsections to be used to ‘assist with organising plan content’. It is intended that, if sections are used, councils will have the ability to determine which provisions are appropriate at the chapter level and which are appropriate at the section level.

Clarify whether chapters for all district-wide matters are required

Christchurch City Council indicated that the district-wide directions that begin with “if the following matters are addressed in the plan...” were not clear and requested they be

reworded. The Council queried whether this phrase requires plan content, or whether it directs the location of content if a council wishes to include that content in its plan.

The intention of the District-wide Matters Standard is to direct councils to use the correct location in plans for content that is appropriate to their district. The intention is not to require plans to contain all of the district-wide chapters where councils do not have provisions that are relevant to those chapters.

We agree this matter should be clarified and recommend colour coding the chapters in the District Plan Structure standards to make it clear which chapters are mandatory. We will also include a new mandatory direction for the District Plan Structure that explains this coding.

Cross-referencing between area-specific matters and district-wide matters

Wellington City Council sought a new direction to require sufficient cross-referencing from area-specific matters to district-wide matters chapters. We have recommended the addition of cross-referencing for specific matters raised in submissions, such as cross-referencing between infrastructure provisions and special-purpose zones for infrastructure purposes. However, we do not consider it necessary to add a broader, mandatory direction requiring cross-referencing between area-specific matters and district-wide matters. We believe cross-referencing is good practice and something that can be addressed in guidance.

5.2.3 Recommendations

We recommend removing “objectives, policies and methods, including rules (if any)” from all chapter standards and replacing it with “provisions”.

We recommend adding a direction to the Foundation Standard stating the meaning of the word ‘provisions’ in regard to the planning standards.

We recommend the following changes to district plan Structure Standard:

- colour coding the chapters to make it clear which chapters are mandatory
- adding a new mandatory direction for the District Plan Structure that explains the colour coding
- insert a new mandatory direction for Part 2 that states that chapters must be included in the order shown
- include a direction that sections and subsections can be used.

5.3 Natural environment values

5.3.1 Background

The Natural Environment Values chapter groups together district plan topics which predominantly focus on natural resources. As notified, the chapter consisted of three sections; Coastal Environment, Landscape, Landforms and Natural Character, and Ecosystems and Indigenous Biodiversity.

5.3.2 Submissions and Analysis

Thirty two submissions were received on the Natural Environment Values chapter. The majority of submissions supported the concept of the chapter, but sought changes to the detail of one or more of its sections. Amendments were sought to better reflect the wording of the RMA, or to allow for greater integration between the sections. There were calls for greater clarity around where ‘crossover provisions’ (such as those relating to the coastal environment), should be placed. A few submitters requested changes which would apply to the standard as a whole, for example the best location for maps and schedules.

This section of the report addresses the wider submissions relating to the chapter as a whole, followed by submissions on each of the three sections. Finally, requests for new topics and guidance are discussed.

Name of natural environmental values chapter

Two industry submitters (Horticulture NZ and NZ Pork) thought that the chapter heading ‘Natural Environment Values’ was not sufficiently aligned with the RMA, and suggested that ‘Natural resource values’, ‘Natural and physical values’ or ‘Natural resources’ would be better.

The contents of this chapter are quite limited in scope ie, landscape, biodiversity and the coast. ‘Resources’ is a broader term which encompasses both natural and built environments. ‘Natural environment’ is also intended to be distinct from the subsequent chapter which is focussed on historical and cultural values. One of the aims of planning standards is to make plans easier to use and understand and we believe that ‘natural environment’ better reflects what most plan users would understand by the provisions that the chapter contains.

We recommend retaining ‘Natural Environment Values’ title as a heading.

Integration

Several councils pointed out that local authorities which deal with natural values issues in an integrated way may struggle to re-house their plans into the proposed three-section chapter. Dunedin CC noted that “The Natural Environmental Values would be better integrated into one section as there is overlap between biodiversity values and natural character of the coast. Separating these will lead to repetition and reduced Plan clarity”. The Resource Management Law Society suggested that we provide for cross-referencing by adding a statement that: “where it is necessary in order to achieve integrated management of natural and physical resources, the matters to be addressed in particular chapters or sections may be cross-referenced or partially addressed in other chapters or sections”.

Providing for integrated management is desirable provided that it is done in a way which maintains consistency between plans, and facilitates consideration of the individual requirements of the RMA. Dunedin City Council suggested that all Natural Environment Values be integrated in the chapter due to the amount of overlap. We think that this might go too far and lead to a ‘blurring’ of provisions and difficulty in clearly addressing national direction.

Careful cross-referencing, especially for policies and methods that provide for multiple objectives, can be used to integrate provisions where needed. We also suggest adding a ‘Strategic Direction’ chapter to the District Plan structure, to facilitate a high-level approach to integrated management. A direction on the location of coastal hazards could be included for the coastal environment chapter, which is the area where most overlaps occur.

We also recommend providing guidance around choosing the best location for other cross-over provisions.

Requirements for schedules and mapping

Upper Hutt City Council suggested that there should be an ability to cross-reference to specific schedules, as in the Community Values chapter. Submissions on other Standards requested flexibility to place smaller schedules within the chapters to which they relate. Our recommended approach is now that schedules may be included in any relevant chapter (in this case to identify and provide the location of significant landscapes, features or natural areas).

The requirement to identify the coastal environment was included in the draft. The Forest Owners Association and Isovist submitted that the coastal environment should be identified spatially, through mapping. We agree that where features are spatial with rules relating to them, mapping is the clearest way of indicating where the rule applies. However not all councils have mapped their coastal environments and requiring them to do so at this stage would impose an additional implementation burden.

The original direction also goes further than the NZCPS which does not require the coastal environment to be identified. We therefore propose removing it from the standards to avoid any inconsistency.

Mauri/intrinsic assets

Ngāi Tahu submitted that mauri/intrinsic assets be added as a section. We agree that the mauri of the environment and its component parts is a key consideration, but think this should be included in an integrated way throughout the plan.

Coastal

Several submitters (eg, Auckland Council, Christchurch City Council, Dunedin City Council, Hutt City Council and Kiwirail) pointed out that provisions for coastal matters are often addressed 'higher up' in the plan, or as part of specific topics such as landscapes, ecology, or natural hazards. They called for greater clarity about where such provisions to be housed in the structure.

One of the original directions in the coastal chapter required that if a district has a coastline, a coastal environment chapter must be included. To clarify the location of coastal provisions which have a strong link to other topics, we propose that the coastal chapter contain all coastal environment provisions unless a council considers that a particular coastal environment provision sits better within a topic chapter. Cross-referencing would ensure that such provisions can still be easily identified.

Direction 6 of the draft standard required certain matters to be located in the coastal environment section, including:

Provisions that will ensure the life supporting capacity of these systems are safeguarded.

At least three submitters (Oceana Gold, Resource Management Law Association, and Forest & Bird) questioned whether reference in to the 'life supporting capacity of systems' was correct in this context. Firstly the statement captures only one aspect of section 5 of the Act, and it is also unclear which 'systems' are being referred to. The Resource Management Law Association and Forest & Bird said that it would be more appropriate to include provisions relating to

implementing the councils functions and duties in relation to the coastal environment. However, Oceana believed that the functions set out in section 31 should not be relied on as “their extent is not well understood”.

We agree that the current wording is too vague, not appropriate for this specific context, unclear and too narrow. We also accept the possibility that section 31 functions could be better understood but feel that a general reference to both functions and duties provides a balance between scope and clarity for councils using that section. We recommend deleting references to the ‘life-supporting capacity of systems’.

Ecosystems and indigenous biodiversity

Two submitters (Oceana Gold and Resource Management Law Association) suggested that the term biodiversity be clarified to ensure that it has the same meaning as biological diversity which is defined in the Act. We consider that there is no need to amend the name due to ‘biodiversity’ being commonly understood and the name of a proposed national direction document.

The Joint Southland Councils proposed that greater direction be provided in the body of this section in line with the other sections in the chapter. We had left this space to avoid pre-empting the work of the Biodiversity Collaborative Group. The Group’s draft is now publicly available, and while a proposed national policy statement has not yet been notified for public submission, we recommend that some high-level direction which mirrors the requirements of the Act is appropriate.

Landscapes, landforms and natural character

Most submissions on this part questioned the use of the terms ‘landforms’ and ‘life-supporting capacity of ecosystems’, and requested closer alignment with Part 2 of the RMA. Horticulture NZ pointed out that “the term ‘landforms’ does not align with s6 of the RMA and will cause unnecessary confusion”. Forest & Bird submitted that the focus on the ‘life-supporting capacity of systems’ is unwarranted and unclear: “while the NZCPS does refer to ‘life-supporting capacity’...this in in relation to discharges and mixing zones which is not relevant to DC functions”.

We agree that this section should align more closely with the wording of Part 2 of the Act (ie, ‘natural features and landscapes’), and that use of the term ‘landforms’ is superfluous. This also better aligns with Policy 15 of the NZCPS. As with the Coastal section, referring to the ‘life-supporting capacity’ of (eco)systems is too broad. In any event, case law indicates that section 5 of the RMA does not act as an operational direction².

We think a reference to functions and duties would make it clear that the directions go beyond the section 6(b) duty to protect outstanding features and landscapes from inappropriate subdivision, use and development. For example, council plans may need to protect or manage adverse effects on other valued landscapes and features.

There was also concern that natural character is managed differently from landscapes and should be separated. The Resource Management Law Association pointed out that: “Landscapes and features must meet a threshold to be a matter of national importance, which

² See for example *Environmental Defence Society Inc v New Zealand King Salmon Co Ltd* [2014] NZSC 38, [2014] 1 NZLR 593.

does not apply to natural character....preservation of the natural character of particular areas...is specifically provided for in s6(a) of the RMA, separate from outstanding natural features and landscapes, which are provided for in s6(b)".

We agree and recommend that the chapter be re-named 'Natural features and landscapes', with 'natural character' being placed in a separate chapter.

New topics: Public access and amenity values

Some submitters requested additional sections or direction for topics which were not in the structure, for example public access (Forest & Bird) and amenity values (Mercury NZ, Forest Owners Association).

We think that public access is sufficiently important to warrant its own chapter. This Part 2 requirement will form a useful addition to the natural environment values chapter. Amenity values should be addressed within their chapter context ie, the matter or zone to which they relate.

Accordingly, we recommend adding a new chapter for public access with accompanying directions.

Guidance

Many submitters called for greater direction on the location and content of specific provisions. Where possible, we have provided for this by amending the Standard itself. We are aware that additional subject-matter guidance would be useful on many topics covered by the standard, including landscapes, waterbodies and biodiversity. However the scope of guidance at the gazettal stage focuses on assisting with decisions on structure (ie on what goes where) (for example addressing requirements for landscape protection). We agree that content guidance (for example addressing requirements for landscape protection) would be useful but it is beyond what can be addressed in this first set of 'minimum standards'.

5.3.3 Recommendations

We recommend the following changes are made to the *Natural environment values* chapters:

- remove the requirement for the coast to be identified
- remove the Coastal environment chapter from Natural environment values and place under General district-wide matters
- add a direction requiring coastal hazard provisions to be located in the coastal chapter
- allow other specific coastal environment provisions (as an exception) to be placed in chapters that more closely relate to the topic being managed, provided that they cross reference to the *Coastal environment chapter*
- broaden the scope of the directions to "council's functions and duties in relation to the coastal environment"
- delete references to the 'life-supporting capacity of systems'
- provide more direction in the ecosystems and indigenous biodiversity chapter
- rename the landscapes chapter to 'natural features and landscapes'
- remove references to 'landforms' and the 'life-sustaining capacity of systems'

- separate natural character into its own chapter
- add a chapter for public access.

5.3.4 Guidance to accompany this standard

The following guidance to accompany the Natural Environment Values Standard is recommended as a result of matters raised in submissions:

- provide guidance where needed to clarify the location of cross-cutting provisions.

5.4 Environmental risks (Hazards and risks)

5.4.1 Background

The environmental risks heading covers provisions related to environmental risks including natural hazards, hazardous substances and contaminated land management.

The issues in this chapter were included because they are addressed in many district plans. These topics were placed in a section together because they all relate to environmental risks.

5.4.2 Submissions and analysis

Around 19 submissions were received on this chapter. They can be broken down into the following themes:

- hazardous substances are no longer required to be addressed by local authorities
- major hazardous facilities should be explicitly mentioned
- naming of contaminated sites section
- natural hazards should have their own chapter
- additional topics should be covered
- clarification of how the chapter works
- reference to coastal marine area
- other changes proposed.

Most submitters on this chapter requested specific changes to the chapter, as opposed to supporting or opposing its inclusion.

Hazardous substances are no longer required to be addressed by local authorities

A number of submitters (the Oil Companies, Oceana Gold, Resource Management Law Association, New Zealand Law Society, Waitomo District Council), noted that the inclusion of a hazardous substances section heading in the district plan does not reflect the intention of the change in the Resource Legislation Amendment Act 2017. This change removed the explicit function of local authorities to regulate hazardous substances in RMA planning documents. The intent of that change was to:

...remove the perception that councils must always place controls on hazardous substances under the RMA, and to ensure councils only place additional controls on

hazardous substances if they are necessary to control effects under the RMA that are not covered by the HSNO [Hazardous Substances and New Organisms] or HSW [Health and Safety at Work] Acts.³

The above submitters believe that hazardous substances should be deleted from the list of mandatory section headings in the District Plan Structure Standard. The Oil Companies also suggest that the following instruction be added:

“If matters relating to hazardous substances use are to be addressed in the plan, they should be located in a section titled risks associated with hazardous substances use in the environmental risks chapter.”

Resources Consulting considers that direction 13(a) is unclear regarding the basis on which any provision would be ‘required’. Direction 13(a) states:

- 13 If the following matters are to be addressed in the plan, they should be located in the *Hazardous substances and contaminated sites* section:
- a. any provision required to manage the land use aspects of hazardous substances where this is not covered by other legislation or regulation

Resources Consulting considered that:

The applicable wording in the past (based on HSNO [Hazardous Substances and New Organisms] s. 142) was that it is ‘considered necessary’. That is different and more consistent with the intent of the RMA enabling local authorities to determine the necessity.

Submitters were also concerned with direction 13(b) because, again, they considered that provisions relating to hazardous substances risk should only be included in district plans where these matters are not adequately addressed by other legislation or regulation. The Oil Companies suggest a solution of adding “where this is not covered by other legislation or regulation” to the end of the direction.

Resources Consulting believes that direction 13(b) is unclear because reference is only made to human ‘health’ but not ‘safety’: “As the RMA deals with both it is submitted that specific reference to human safety be included here”.

We agree with the Oil Companies that a requirement to include a section titled ‘hazardous substances’ as part of the prescribed district plan structure contradicts the intent of the Resource Legislation Amendment Act 2017 amendments in regard to hazardous substances. The inclusion of the chapter as proposed may encourage councils to include controls on hazardous substances “as a matter of course rather than promoting robust section 32 analysis to demonstrate why existing HSNO [Hazardous Substances and New Organisms] or Worksafe controls are not adequate and additional controls on hazardous substance use under the RMA are required”.⁴

Therefore, we recommend that the Hazardous Substances section be removed from the District Plan Structure Standard. We also recommend the addition of an instruction in this chapter standard that indicates that if matters relating to hazardous substances are addressed in the plan, they must be located in a section titled hazardous substances under the Hazards and Risks Heading.

³ Ministry for the Environment. 2017. *Resource Legislation Amendments 2017 – Fact Sheet 2*. Wellington: Ministry for the Environment.

⁴ The Oil Companies.

The deletion of hazardous substances from the structure also leads to the need to split the original direction into two directions, one for contaminated land and another for hazardous substances, because if hazardous substances are addressed they will be in a separate section.

We agreed with the suggestion that the directions relating to hazardous substances could be amended to highlight that hazardous substances use should only be addressed in a plan where this is not covered by other legislation or regulation. However, when this was attempted legal review highlighted that the standards are unable to forbid a council covering information that they are legally allowed to cover. Therefore additional wording has not been included but we will discuss this issue in guidance.

We recommend amending the direction for contaminated land to also ensure that the standards are not trying to preclude a council from addressing issues that they are legally able to. Therefore the contaminated land direction is proposed to be simplified which means adding the word 'safety' to the relevant direction is unnecessary. Again the issue of contaminated land and what is covered by regulations will be discussed in guidance.

Major hazardous facilities should be explicitly mentioned

A regulatory gap in land use planning around major hazard facilities was noted by the Oil Companies. They consider that this gap:

...means such facilities may be at ongoing risk of encroachment by sensitive activities, which will have the potential to compromise safety and result in reverse sensitivity effects. Similarly a significant expansion of a major hazard facility could extend the risk footprint onto nearby sensitive activities resulting in unacceptable level of risk.

The Oil Companies consider the standards should draw attention to the potential need to regulate land uses around major hazard facilities in order to address risk and reverse sensitivity issues. Resources Consulting agrees that reverse sensitivity should be explicitly highlighted in this chapter.

We agree that the planning standards should highlight that there may be a need to consider reverse sensitivity effects on major hazardous facilities in district plans. This is an issue that can be addressed via land use planning, and it is one of the main gaps in existing hazardous substance use legislation that councils can address where necessary. Therefore, we propose to add a direction to this effect in the directions under the Hazards and Risks heading.

Naming of contaminated sites section

The Oil Companies consider the reference to 'contaminated sites' in the section heading to be inappropriate. It was pointed out that 'contaminated land management' would be more appropriate and would draw a distinction between 'contaminated land' and 'contaminated sites'. The Oil Companies consider that this change would:

...avoid potentially blighting large areas of uncontaminated land within a site. For example it is not appropriate to consider a whole farm contaminated when there may only be an issue in relation to an old sheep dip, or to consider a whole airport to be contaminated when there may only be an issue in relation to a refuelling, washdown or servicing area.

We agree that the section name 'contaminated sites' should be amended to be 'contaminated land', because this wording better reflects the RMA. We do not consider that adding the word 'management' is necessary because plans are used to manage effects, so almost all provisions are for management.

Natural hazards should have their own chapter

Christchurch City Council and GNS Science both consider that natural hazards should not be combined with hazardous substances and contaminated land and should have their own chapter. GNS Science believes “[t]his would more appropriately give effect to the fact that the management of significant risk from natural hazards is a matter of national importance”.

We agree that natural hazards should be a standalone chapter, however, this is partially because of the change in the format of the district plan structure. This is to change chapters that would have had no contents but just sections, such as ‘environmental risk’, to be headings that have chapters sitting underneath them. This means that natural hazards will now be its own chapter and will be able to have sections within it.

Another way that we propose to signal the importance of natural hazards is to amend the name of the heading to add the word ‘hazards’ so the heading reads ‘hazards and risk’. This new heading also better signals the contents of the chapters within this heading.

Additional topics should be covered

Waitomo District Council is also concerned that the natural hazards standard does not adequately consider coastal hazards and climate change. It is noted that the *Coastal hazards and climate change: Guidance for local government 2017*⁵ proposes an adaptive and multidisciplinary approach, but Waitomo District Council considers that “planning approaches developed under this guideline may be constrained by the requirement to place all hazards provisions in one chapter”. Horticulture New Zealand agrees with this sentiment and believes that climate change should be explicitly mentioned as to where this is to be covered in the standard.

The addition of a specific section on climate change is considered unnecessary because we have not gone into detail about what would be included under the natural hazards chapter, and climate change would logically be considered under this heading, if it is not integrated within the chapter as a whole. The standards allow councils to decide at a local level what content should be included in this chapter, depending on the natural hazard issues in their district or city.

The Soil and Health Association of New Zealand requested that ‘genetically modified organisms’ be added as a subheading with Hazards and risks.

We do not consider it necessary to add ‘genetically modified organisms’ as a subheading in the natural hazards chapter. Councils can choose to add sections at their discretion. We will ensure that any guidance for the standards notes that the ‘hazards and risks’ heading is where any provisions relating to genetically modified organisms will be placed.

Clarification of how the chapter works

Clarification about how the chapter works was sought by several submitters. Tasman District Council notes that there are contradicting directions in the standards and points to the requirement to reflect the New Zealand Coastal Policy Statement in the coastal environment section. The Council notes that policies 24, 25, 26 and 27 of the coastal policy statement concern coastal hazards and natural hazards, which must be addressed in the environmental

⁵ Ministry for the Environment. 2017. *Coastal hazards and climate change: Guidance for local government 2017*. Wellington: Ministry for the Environment.

risks chapter. It would like this clarified. Waitomo District Council echoed this concern with regard to natural hazards as stated:

For example, if a subdivision rule is a Restricted Discretionary Activity, and one of the matters of discretion is 'natural hazards', would referencing this in the subdivision chapter be acceptable (noting that all RDA matters must be listed in the rule or they cannot be considered). All zones are likely to have rules or ... criteria that need to include references to natural hazards.

We agree that clarification about the location of coastal hazards is needed because this is currently unclear. We propose adding a direction under the coastal chapter directions to state that coastal hazard provisions should be included within that chapter. We also recommend adding a direction that the natural hazards chapter must include a cross reference to any coastal hazard provisions in the coastal chapter.

With many of the other matters where clarification was requested, we consider that clarification can be achieved via guidance. We consider that provisions should be placed in the chapter they most relate to. For example, matters of discretion, or criteria for subdivisions that mention natural hazards are appropriate, because it would be impossible to ensure that there is no cross over in these matters.

Hutt City Council believes it is unclear whether full bulk storage facilities should be addressed through the infrastructure and energy chapter (as infrastructure) or the environmental risks chapter (as a hazardous facility). The Council considers that different aspects of fuel bulk storage facilities may need to be included in different chapters. The standards should either clarify which chapter should address bulk fuel storage facilities or which aspects of fuel bulk storage facilities should be addressed in each chapter.

We agree that different aspects of bulk fuel storage facilities may need to be included in different chapters and that this is likely to be appropriate. We will include this point in our guidance.

Horticulture New Zealand believes it is unclear if matters such as drainage, flood protection and climate change will be addressed under 12 – Natural hazards or 23(vii) – Other network utilities not listed. We will ensure that all of these topics are covered in guidance and their appropriate location(s) noted.

Christchurch City Council believes it is not clear the extent to which councils retain the discretion to introduce subsections below the third level shown in the District Plan Structure Standard or to replace sections with multiple related subsections (eg, if the council wants to have 'flood hazard', 'slope stability' and 'liquefaction' subsections under or in lieu of the natural hazards section). Clarification is requested.

We recommend including a direction to make this clearer. This direction will be for the District Plan Structure Standard and will make it clear that sections and subsections are allowable. However, this concern for Christchurch City Council may already be alleviated by natural hazards being moved to be a chapter rather than a section.

New Plymouth and Selwyn district councils support this chapter.

Reference to coastal marine area

Tauranga City Council considers that the reference to the coastal marine area in direction 13(b) should be deleted because district plans do not deal with the coastal marine area.

We agree that the reference to coastal marine area in this direction is unnecessary because district councils do not have responsibilities in the coastal marine area. We recommend deleting these words.

Other changes proposed

Te Rūnanga o Ngāi Tahu considers it appropriate to reference cultural health alongside human and ecological health because this supports the integration of iwi values throughout the standards. We believe that the issue of whether cultural health is included within this section is an issue that should be discussed and decided at a local level. Therefore, we do not recommend adding in the word 'cultural' to this direction.

Dunedin City Council considers that the hazardous substances chapter would be better combined with light spill and noise into a section on public health and safety more broadly. We do not agree. We acknowledge that this is a valid option and some councils do group topics this way, however, we consider it fits better with natural hazards and contaminated land.

5.4.3 Recommendations

We recommend the following changes are made to the chapter standard:

- change the name of the heading to Hazards and risks
- make Hazards and risk a heading and all of the topics below it chapters
- delete hazardous substances from District Plan Structure Standard and add a direction to the chapter to state that this heading is where any hazardous substances provisions will be located
- split the original direction for contaminated land and hazardous substances into two directions, one for contaminated land and another for hazardous substances
- add a direction to indicate where provisions required to manage land use in close proximity to major hazard facilities would be located
- add a direction regarding reverse sensitivity effects on major hazardous facilities
- remove reference to coastal marine area
- change name of contaminated sites to contaminated land
- amending the direction for contaminated land to ensure that the standards are not trying to preclude a council from addressing issues that they are legally able to, by simplify the contaminated land direction
- adding a direction under the coastal chapter directions to state that coastal hazard provisions should be included within that chapter
- adding a direction that the natural hazards chapter must include a cross reference to any coastal hazard provisions in the coastal chapter
- other amendments to directions for readability and consistency.

We recommend the following changes be made to the District Plan Structure Standard:

- add a direction to make it clear that sections and subsections are allowed to be added.

5.4.4 Guidance to accompany this standard

The following guidance to accompany the Hazards and Risks heading is recommended as a result of matters raised in submissions:

- guidance highlighting that hazardous substances should only be addressed in a plan where this is not covered by other legislation or regulation
- guidance highlighting that contaminated land should only be addressed in a plan where this is not covered by other legislation or regulation.

5.5 Community Values Chapter Standard

5.5.1 Background

The Community Values Chapter Standard provides a plan location and specifies what information must be included for 'historic heritage, 'sites of significance to Māori' and 'protected trees' plan topics.

5.5.2 Submissions

Nineteen submissions were received on the Community Values Chapter Standard from a mixture of central government agencies, professional bodies, local authorities and iwi groups. All 19 submitters supported the proposed standard, but most also suggested changes. The main improvements identified related to the way the chapter was structured, terminology used and the appropriateness and method for identifying sites of significance to Māori.

Support

Supporters of the proposal largely gave their support because of the opportunity that it provides for the plan topics grouped within it to have a set location in the plan. Selwyn District Council was generally supportive of the standard. Manawatu District Council and Perception Planning Limited welcomed "the opportunity this Standard provides to include other matters in this section that are not provided for in other parts of a Plan".

Opposition

There was no direct opposition to the proposed Community Values Chapter Standard.

Suggestions for improvement

Suggestions for improvement to the proposed Community Values Chapter Standard related to the scope of the chapter and the terminology used. Submitters largely questioned the scope of the 'sites of significance to Māori' section. Queenstown Lakes District Council requested that the Ministry for the Environment considers whether it would be more appropriately located in the Tangata Whenua/Mana Whenua Structure Standard.

Te Rūnanga o Ngāi Tahu viewed it as inappropriate to include information on sites of significance publically without processes determined by iwi, explaining:

...in many cases these sites are tapu and making their location public puts both the sites themselves at risk, and the people who visit them without adhering to appropriate tikanga. Publically sharing the reasons for them being deemed a site of significance is also

culturally inappropriate as these reasons are often related to closely protected tribal histories that are not only not public knowledge within the wider community, but often not public knowledge within the hapū/iwi as well. There have also been instances where members of the public have actively explored sites of cultural significance once finding out the contents of them (i.e. burial sites, or wāhi taonga), which puts these sites potentially at greater risk than if they were not listed.

Similarly, Te Rūnanga o Ngāti Ruanui Trust suggested that the standard should specify that iwi should be involved with monitoring and research. Napier City Council, Auckland Council and Te Rūnanga o Ngāi Tahu requested use of the term 'mana whenua' instead of 'Māori' for consistency with their current plans. Te Rūnanga o Ngāi Tahu also pointed out that use of the term 'mana whenua' is less generic than 'Māori'.

Further, Hastings District Council requested a space to provide provisions for marae and papakāinga developments. Napier City Council and Te Rūnanga o Ngāi Tahu strongly supported the inclusion of cultural landscapes and suggested changes to make these more prominent. Tauranga and Hutt city councils requested guidance on what a cultural landscape is. Te Rūnanga o Ngāi Tahu suggested cross-referencing to the natural environment values chapter, and Napier City Council suggested changing the heading of the section to indicate that both sites and areas are addressed, submitting that "the section heading could be misinterpreted as limiting management to discrete 'sites'".

Both Napier City Council and Te Rūnanga o Ngāi Tahu also recommended that a polygon, as well as a geometry point, be included for these sites. Napier City Council submitted that a polygon point:

...could limit the application of management provisions in a plan to the certificate of title area ... which may be inappropriate and not reflect the true extent of the area of significance.

Te Rūnanga o Ngāi Tahu submitted that:

...it is inadequate to only have a point marker for sites of significance to Māori, as most sites of significance cover an extended area – such as a lake or extent of a pā site – as opposed to a small, contained point.

Submitters raised similar points about scope and terminology in the 'historic heritage' and 'protected trees' sections and in relation to the name for the section. Heritage New Zealand suggested renaming the chapter to better reflect the heritage and culture topics addressed in it. In its submission, it explained that:

...historic heritage and Sites of significance to Māori should be separate chapter rather than subchapters under the meaningless heading 'community values' ... this would also reflect the separate status given in the 'tangata whenua' standard at the beginning of the plan.

Heritage New Zealand Pouhere Taonga also views the term 'historic heritage' as more appropriate than 'heritage resources' because of its use in the RMA. Hutt City Council and Heritage New Zealand Pouhere Taonga also both suggested rewording direction 17, which provides instructions on where the schedules, maps and plan provisions should be located, to make it easier to understand and so that schedules are included in appendices.

In addition, Heritage New Zealand Pouhere Taonga, Waitomo District Council, Dunedin City Council and New Plymouth District Council sought clarity over which section archaeological sites should be addressed in. Napier City Council's submission sought more local flexibility.

New Plymouth District Council suggested use of the term ‘notable trees’ in direction 19, rather than ‘protected trees’, to improve the consistency of terminology and because “all overlay features within a Plan have an element of protection”.

5.5.3 Analysis

Amendments to ‘sites of significance to Māori’ section

As explained above, submitters questioned the appropriateness of locating the ‘sites and areas of significance’ section in the District-wide matters chapter, as opposed to the tangata whenua chapter. We recommend maintaining the location of sites and areas of significance to Māori in the District-wide Matters standard, because it contains objectives, policies and rules, which the tangata whenua standard does not.

We also recommend broadening the regional plan ‘historic heritage’ chapter to include sites and areas of significance, and so renaming it to the ‘historical and cultural values’ chapter. This is a consistent chapter name with our recommended change to the regional policy statement structure. It is also consistent with the term used in the Heritage New Zealand Pouhere Taonga Act.

In response to the submissions raised by Te Rūnanga o Ngāi Tahu and Te Rūnanga o Ngāti Ruanui Trust about the need to involve tangata whenua in the identification of sites of significance, we note that the standards do not change any existing processes that should be followed to determine whether sites of significance are included in the plan and the specific sites to be listed. The standard merely sets out a location for these if a decision has been made to include them in the plan. It is our clear expectation that tangata whenua would have been involved in any such process, but that can be clarified in guidance. This will help to ensure that sites are accurately identified and that knowledge is not shared unintentionally.

We recommend maintaining the phrase ‘sites of significance to Māori’ under direction 18 rather than ‘sites of significance to tangata whenua/mana whenua’, because this is more consistent with the RMA, and tangata whenua/mana whenua can be included under the term ‘Māori’. In addition, to address the points raised by Napier City Council and Te Rūnanga o Ngāi Tahu that sites of significance can cover an extended area, we recommend changing the wording to ‘sites and areas of significance’. Alongside this change, Napier City Council and Te Rūnanga o Ngāi Tahu requested that a polygon be provided, along with a symbol, so that larger areas could be identified on maps. The Māori Advisory Group and local government submitters have requested flexibility with tangata whenua standards, so they can fit with the local context. Based on this, we recommend removing mapping symbols for sites of significance from the draft National Planning Standards, so that the way they are represented on planning maps can be determined locally.

Submitters supported the inclusion of cultural landscapes as a site of significance in direction 18(d) and recommended making them more prominent or linking them to other parts of the plan. As Te Rūnanga o Ngāi Tahu explained:

We do consider their inclusion exclusively in this section to be unhelpful to the plan reader, as they also have strong links to S-NEV [natural environment values chapter] Landscapes, landforms and natural character. As cultural landscapes are a type of landscape it is sensible to include reference them in S-NEV Landscapes, landforms and natural character section as well.

We recommend enabling cross-referencing for this and other provisions, to link them to other relevant parts of the plan. We intend to address Hutt and Tauranga city councils' requests for a 'national definition for Māori cultural landscapes' through providing links to already existing guidance in planning standards guidance.

Hastings District Council raised concerns about the provision for papakāinga in zones, submitting that:

...requiring papakāinga to be identified through zones ... will limit the potential for developments within the District, and which hapū can undertake developments due to the costs involved. Hastings District ... would be concerned by any changes to the plan which may reduce development or its importance. Council would like to continue to enable for this type of development to occur as a District Wide Activity.

However, because papakāinga development varies locally, we recommend leaving it to be addressed through special zones, depending on the preferences of local authorities and iwi.

Changes to wording

To respond to submitters' points about the appropriateness of the 'community values' title for the section, we recommend changing the title to 'historic and cultural values'. This will more accurately reflect the historic heritage and cultural matters addressed in it. We also recommend rewording 'historic resources' to 'historic heritage', to reflect the wording used in the RMA. This is important because it means the definition of 'historic heritage' in the RMA is adopted. The definition includes archaeological sites, which means that these are also included in the draft standard. We recommend changing the term 'protected trees' to 'notable trees', as suggested by New Plymouth District Council, because notable trees is a more commonly used term in plans.

Guidance

Guidance is likely to elaborate on concepts included in this chapter to help to explain them. For example, both Hutt and Tauranga city councils requested guidance on Māori cultural landscapes. We may refer to already existing guidance, to help local authorities to clarify this concept. Heritage New Zealand Pouhere Taonga requested "an information-only advice note about the requirements of the HNZPT [Heritage New Zealand Pouhere Taonga] Act for archaeological sites" as well as noting "specific guides developed collaboratively between MfE and HNZPT would assist local authorities to implement this standard". Guidance will be produced to help with implementation of the Historic and Cultural Values Chapter Standard.

5.5.4 Recommendations

We recommend the following changes are made:

- change the title of the section to 'historic and cultural values'
- replace the phrase 'sites of significance to Māori' with 'sites and areas of significance to Māori'
- broaden the regional plan 'historic heritage' topic to 'historic heritage and cultural values' to include sites of significance
- enable cross-referencing to relevant parts of plans for sites of significance and cultural landscapes
- change the term 'heritage resources' to 'historic heritage'

- change the term ‘protected trees’ to ‘notable trees’
- maintain the location of ‘sites of significance’ in the District-wide Matters Standard
- remove mapping symbols for sites of significance from the draft National Planning Standards
- provide guidance on concepts such as cultural landscapes and archaeological sites.

5.6 Infrastructure and Energy Chapter Standard

5.6.1 Background

Draft directions 21 to 25 of the Infrastructure and Energy Chapter Standard prescribe the structure for an infrastructure and energy chapter. The intention of the directions is to have an infrastructure and energy chapter that largely contains infrastructure-related provisions in one place. This would make it easier for infrastructure operators and adjacent landowners to find relevant provisions. We also retained councils’ ability to have specific zones for energy and infrastructure where they are required to meet the needs of particular infrastructure (referred to as ‘special-purpose zones’⁶). Direction 23 lists different types of infrastructure to be covered by the chapter. This list was not intended to be exhaustive but was included to help councils decide where provisions should be located.

In developing the directions, we have consulted with a group of infrastructure providers who agreed that an infrastructure and energy chapter should be included in the district plan structure. Feedback on the 2017 discussion document requested that infrastructure and network utilities be separate chapters in the district plan structure. We did not pursue that approach in the draft planning standards, because we saw benefit in infrastructure and network utilities provisions in one chapter because they can cover similar types of provisions. We note that this is a common approach in many district plans. We also saw benefit in including energy with infrastructure as a way to help plan readers understand the plan’s response to electricity transmission and generation.

5.6.2 Submissions

Thirty-four submissions were received on the Infrastructure and Energy Chapter Standard. Almost all submissions were from councils and business and industry, and there were a similar number from each. Submissions were also received from central government, iwi and professional bodies.

Five submitters generally supported the chapter and four submitters supported specific matters in the chapter (location of objectives, policies and rules, and reverse sensitivity). Dunedin City Council only supported the standard if it was limited to network utilities and not to the broader definition of infrastructure in the RMA. Most submitters requested changes to the standard and these covered a variety of issues, as summarised below.

⁶ Special-purpose zones should only be created when the activities are significant to the district or region and cannot be enabled by existing zones, overlays, precincts or specific control (Ministry for the Environment. 2018. *Proposed National Planning Standards Evaluation Report 2018: Part 2B – Spatial Planning Tools and Zone Framework Standards*. Wellington: Ministry for the Environment).

Transport

The most common matter raised in submissions on the Infrastructure and Energy Chapter Standard related to transport. The views of 15 councils were received on this issue and the remaining submissions were from the Department of Corrections and businesses and industry.

Submitters noted that transport provisions typically cover two aspects:

- provisions that enable and manage transport infrastructure, such as roads, rail, airports and ports
- provisions that manage effects on transport infrastructure and associated on-site matters from development, such as vehicle generation, car parking, vehicle access and manoeuvring.

While the first aspect (transport infrastructure) was seen to clearly fall within the scope of an infrastructure and energy chapter, submissions sought clarity on where the standards required the second aspect to be located (car parking and so on). Submitters consistently indicated that both aspects of transport provisions should be located in the same part of a plan, and most submitters considered the infrastructure and energy chapter to be the preferable location.

Types of infrastructure and energy covered by the standard

Submitters sought additions to the types of infrastructure and energy referred to in the standard, particularly the list in direction 23(a). These requests were for waste infrastructure (ACI Operations New Zealand Limited), electricity storage (Vector Limited), quarries and aggregate sources (Winstone Aggregates), all network utility operations as defined in the RMA (Horticulture New Zealand), buffer corridors that apply to all National Grid assets (Transpower) and bulk storage (Hutt City Council). Te Runanga o Ngati Ruanui Trust requested a specific reference to renewable energy.

Other submitters requested the list be deleted (Resource Management Law Association) or the standard narrowed to refer only to network utilities (Dunedin City Council). The Resource Management Law Association also noted that the list does not include all infrastructure as defined in the RMA and includes some built features that are not infrastructure (eg, street furniture).

Changes to better reflect the intent of the standard or for accuracy

Submitters sought a range of changes to better reflect the intent of the standard and for accuracy with the RMA:

- Tasman District Council and Christchurch City Council were concerned that the standard prescribes content
- Genesis Energy, Trustpower and the New Zealand Planning Institute submitted that the statement “to the extent relevant” in direction 21 was unnecessary and/or inaccurate
- the Resource Management Law Association requested that direction 22 be deleted because the whole plan must be consistent with a national environmental standard, not just an infrastructure and energy chapter
- the Resource Management Law Association noted that all higher order instruments would be relevant to the chapter, not just national environmental standards
- Waitomo District Council queried what ‘requirement’ meant in relation to direction 23.

Reverse sensitivity

Two submissions were received in support of direction 23(c) (New Zealand Airports Association and New Zealand Defence Force). The following changes or clarification were sought:

- the New Zealand Defence Force strongly supported the requirement for reverse sensitivity effects to be addressed in district plans, but requested that the direction apply to defence facilities (defence facilities are not included in the definition of infrastructure in the definitions standard)
- the New Zealand Law Society and Hutt City Council noted there may be potential for lay people to overlook reverse sensitivity provisions that apply to their properties, if those provisions are located in the infrastructure and energy chapter. They requested these provisions be located elsewhere or in more than one location in plans
- the Forest Owners Association requested the standard include the words “and/or mitigate” otherwise the requirement to only “manage” reverse sensitivity provides priority to infrastructure
- Te Runanga o Ngāti Ruanui Trust requested the addition of “and effects on future permitted activities restricted by granting consent to such infrastructure”.

Noise

One submitter supported direction 24 (Christchurch City Council), and six submitters sought changes or clarification to the direction as follows:

- Waitomo District Council, Hutt City Council and Vector Limited noted that noise is addressed in both the energy and infrastructure chapter (direction 24) and general district-wide chapter (direction 31)
- Vector Limited requested that the directions be clarified so noise and light associated with infrastructure and energy are included in the infrastructure and energy chapter
- Genesis Energy, Contact Energy and Mercury New Zealand sought an amendment to direction 24 to refer to ‘noise-related metrics’ and ‘noise measurement methods’.

Energy

Submissions from the electricity generation sector requested that energy be separated from infrastructure. This request was to ensure the benefits of energy, particularly renewable energy, and objectives under the National Policy Statement for Renewable Electricity Generation would be achieved without being watered down or confused by more generic infrastructure provisions (Contact Energy, Mercury New Zealand and Genesis Energy).

Genesis Energy, Mercury New Zealand and Trustpower requested an amendment to table 5 in the District Plan Structure Standard to indicate that infrastructure and energy matters may also be addressed via special-purpose zones.

Reference to special-purpose zones

Submissions requested changes or clarification on direction 25. New Plymouth District Council requested clarity on direction 25 and guidance material to ensure there is no confusion about activities to be managed under the infrastructure and energy chapter and those under special-purpose zone chapters. Trustpower and the New Zealand Planning Institute requested the ability to continue to have zone provisions (not just special-purpose zones) that recognise and

provide for renewable electricity generation and other infrastructure in specific parts of the district. Te Runanga o Ngāti Ruanui Trust requested that cultural zones be included in direction 25.

Earthworks

Transpower requested that earthworks provisions relating to National Grid corridors be located in the infrastructure and energy chapter, rather than in the earthworks section of the general district-wide matters chapter. Transpower noted that this is usual practice in district plans and makes it easier for landowners adjacent to corridors to be aware of their responsibilities.

Overlays

Whangarei District Council was concerned that the infrastructure and energy standards do not provide for district-wide overlays. They sought the ability to continue to use overlays for the National Grid, to complement objectives, policies and methods (rules) for infrastructure and energy.

Designations

Western Bay of Plenty District Council indicated that designations would sit better with the infrastructure and energy chapter and requested a change to enable that.

Hierarchy of network utility provisions

Powerco was concerned there was no guidance on where rules relating to network utilities are to be included or whether there is a hierarchy of rules relating to network utilities. The submitter also stated that the relationship between the infrastructure and energy, general district-wide matters and area specific matters chapters is unclear. The submitter requested a new direction in each chapter and/or section that specifies the relationship of the rules in each chapter and/or section with other rules of the plan.

5.6.3 Analysis

As previously noted, a recommendation on the structure of District-wide Matters affects the Infrastructure and Energy Chapter Standard. The result of the recommendation is that Infrastructure and Energy is now a heading, rather than a chapter. The analysis below reflects this change.

Clarify where transport provisions should be located

We agree with submitters that the standard should be amended to provide clearer direction on the location of all transport provisions in plans. That is, the location of:

- provisions that enable and manage transport infrastructure, such as roads, rail, airports and ports
- provisions that manage effects on transport infrastructure and associated on-site matters from development, such as vehicle generation, carparking, vehicle access and manoeuvring.

Current district plans typically contain all transport provisions together, and submitters indicate that this is their preference. However, we note there is variation between district plans on the location of transport provisions. They are most commonly found in an infrastructure-specific chapter, general district-wide matters chapter, or specific transport chapter.

We consider that a change to the standard, to clarify that transport provisions must be located under the infrastructure and energy heading, will remove the unnecessary variation that currently occurs between plans. We agree with Auckland Council that this can be achieved by amending the standard to include 'transport' in the heading and in relevant directions.

Should different types of infrastructure have separate chapters or sections?

New Plymouth District Council noted that the chapter is broad and suggested that separate sections for transport, energy and infrastructure be provided. The electricity generators requested the standard be amended to require a separate energy chapter (Contact Energy, Mercury New Zealand and Genesis Energy).

We acknowledge it would be pragmatic to provide flexibility for plans to have separate chapters to organise infrastructure-related provisions, if necessary. This would be particularly useful for plans that have more complex or numerous infrastructure-related provisions, or for those considering adopting the standard network utility provisions being developed by the Network Utilities Group, or for those where energy is a particular district-wide issue.

However, we do not consider it appropriate to require councils to have separate provisions in all circumstances. We note that many current plans successfully combine all types of infrastructure, including renewable electricity, within their infrastructure chapter. We also note that the standards allow for special-purpose zones, which can be used for site-specific energy purposes.

Therefore, we recommend that the standard be amended to allow local authorities to create chapters under the 'energy, infrastructure and transport' heading, where it is considered appropriate for organising plan content. We believe this approach will maintain an overall consistency in structure, while providing for local flexibility where necessary. Revise the types of infrastructure covered by the standard

We have considered submitters' requests for additions or limitations on the types of infrastructure and energy referred to in the standard.

The examples of infrastructure listed in clauses i–x of direction 23(a) were not intended to be exhaustive but were included to help councils when deciding where provisions should be located. However, we accept that it is unclear why some types of infrastructure (as defined in the Definitions Standard) are not included in the list, while other types of smaller-scale local infrastructure are included. Therefore, we agree with the Resource Management Law Association's request to delete the examples of infrastructure listed.

We also note the recommendation to delete the definition of 'infrastructure' from the Definitions Standard, pending further consideration of it (refer to recommendations report 21 Definitions Standard). Without this definition, councils will have the ability to define infrastructure as necessary to their local circumstances and will provide sufficient scope to include all types of infrastructure relevant to their circumstances.

Changes to clarify that the standard is not prescribing infrastructure content

The intent of the infrastructure and energy standard was to direct councils to the location in plans for containing infrastructure, transport and energy provisions. The intent was not to prescribe content for plans, which was the concern raised by Tasman District Council and Christchurch City Council.

We acknowledge that some wording in the standard differs from the wording of other standards in district-wide matters and could be interpreted as requiring content. Therefore, we recommend that the wording be amended for consistency with the directions on other district-wide matters.

Delete references to national direction

We agree with the Resource Management Law Association that references to national direction in directions 22 and 23 should be deleted. We acknowledge the concerns raised by submitters about the accuracy of references to national direction (Genesis Energy, Trustpower, New Zealand Planning Institute and Resource Management Law Association), particularly that:

- a whole plan, and not just an infrastructure and energy chapter, must be consistent with national environmental standards
- all relevant national direction applies to an infrastructure and energy chapter, not just the national direction listed in this standard
- national policy statements must be “given effect to”, not given effect “to the extent relevant”.

We also note that the National Direction Instruments Structure Standard already requires plans to include a chapter on national direction in their introductory material.

For the above reasons, we recommend that references to national environmental standards and national policy statements be deleted.

We agree with Waitomo District Council that it is not clear why the term ‘requirement’ was included in direction 23, and recommend it is deleted.

Amend direction 24 on noise

The intention of the infrastructure and energy standard is to largely contain all infrastructure-related provisions in one place, to make it easier for infrastructure operators and adjacent landowners to find relevant provisions. However, we agree with Waitomo District Council, Hutt City Council and Vector Limited that it is unclear whether noise provisions related to infrastructure and energy should be located in an infrastructure and energy chapter (as required by direction 24) or a noise chapter (as required by direction 31). We recommend that this matter be clarified by amending the list of matters that can be contained in an infrastructure and energy chapter to make it clear noise related in infrastructure is included. We also recommend requiring a cross-reference from a noise chapter to this chapter, if a district plan contains noise provisions related to infrastructure.

In relation to submissions from electricity generators (Genesis Energy, Contact Energy and Mercury New Zealand), we agree that it is more accurate the noise direction to specifically refer to noise measurement measures as the Noise and Vibration Metrics Standard focuses on methods for measuring noise.

Reverse sensitivity

We agree with the points raised by the New Zealand Law Society and Hutt City Council that, if plans contain provisions to manage reverse sensitivity effects on infrastructure, it must be clear for plan users where these provisions are located. Hutt City Council provided the example that a plan user interested in a residential site, which happens to be in the vicinity of infrastructure, may not be aware of the need to look in an infrastructure and energy chapter(s).

We consider that an energy, infrastructure and transport heading is the most appropriate location to contain provisions that manage effects on infrastructure, such as reverse sensitivity. However, to ensure that the implications of any restrictions on adjacent landowners are clear, we recommend that cross-referencing is provided to these provisions in under the Energy, Infrastructure and Transport Heading to relevant area-specific matters zone chapters.

We do not consider that the change requested by the Forest Owners Association to insert “and/or mitigate” into direction 23(c) is necessary. The word ‘manage’ is sufficiently broad to encompass ‘mitigate’.

We do not consider that the change requested by Te Runanga o Ngāti Ruanui Trust to insert “and effects on future permitted activities restricted by granting consent to such infrastructure” into direction 23(c) is necessary. The wording is sufficiently broad to cover the matter raised by the submitter.

The New Zealand Defence Force sought confirmation that the reverse sensitivity direction applies to defence facilities, because the definition of ‘infrastructure’ in the Definitions Standard does not include defence facilities. As a result of the recommendation to delete the definition of infrastructure, councils will have the ability to define infrastructure as relevant to their local circumstances. Therefore, we consider there is sufficient scope for this to apply to defence facilities where appropriate.

Relationship to earthworks direction

We note there is the potential for earthworks provisions relevant to infrastructure to be located both under the Energy, infrastructure and transport heading and in the earthworks chapter of General District-Wide Matters heading. We agree with Transpower’s request that it would be clearer for landowners affected by infrastructure, and plan administrators, if rules limiting earthworks in the vicinity of infrastructure were located in the infrastructure and energy chapter.

This can be achieved by adding a direction to the earthworks chapter under the General District-Wide Matters heading, as recommended in section 5.8 of this recommendations report.

Relationship to area-specific matters

We agree with New Plymouth District Council that guidance material that helps local authorities to determine which provisions should be located in infrastructure and energy chapters, compared with those that should be located in infrastructure-related special-purpose zones, will ensure a consistent approach in how these chapters are implemented. We consider that this guidance, together with the new directions on earthworks and noise

referred to above, will address Powerco's concern at the lack of clarity between the infrastructure and energy, general district-wide matters and area-specific matters chapters.

Trustpower and the New Zealand Planning Institute requested the ability to continue to have zone provisions (not just special-purpose zones) that recognise and provide for renewable electricity generation and other infrastructure in specific parts of the district. Trustpower gave an example of objectives and policies in rural zones to enable renewable electricity generation. We do not agree that this level of flexibility is needed. We consider that provisions within this chapter can be broken down to relate to certain zones in this way if councils consider it appropriate. Therefore, we do not recommend changing this direction.

In relation to Te Runanga o Ngāti Ruanui Trust's request to refer to cultural zones, we do not recommend the direction specify individual zones.

Location of overlay provisions

We acknowledge that greater clarity is required in the standards to indicate where overlay provisions should be located in plans. The table in the District Spatial Layers Standard indicates that provisions associated with overlays should be located in district-wide matters chapters. However, we note this is not clear in the District Plan Structure Standard or District-wide Matters Standard.

We recommend that a new mandatory direction be inserted in the District Plan Structure Standard that requires overlay provisions to be located in the relevant chapter or section of District-wide Matters. We consider this will address Whangarei District Council's concern that the standards do not provide the ability to continue to apply overlays to the National Grid.

Location of designations

We do not consider it necessary to amend the standard to allow designations to sit within energy infrastructure and transport heading as requested by Western Bay of Plenty District Council. For the purposes of consistency across plans, we consider it appropriate for all designations to be located in one place.

Hierarchy of network utility provisions

We do not consider it necessary to provide a direction that specifies the relationship of rules in each chapter or section, as requested by Powerco. The purpose of these standards is to direct the location of plan content not to prescribe a hierarchy across plan content. The hierarchy of plan rules is a matter that is most appropriately established in individual plans.

5.6.4 Recommendations

We recommend the following changes to the draft Infrastructure and Energy Chapter Standard:

- amend the heading and all relevant directions to refer to 'Energy, infrastructure and transport'
- delete all directions with references to national direction
- simplify the direction about the content of the chapter to not include examples, remove the word 'requirement' and merge the direction regarding noise provisions with this direction

- add a direction requiring cross-referencing to and or from relevant Special Purpose Zones.
- amend the direction relating to noise to refer to measurement methods
- amend directions to make it clear that the heading can be broken into one or more chapters
- adding a direction to the earthworks chapter under the General District-Wide Matters heading to note that there must be cross references to any provisions relating to earthworks under the energy, infrastructure and transport heading.

We recommend adding a new direction in the District Plan Structure Standard that requires overlay provisions to be located in the relevant chapter or section of District-wide Matters.

Guidance to accompany this standard

The following guidance to accompany the Energy, Infrastructure and Transport Standard is recommended as a result of matters raised in submissions:

- guidance is provided to help councils to determine whether provisions should be located in energy, infrastructure and transport chapters or special-purpose zone chapters.

5.7 Subdivision Chapter Standard

5.7.1 Background

The draft directions in the Subdivision Chapter Standard simply require the following matters, if addressed in the plan, to be included in the subdivision chapter:

- any technical requirements of Part 10 of the RMA
- objectives, policies and methods, including rules (if any) to manage subdivision
- reference to other documents used for the management of subdivision, such as codes of practice.

There is also a sentence of guidance stating that local authorities can include sections within this chapter.

5.7.2 Submissions

Twelve submissions made comments on the subdivision chapter: Fire and Emergency NZ, the Resource Management Law Association, Perception Planning Limited, and nine local authorities.

Support for the subdivision chapter

Christchurch City Council and New Plymouth District Council supported the subdivision chapter and allowing sections to be added. Christchurch City Council and Whangarei District Council supported the direction allowing sections to be added.

Subdivision as a separate chapter or elsewhere in the plan structure

The Resource Management Law Association asked for the subdivision chapter to be a section within the general district-wide matters chapter, or that clarification is added as to why it is not there. Dunedin City Council and Nelson City Council asked for subdivision provisions to be located within the specific zones they relate to, saying a separate chapter would lead to significant repetition and poor integration of provisions. Selwyn District Council, on the other hand, supported a single subdivision chapter, saying that having separate subdivision provisions for rural, living and business creates a lot of repetition. Whangarei District Council asked for greater clarity about where subdivision-related rules, for example, transport or access, should be located.

Clarify how external documents are referenced in the subdivision chapter

Fire and Emergency NZ supported allowing references to other documents in this chapter. Manawatu District Council and Perception Planning Limited agreed, suggesting an amendment may be needed to show how codes of practice are to be referenced in this chapter. Tauranga City Council asked for clarification about whether reference to a code of practice is a referenced document under Part 3 of the RMA.

5.7.3 Analysis

Location of subdivision provisions

Some district and combined plans have subdivision provisions located within zones, often with other subdivision rules (eg, information requirements) located elsewhere in the plan. Other district and combined plans have all subdivision provisions located in one chapter. Some district and combined plans have the base subdivision provisions in one chapter but have additional subdivision provisions in overlay chapters (eg, subdivision constraints in an outstanding landscape overlay).

There are merits to all of these approaches, however, we recommend that all subdivision provisions should be in one chapter. This is because:

- some subdivision provisions apply to all subdivision applications, regardless of zone
- plan users find it convenient to have all subdivision provisions in one location
- objectives, policies and methods in multiple parts of the plan can be relevant to subdivision, not just in the zones, which means cross-referencing is a better approach than separating and duplicating provisions
- ePlans can bring together related provisions from other plan sections (eg, zone policies) as they apply to subdivision rules.

This means that district-wide provisions specific to subdivision, must be in the subdivision chapter. However, these provisions may be supported by higher level objectives and policies in other district-wide chapters. The only exception to this is provisions relating to energy, infrastructure or transport which must be located under that heading. We recommend adding a direction to the subdivision chapter noting that it must cross-reference relevant provisions under the Energy, infrastructure or transport heading.

How external documents are referenced in the subdivision chapter is up to the plan

Many documents listed in the subdivision chapter will be documents incorporated by reference under RMA Schedule 1 Part 3. However, territorial authorities may choose to link to other documents that may be used to help achieve rule requirements. For this reason, we recommend leaving open the phrase “reference to other documents”, to be clear that, regardless of whether the document is incorporated by reference under RMA Schedule 1 Part 3 or not, references to documents used for managing subdivision must be in the subdivision chapter.

Minor changes for readability and to reduce duplication

We recommend amending the direction that local authorities can add sections to this chapter, to state that they can add chapters and break up this heading as they see fit. We have also suggested minor wording changes to improve readability.

5.7.4 Recommendations

We recommend the following changes to the Subdivision heading standard:

- amending the direction that local authorities can add sections to this chapter, to state that they can add chapters and break up this heading as they see fit
- require all subdivision provisions (excluding those related to energy, infrastructure and transport) must be located under this heading
- adding a direction that the heading must cross-reference relevant provisions under the Energy, infrastructure or transport heading
- leave the phrase “reference to other documents” open.

5.8 General District-wide Matters Chapter Standard

5.8.1 Background

Draft directions 28–36 specify the structure for a general district-wide matters chapter. The chapter includes activities and effects that commonly occur throughout a district and where the management of these matters does not necessarily coincide with the boundaries of zones. The standard specifies the sections within the chapter where certain matters must be located, if a council chooses to have provisions on those matters in its plan. They are:

- temporary activities
- noise and light
- earthworks
- signs
- activities on the surface of waterways.

The standard requires these matters to be located in a general district-wide matters chapter, rather than zone chapters, to limit the amount of repetition throughout plans and to create certainty for plan users about their location in plans.

Draft direction 36 also allows councils to include sections for other matters that need to be addressed on a district-wide basis.

5.8.2 Submissions

Thirty submissions were received on the General District-wide Matters Chapter Standard. Nearly one-third of submissions were from councils, one-third from business and industry, and the remaining third from central government, iwi, professional bodies and others.

Six submissions generally supported the chapter and four submissions supported specific matters (noise and light, earthworks and temporary activities). Most submissions requested changes to the standard, and these covered a variety of issues as summarised below.

Noise and light

The noise and light section received the most submissions on the standard. The main points were as follows.

Christchurch City Council, Nelson Marlborough District Health Board and Environmental Noise Analysis and Advice Service requested that noise and light be addressed as separate sections because those matters are triggered by different land use activities and are managed by different objectives, policies and technical standards (measurement and assessment methods). They noted that combining these matters will potentially reduce plan clarity and efficiency.

Hutt City Council and Vector Limited noted that noise is addressed in both the infrastructure and energy chapter (direction 24) and general district-wide matters chapter (direction 31). Vector Limited requested that the directions be clarified so noise and light associated with infrastructure and energy must be included in the infrastructure and energy chapter. Hutt City Council sought clarification on how reverse sensitivity effects on network utilities from noise-sensitive activities should be addressed in plans. Hutt City Council's preference was for reverse sensitivity to be included in the general district-wide matters chapter, providing the example that a plan user interested in a residential site, which happens to be in the vicinity of infrastructure, may not be aware of the need to look in the infrastructure and energy chapter.

The New Zealand Airports Association requested flexibility for councils to continue to manage aircraft noise by provisions in an airport zone chapter. The Association believed it would be a significant departure from the current approach if airport noise provisions have to be contained in the general district-wide matters chapter.

Genesis Energy and KiwiRail Holdings Ltd supported direction 31(d), which relates to noise-sensitive activities. KiwiRail also sought an amendment to clarify that sound insulation and limits to the location of noise-sensitive activities may both apply in some circumstances.

Genesis Energy, Contact Energy and Mercury New Zealand requested that direction 32 be amended to reference noise-related metrics and noise measurement methods.

Dunedin City Council stated that the noise and light section would be better combined with the hazardous substances chapter into a new section on public health and safety.

Matters included in the standard

Some submissions did not support particular matters being included as general district-wide matters and requested they be addressed in a zone chapter or separate district-wide matters chapter.⁷

Submissions did not support mining as a separate section in general district-wide matters. Dunedin City Council, Waitomo District Council and Oceana Gold did not support a separate section for mining that applies across a district, because mining can be better managed in zone chapters and special-purpose zones. Waitomo District Council, Oceana Gold and Straterra noted an inconsistency in the approach to including mining as a district-wide matter, compared with other land use activities that are provided for via zones. Buller District Council requested flexibility to have mining as a standalone chapter, to reflect its significance to the district.

Submissions requested changes to the location of earthworks provisions within plans as follows.

- Waitomo District Council did not support earthworks as a general district-wide matter because it would be easier for plan users if those provisions were located in the relevant zones.
- The Forest Owners Association requested that earthworks be moved to the community values chapter because district council functions for earthworks mostly cover visual and amenity issues, compared with the soil conservation and water quality aspects of earthworks provisions addressed by regional council functions.
- Transpower was concerned that direction 33 would require earthworks provisions related to National Grid corridors to be included in general district-wide matters rather than a chapter or section on the National Grid (which is more usual). Transpower noted this will be a disadvantage to landowners who need to be aware of all provisions relating to the corridor, and it will have to continue to educate plan administrators.

Waimakariri District Council and J Swap Contractors Limited noted that quarrying and gravel extraction are significant issues in many rural districts but are not specifically referred to in the standard. Waimakariri District Council queried whether quarrying and gravel extraction were intended to be located in the earthworks section (where they are traditionally located), a mining section, or rural production zone. J Swap Contractors Limited requested the addition of a quarrying chapter and a significant mineral extraction zone, in line with the Waipa District Plan.

Waitomo District Council and Dunedin City Council did not support signs as a general district-wide matter, because it would be easier for plan usability if those provisions were located in the relevant zones.

Waitomo District Council did not support temporary activities as a general district-wide matter, because it would be easier for plan usability if those provisions were located in the relevant zones.

In contrast to the above submissions, the Resource Management Law Association and New Zealand Law Society queried why some matters, such as subdivision, infrastructure

⁷ Submissions on general district-wide matters that related to transport have been included with all transport-related submissions, which are assessed as part of the analysis on the Infrastructure and Energy Chapter Standard (section 5.6 of this recommendations report).

and energy, were listed separately from the general district-wide matters. The Resource Management Law Association considered that these matters should be included as sections in general district-wide matters, rather than separate chapters, or clarification be provided on why they are separate.

Activities on the surface of waterways (direction 35)

Three submissions queried the need for, or purpose of, a section on activities on the surface of waterways. Far North District Council queried whether the intention of this section was to only manage the activity on a lake or to also manage associated structures. Dunedin City Council queried whether the section was needed and noted its district plan does not include provisions on this matter. Christchurch City Council suggested the section be renamed to 'water bodies', or similar, to broaden its scope to manage the effects of activities on the adjacent land (such as setbacks from water bodies and esplanade reserves). Christchurch City Council also noted that changing the name would provide future flexibility to combine provisions where appropriate.

Standardising the chapter

Four submissions commented on the level of standardisation. Manawatu District Council and Perception Planning Limited were concerned that the ability to add sections to general district-wide matters (direction 36) would create too much variability in district plans. Christchurch City Council requested clarity that councils can choose which sections to include in their general district-wide matters chapter. The Council indicated that directions 30–35 suggest that sections are discretionary, whereas the District Plan Structure Standard suggests each section is required. Harrison Grierson Limited was concerned that standardising general district-wide matters could risk standardising zone content, which would limit councils' ability to respond to specific space-related requirements.

Relationship between cultural values chapter and general district-wide matters chapter

Heritage New Zealand Pouhere Taonga and Te Runanga o Ngāti Ruanui Trust sought clarity about how provisions in general district-wide matters, including earthworks, will interact with provisions on historic heritage and sites of significance to Māori. Te Runanga o Ngāti Ruanui Trust requested an addition to direction 33 to address this matter.

Temporary activities (direction 30)

Te Runanga o Ngāti Ruanui Trust requested an addition to direction 30 (temporary activities) to refer to provisions that avoid, remedy or mitigate effects on receiving environments.

5.8.3 Analysis

As previously noted, a recommendation on the structure of Part 4 – District-wide Matters affects the General District-wide Matters Chapter Standard (refer to section 5.2.2). The result of the recommendation is that all of the sections (eg, earthworks, noise and signs) are now separate chapters of a plan. The analysis below reflects these changes.

Locate provisions in zone chapters rather than general district-wide matters

Submitters requested that the standards be changed to require provisions on earthworks, noise (including airport noise), temporary activities and signs to be located in zone chapters, rather than general district-wide matters.

The purpose of the General District-wide Matters Chapter Standard is to locate provisions in one place, on matters that commonly occur throughout a district, and where the management of these matters does not necessarily coincide with the boundaries of zones or other spatial layers. This approach is intended to limit the amount of repetition throughout plans and to create certainty for plan users about the location of these matters.

We have considered the specific matters submitters would like moved to zone chapters. We consider these are appropriate to remain as general district-wide matters and do not recommend changes. Earthworks, noise, temporary activities and signs are all activities or effects that are common and occur or apply across a district. We also note that many plans currently locate provisions on these matters within district-wide chapters. As plans transition to an ePlan, the specific location of provisions will be less important and plan query functionality should identify the relevant provisions.

We agree with Transpower's concern that the draft may require earthworks provisions related to National Grid corridors to be included in general district-wide matters chapters rather than in infrastructure chapters. This would be contrary to the intention of the energy, infrastructure and transport chapter(s) to largely contain infrastructure-related provisions in one place. It may also reduce the efficiency and effectiveness of plans, particularly for landowners affected by National Grid corridors and plan administrators, as noted by Transpower. We recommend that this be addressed by adding a direction to the earthworks chapter to require a cross-reference from the earthworks chapter to any relevant earthworks provisions in energy, infrastructure and transport chapter(s).

Include infrastructure, energy and subdivision

We have considered queries by the Resource Management Law Association and New Zealand Law Society as to why the General District-Wide Matters Chapter Standard does not include subdivision, infrastructure or energy. The purpose of the standard is to provide a consistent location for provisions in plans, to reduce the considerable variation that currently occurs between plans. For example:

- infrastructure provisions usually form their own chapter or are located as a section within a general district-wide matters chapter
- transport provisions (as a type of infrastructure) are commonly located in one of three places: their own chapter, a section within a general district-wide matters chapter or a section within an infrastructure chapter
- energy provisions (as a type of infrastructure) are mostly located with infrastructure provisions
- subdivision provisions are commonly located in one of three places: their own district-wide chapter, in a development-focused chapter (eg, 'subdivision, development and earthworks') or spread throughout topic- and zone-based chapters.

Subdivision, infrastructure and transport provisions could be contained under the general district-wide heading. However, these are among the most frequently used district-wide provisions in a plan and they typically contain a large number of provisions, compared with

other general district-wide matters (such as noise, lighting, temporary activities). Therefore, we consider that, for workability purposes and to create consistency between plans, it is appropriate that infrastructure, transport, subdivision and general district-wide matters remain separate.

Quarrying, gravel extraction and mining activities

The General District-wide Matters Chapter Standard does not specifically refer to quarrying, gravel extraction or mineral extraction or mining activities, although we note an inconsistency across the standards, because table 5 in the District Plan Structure Standard includes mining as a general district-wide matter. Submitters have queried where provisions on these activities should be located because they may fall within the earthworks chapter, a separate mining chapter or area-specific chapters (such as zones). We agree with Waimakariri District Council's request to provide clarity on this matter.

We note that, currently, most district plans manage these activities through provisions in zone chapters rather than district-wide provisions. We agree with Dunedin City Council, Waitomo District Council and Oceana Gold that, in most situations, mining would be appropriately managed via provisions a special-purpose zone. If councils choose to apply district-wide provisions to quarrying, gravel extraction or mineral extraction or mining activities, we consider the most appropriate location is within the earthworks chapter. We recommend changes to clarify this matter.

We do not believe it is necessary to amend the standards to create a 'significant mineral extraction zone', as requested by J Swap Contractors Limited, or a separate mining chapter, as requested by Buller District Council. There is sufficient flexibility in the standards to provide for districts where the extraction of aggregate or other resources is a significant activity, through the Strategic Direction Chapter Standard, earthworks chapter (as amended above), and the ability to create special-purpose zones that can be used for mineral extraction or mining purposes.

Separate noise and light

We agree with submitters who requested the separation of noise and light and the reasons they gave for separating them.

We also note that plans do not typically combine noise and light. Plans most commonly have a separate chapter or section for noise. Light is either included within general district-wide matters or within zone provisions. Therefore, we recommend creating separate chapters for noise and light.

Clarify the relationship between noise provisions

The potential overlap between noise provisions in infrastructure and energy and general district-wide matters was discussed in the analysis on the Infrastructure and Energy Chapter Standard. The changes recommended (section 5.6 of this recommendations report) will address the clarity sought by Hutt City Council and Vector Limited.

Hutt City Council also sought clarification on how reverse sensitivity effects on network utilities from noise-sensitive activities should be addressed in plans. We agree with the Council's concern that there needs to be clarity in a plan so that landowners adjacent to network utilities do not miss provisions that apply to them. We recommend an additional direction in the

general district-wide matters noise chapter to direct landowners to relevant provisions in energy, infrastructure and transport chapter(s).

We also consider the change recommended to the direction in the energy infrastructure and transport heading and the new noise direction referred to above will address the New Zealand Airports Association's concern that aircraft noise should continue to be addressed in provisions specific to airport zone chapters. Airport noise provisions are not intended to be located in general district-wide matters chapters. Rather, infrastructure-related noise should be addressed in provisions in the energy, infrastructure and transport chapter(s), which includes noise overlays, and in any zones that are specific to infrastructure (such as special-purpose zones for airports). The recommended changes clarify this matter.

Noise measurement measures

We agree with the electricity generators (Genesis Energy, Contact Energy and Mercury New Zealand) that it is more accurate to specifically refer to noise measurement measures in directions. The noise metrics that this direction refers to (Noise and Vibrations Metrics Standard) focus on accepted methods for measuring noise and should be referred to accordingly.

Noise sensitive activities

We note submitters' support the direction on sound insulation requirements for noise-sensitive activities (Genesis Energy and KiwiRail Holdings Ltd).

We agree with KiwiRail's request to amend the wording of this direction to encompass situations where noise provisions will require both sound insulation and the location of noise-sensitive activities. We recommend the wording of this direction accordingly.

Clarify the location of provisions that address both cultural values and general district-wide matters

We acknowledge the points raised by Te Runanga o Ngāti Ruanui Trust and Heritage New Zealand Pouhere Taonga about the interrelationship between provisions addressing general district-wide matters (particularly earthworks and signs) and cultural values (particularly historic heritage and sites of significance to Māori). We consider it appropriate for councils to determine the best location for these provisions, depending on the primary outcomes sought from them, and to provide appropriate cross-referencing between chapters. We do not recommend changes as a result of these submissions but note that guidance would be useful to help councils on this matter.

Activities on the surface of waterways (direction 35)

Some councils expressed uncertainty about the types of provisions that direction 35 is intended to cover and/or queried whether it is necessary (Far North District Council, Dunedin City Council and Christchurch City Council). We consider that implementation guidance on the purpose of the "activities on the surface of waterways" will address this uncertainty.

The purpose of this direction is to provide a location to address councils' functions under section 31(1)(e) of the RMA: "to control actual or potential effects of activities in relation to the surface of water in rivers and lakes". As a result of consultation with the pilot councils, the intention of this section was to include provisions that manage amenity effects from activities

on the surface of water bodies and from activities generated by new structures on or adjacent to these water bodies (such as noise and visual amenity effects).

We consider it is necessary to retain a chapter for activities on the surface of waterways. While it may not be a commonly used topic, it is appropriate to provide it for those councils addressing section 31(1)(e) of the RMA. We note that the standards do not require councils to use every chapter listed in general district-wide matters, therefore, councils have flexibility to choose the chapters that are appropriate to their circumstances.

Standardising the chapter

Differing perspectives were received on the level of standardisation required by the General District-wide Matters Chapter Standard. Manawatu District Council and Perception Planning Limited were concerned that the ability to add sections (now chapters) to general district-wide matters would lead to too much variability in district plans. Whereas, Harrison Grierson Limited was concerned that standardising general district-wide matters could risk standardising zone content, which would limit councils' ability to respond to specific space-related requirements. We are satisfied that the standard provides sufficient specificity to direct commonly applied provisions to specified chapters, while providing local variation through the use of additional chapters where individual councils consider them necessary.

Consistency between the General District-wide Matters Standard and District Plan Structure Standard

The intent of the General District-wide Matters Chapter Standard is that councils can choose which chapters to include in their plans. We agree with Christchurch City Council that the District Plan Structure Standard appears to contradict that intent, and we agree that the directions of that standard should be reworded to clarify the intent.

Temporary activities

In regard to Te Runanga o Ngati Ruanui Trust's request to amend direction 30 (temporary activities) to refer to effects on the receiving environment, we agree that an amendment is appropriate. Rather than specifically referring to the receiving environment, we consider that the submitter's concern will be addressed by rewording the direction to refer to managing temporary activities. This amendment will make the wording of the direction consistent with the wording of other general district-wide matters.

Including earthworks in the Community Values Chapter Standard

We do not consider it appropriate to amend the chapter standard to incorporate earthworks in the Community Values Chapter Standard. The purpose of the Community Values Chapter Standard is to contain provisions addressing matters of historic and cultural value. We note that the standard has been renamed to 'historic and cultural values', to clarify this purpose.

5.8.4 Recommendations

We recommend the following changes to the General District-wide Matters Chapter Standard:

- adding a direction to the earthworks chapter to require a cross-reference from the earthworks chapter to any relevant earthworks provisions in special purpose and other zones chapters

- adding a direction to the earthworks chapter to require a cross-reference from the earthworks chapter to any relevant earthworks provisions in energy, infrastructure and transport chapter(s)
- amend the earthworks directions to make it clear that provisions to manage quarries, gravel extraction and or mining can be placed in special purpose zones and other zones chapters.
- create separate chapters for noise and light provisions
- insert a new direction that indicates that the noise chapter must provide a cross-reference to any relevant noise provisions provided under the energy, infrastructure and transport heading.
- amend the directions relating to noise to refer to measurement methods
- amend direction relating to noise-sensitive activities to include both sound insulation and the location of such activities
- amend the temporary activities direction to refer to “managing” these activities.

We recommend amending the District Plan Structure Standard to:

- include a direction that makes it clear that only one chapters are mandatory.

5.8.5 Guidance to accompany this standard

The following guidance to accompany the General District-Wide Matters Chapter Standard is recommended as a result of matters raised in submissions:

- guidance to help councils to determine where provisions should be located when they address cultural values (particularly historic heritage and sites of significance to Māori) and general district-wide matters (particularly earthworks and signs)
- guidance on the scope of provisions anticipated for the “activities on the surface of waterways” chapter.

6 Area-specific Matters Standard

6.1 Introduction

This section includes changes to the Area-Specific Matters Standard that are not related to the zone framework or spatial layers. These can be found in the recommendations on submissions reports 2H Spatial Layers (formerly Spatial Planning Tools) Standard and 2G Zone Framework respectively.

6.2 Designations

6.2.1 Background

The purpose of this standard is to enable designations to be shown consistently in plans across the country.

The standard was established after an examination of a selection of district plans⁸ showed that the way designations are conveyed in plans is inconsistent. While plans were not wholly consistent, there were several examples where themes were overlapping. These themes and good practice were used to devise the proposed designation standard.

6.2.2 Submissions

The standard is supported by Selwyn District Council, Spark Trading New Zealand Limited and Vodafone New Zealand Limited.

Need for chapter

New Plymouth District Council considered that a designation chapter is not needed because the information is a duplication of field information in a geographic information system (GIS) system. New Plymouth District Council noted that the GIS field information is required to be shown in the left-hand panel at a property level and all of the relevant information could be included.

Designation table

Waimakariri District Council stated in its submission that many designation schedules contain significantly more information than the schedule proposed. The Council considered that further columns could be included to help interpretation (eg, rollover with/without modification; if with, what modifications; or is the designation a new requirement). Christchurch City Council also considered that more information should be included in the table. The Council stated that some plans include a row for legacy plan references for designations that it considers to be useful to keep track of in older documents when the

⁸ New Plymouth District Council, Wellington City Council, Dunedin City Council, Queenstown Lakes District Council, Auckland Council, Christchurch City Council, Gisborne District Council, Rangitikei District Council, Tasman District Council, Invercargill City Council, Rotorua Lakes District Plan – operative and proposed, Central Otago District Council, Wairarapa Combined Plan (South Wairarapa, Carterton, and Masterton), Ashburton District Council.

plan reference number has changed. The Council requested that the standards allow additional information in the table.

Christchurch City Council brought up a unique issue in its submission, which was that its:

...eplanning software menu system does not allow linking to internal lines of tables from the menu so placing all the designations belonging to each requiring authority in one table will make it more difficult for plan users to navigate to the specific designation of interest to them. Some requiring authorities have hundreds of designations that users would then have to scroll through manually to find the correct one.

The Council requested as a solution that the designations chapter direction 18 should clarify that a separate designation table should be used for each designation, not each requiring authority.

Manawatu District Council sought clarification about whether the table for designations had to be displayed exactly as shown in direction 18 or if it could be presented vertically on a page, as shown below. The Council considered this format to be more efficient.

No	Requiring Authority	Designation Site	Designated purpose	Underlying Zoning	Legal Description	Further Details
D1	NZ Transport Agency	State Highway 1	To undertake maintenance, operation and use of, and improvements to the State Highway network	Various	Various	
D2	NZ Transport Agency	State Highway 3	To undertake maintenance, operation and use of, and improvements to the State Highway network	Various	Various	

Designation conditions

Rafael Krzanich states in his submission that the planning standards should follow the structure used in the Auckland Unitary Plan for designations, whereby all designation conditions and attached diagrams are incorporated in sub-chapters for each requiring authority. The submitter considers the standard as proposed would add to the complexity of district plans by splitting the relevant information for designations across two parts of the district plan (table 16 and the separate condition schedules).

Some submitters on this standard did not believe that the conditions of designations should be included in a table, because often these conditions are too long and complex (Beca Ltd, Hutt City Council). There were several suggested solutions to this issue, for example, that conditions should be included:

- directly beneath the table but not in the table (Beca Ltd)
- in an appendix at the end of the designations chapter (Hutt City Council)
- as free text (Christchurch City Council)
- as a link to conditions (Hamilton City Council and Western Bay of Plenty District Council)
- via a reference, that is, a resource consent file number or consent order number, with a hyperlink (Whangarei District Council).

Whangarei District Council noted that including designation conditions that can be updated by other RMA processes in the plan means these conditions can only be changed through a Schedule 1 RMA process.

Other submitters (Christchurch City Council, Waitomo District Council, Porirua City Council, Upper Hutt City Council) noted that clarification is required about the difference between the two requirements:

- for conditions to be included in the designations table (table 16)
- and direction 21, which states “Designation conditions must be included as a schedule to the district plan”.

Designation hierarchy

Two submissions (New Zealand Law Society and Hutt City Council) noted that the reference to designation hierarchy in table 16 is unclear. Hutt City Council recommended that a way to clear up this confusion would be to make the following amendment to the fifth row of table 16 of direction 18: “Designation hierarchy under section 177 of the RMA (primary or secondary)”.

Having the designation hierarchy listed is supported by Beca Limited and Wellington Electricity Lines Limited. KiwiRail Holdings Ltd also supported the inclusion of this information, however, it believed the two options given, primary and secondary, are not sufficient because:

The rail designation is a long linear designation. In particular in relation to roads, there are often overlapping designations along the route of the rail corridor. In some instances rail is the primary, in some instances the secondary. This will vary throughout the district. There will also be instances where the rail designation is the only designation.

As a solution, KiwiRail suggests that the bracketed text of ‘primary or secondary’ in table 16 should also include a third option of ‘varies’, to highlight that it is not always simple and further investigation may be required in some instances.

Transpower also considered:

‘Primary or secondary’ designations are not defined in the RMA or the Draft Standard and so it can only be speculated as to what this means. As the intention of this is to establish priority when there are overlapping designations Transpower believe this can be done by simply identifying the original date of the designation.

Transpower stated that its designations cross numerous other designations, and it would be unrealistic to identify all such areas of land and nominate them as ‘primary or secondary’.

Dates included for designations

Transpower suggested that:

- the date of the designation should be included because it is much more important than the lapse date
- further consideration should be given to whether the lapse date or identification that designation has been given effect to should be included, because it would require a plan change to amend the designation table when effect is given.

Legal descriptions

The New Zealand Defence Force supports the requirement to provide a legal description, and/or physical address, and/or site name/description because it is a practical approach.

Beca Ltd and the New Zealand Defence Force noted that they consider that providing legal descriptions or physical addresses could be difficult for linear infrastructure where there is no legal description or address or it involves many different properties. They thought that including a map, or link to a map, should be sufficient to identify a designation.

Clarification required

Wellington Electricity Lines Limited believes that reference in the standard to 'other information' in the table is unclear and further clarification should be provided in the text.

Waitomo District Council sought clarification on the difference between a unique identifier and a map identifier.

The New Zealand Defence Force supports the requirement to provide a legal description, and/or physical address, and/or site name/description because it is a practical approach.

Acronyms

Horowhenua District Council suggests that, because the range of requiring authorities will generally be consistent across the country, "it would be useful for a national list of alpha based identifiers to be developed for application in plans".

6.2.3 Analysis

Need for chapter

With regard to New Plymouth District Council's submission, we consider that plan users often want to look at information for all of the designations for one requiring authority at once or all designations. Therefore, we consider it is necessary to have these within the plan so they can be read in the plan itself not just on a site-by-site basis in a GIS system.

Designation table

With regard to the submission regarding the amount of information included within the designation table (table 16), we considered adding much of the information requested.

We did not include information on the rollover because, while it may be useful to show if a designation has been rolled over into a new plan (the plans that identified this often showed it as 'new', 'modified' or 'existing'), it is not considered necessary information for the plan user to have. If a designation has not been given effect to, then the lapse date will identify when this applies.

Our recommendation was to use the additional information part of table 16 to allow councils to include this information as they saw fit. We do, however, agree with Wellington Electricity Lines Limited that reference to 'other information' needs further clarification. We will clarify this in guidance.

We note Christchurch City Council's concerns about the practicality of the proposed table 16 in its ePlanning software. We consider that the effectiveness of the table is not affected by making it into separate tables for each designation. This is the approach that the Auckland Unitary Plan has taken. Therefore, we recommend amending the standard to reflect this.

Some submitters picked up an error in the draft standards when they stated that they do not believe that conditions of designations should be included in a table, or where they pointed out the inconsistencies between table 16 and direction 21 in regard to where conditions be included. The words 'yes' or 'no' were missing from the conditions row of table 16 of the draft standards. When these words are included, it clearly indicates that the table is only required to note whether or not there are condition on that designation. Therefore, we recommend adding the words 'yes' or 'no' to the conditions row of the designations table.

With regard to the request for the table to be able to be presented vertically on a page, as shown by Manawatu District Council, we consider that the proposed format is more appropriate. This is because it allows more information to be included. The proposed approach of Manawatu District Council also does not take into account the recommendation to have one table per designation not one per requiring authority.

Designation conditions

As noted above, several submitters requested changes to how designation conditions are provided for within the standard. Currently, there is a mixed approach to how councils include or do not include conditions within their plans. Some councils just identify that there are conditions associated with a designation, others include the conditions attached to the designation, while some choose to make no comment or reference to any conditions that may be associated with a designation.

Where plans have traditionally been in hard copy or PDF form, an argument could be made that the (mandatory) inclusion of conditions within plans may have been too cumbersome, and it may be more unhelpful for the plan user to have the conditions included. With ePlans, this is less of an issue.

However, we consider that many of the options suggested are valid. Therefore, we recommend the standards be amended to allow for designation conditions to be displayed:

- directly beneath the table as free text
- in an appendix at the end of the designations chapter, or
- in a link in the plan text.

This option reflects that fact that there is a high level of variability amongst councils and designations themselves as to the amount and length of any conditions included. Some designations have pages of conditions whereas others have none. This approach provides flexibility and allows councils to decide what is most efficient for their plan while still ensuring that the plan user has easy access to the appropriate conditions.

Designation hierarchy

We agree with Hutt City Council that the reference to the designation hierarchy in the standards is not as clear as it could be. We also agree with KiwiRail Holdings Ltd that the two options proposed for the designation hierarchy are not sufficient for long linear designations where there can be overlapping designations that vary along the route.

Therefore, we recommend adding the option of 'varies'. We also believe we can provide guidance on what we consider to be primary, secondary and varies.

We also recommend adding a reference to section 177 of the Resource Management Act to explain what designation hierarchy refers to.

Lapse dates for designations

Transpower proposed that date of the designation be used. We consider that using the date would be slightly less efficient because users would need to look at the dates of all designations involved to understand the hierarchy. Therefore, we do not recommend any changes in this regard.

Legal descriptions

We agree with the submitters who stated that legal descriptions of physical addresses could be difficult for linear infrastructure where there is no legal description/address or it involves many different properties. This is why we have included options within the site identifier row that also include a site name/or description. This allows for councils to describe the nature of the designation in words. The New Zealand Defence Force supports this approach in its submission.

Clarification required

With regard to Waitomo District Council seeking clarification on the difference between a unique identifier and a map identifier. We consider that a map identifier is meant to give information on where the designation is on a map (which is more relevant for paper plans with printed maps), whereas the unique identifier is a code identifying the requiring authority and the designation, however, these codes are often the same. Therefore, we recommend amending the table to only include the term unique identifier to make this clearer.

Acronyms

With regard to the request for a national list of alpha-based identifiers for requiring authorities, we agree that this would be helpful and we have prepared a list of the most common requiring authorities in the country. We recommend including the list within this standard.

When deciding which requiring authorities to include we looked at a variety of plans to find the most common requiring authorities and then drafted acronyms for those. In most cases we managed to gain agreement from the requiring authority.

We also recommend amending the standards to make it clear that these acronyms must be used in the unique designation identifier.

Location change

To make the standards easier to understand and logical, it is recommended that the designations standards be removed from area-specific matters and made into their own standard.

Plan change necessity

Hamilton City Council sought clarification in its submission as to whether a designation can be updated in a plan without a Schedule 1 RMA process. Section 175 of the RMA states that:

- (2) The territorial authority must, as soon as practicable and without using Schedule 1,—
 - (a) include the designation in its district plan and any proposed district plan as if it were a rule in accordance with the requirement as issued or modified in accordance with this Act; and
 - (b) state in its district plan and in any proposed district plan the name of the requiring authority that has the benefit of the designation.

We consider this section of the Act is clear that a plan must be updated without using a Schedule 1 process after a designation has been through a notice of requirement process. Nothing within the standards changes this requirement.

Minor amendments

We have also suggested minor wording changes, the addition of some directions and the reordering of directions to make improve readability and make the use of the standard clearer.

6.2.4 Recommendations

We recommend the following changes are made:

- separate tables be prepared for each designation
- the words 'yes' or 'no' be added to the conditions row in of the designations table
- the standards be amended to allow for designations conditions to be displayed:
 - directly beneath the table as free text,
 - in an appendix at the end of the designations chapter, or
 - in a link in the plan text
- add the option of varies to the designation hierarchy row in the designations table and include reference section 177 of the Resource Management Act to explain what designation hierarchy refers to
- add a list of requiring authority unique identifiers acronyms and amending the directions to make it clear that these acronyms must be used in the unique designation identifier
- remove the designations standards from area-specific matters and make it a standalone standard
- minor wording changes, the addition of directions and the reordering of directions to make the standard easier to use.

6.2.5 Guidance to accompany this standard

The following guidance to accompany the Designation standard is recommended as a result of matters raised in submissions:

- clarify what is meant by 'other information'.

7 Schedules, Appendices and Maps Standard

7.1 Background

This section covers the changes proposed for the Schedules, Appendices and Maps Standard. The purpose of the standard is to ensure consistent schedules, appendices and maps are provided in policy statements and plans.

The following issues are covered in more detail in the following sections:

- overarching issues
- schedules
- appendices
- maps.

7.2 Submissions

The Buller District Council, MidCentral Public Health Service, Retirement Villages Association of New Zealand, Resource Management Law Association and Whetu Consultancy Group support the standards.

Marlborough District Council thought that the need for such a prescriptive standard on schedules and appendices should be reconsidered and, if it is kept, it should be clearer.

A number of submitters, including Christchurch City Council and Synlait Milk Limited, considered that schedules and appendices should sit with the relevant topic or zone chapter. They considered that these locations are the most efficient for plan users.

Bay of Plenty Regional Council and Marlborough District Council sought clarification on the difference between schedules and appendices, or further guidance so these can be dealt with consistently.

7.2.1 What can be included as an appendix?

The narrow definition of what could be an appendix was a concern for submitters (Auckland Council, Bay of Plenty Regional Council, Christchurch City Council, Hutt City Council, the New Zealand Planning Institute, Marlborough District Council, Otago Regional Council, Selwyn District Council, Waitomo District Council). Waitomo District Council, in particular, was concerned about its ability to include voluntary guides because of the requirement for appendices to “only include technical and/or descriptive specifications required to be complied with to meet a rule or rule requirement in a topic or zone based chapter”.

Waitomo District Council was concerned that the intention of the standards was to:

...remove the ability for Councils to add guidance colour charts for heritage buildings and landscapes, design guidelines for towns and precincts, guidelines for property design to improve driveway safety etc? Waitomo DC strongly submits that this flexibility should be maintained as these guidelines greatly assist plan users.

7.2.2 Schedules table

A number of submitters considered that the columns in the schedules table are too limiting and the information needs to be unique to the schedule it is representing (Gisborne District Council, Waitomo District Council).

Several submitters (including Auckland Council, Christchurch City Council and Selwyn Waimakariri and Western Bay of Plenty district councils) considered that proposed table 17 did not include enough flexibility for the many types of scheduled items (scheduled activities, trees, heritage items, landscapes, road classifications and so on), some of which also have subcategories (eg, public realm versus private realm trees, different types of heritage classification, different categories of scheduled activity, different types of sites of ecological significance). They considered that councils should retain discretion to adapt each of these tables to the subject matter so that it can be provided in the most readable and informative format. Other submitters suggested further columns should be added if discretion was not given. The most common of these suggestions was map links or map references.

Heritage New Zealand Pouhere Taonga strongly suggested that information such as the New Zealand Heritage reference should be included in any heritage schedule. It also suggested other information that should be included, for example, three kinds of schedules: archaeological schedules, Māori heritage schedules and listed places and areas schedules.

They believe that the requirements in the standards for schedules are too generic. It considered schedules to be an important aspect of the plan that should be broken down into different types of schedules, with different information requirements. Many historic heritage schedules in plans fail to provide sufficient information.

They also believe that schedules should be downloadable as an excel spreadsheet, to help plan users when looking at the whole of plan provisions and undertaking analysis.

A number of submissions had issues with the requirement to include a reference to study material used when creating schedules. Some said this would often be the same link for the whole table (Gisborne District Council, Greater Wellington Regional Council, Perception Planning Limited).

New Plymouth District Council considered that all of the information in a schedules table is already available in GIS format, which is displayed through ePlans at a property level. It considered that, if an ePlan can deliver functionality that allows people to obtain all of the information they want about specific GIS layers such as the Name or Site ID number for a building, then this would negate the need for schedules.

7.2.3 Schedules being related to overlays

Bay of Plenty Regional Council noted that direction 4 states that all district-wide overlays must have a schedule. It sought clarification that regional councils are also able to use overlays.

Otago Regional Council was concerned that, under the standards, schedules can only be used to describe specific values associated with “an area; and could not include freshwater objectives, numerical limits and environmental flows”.

Submitters were concerned over the requirement for all overlays to have a schedule that includes the information set out (Whangarei District Council). Christchurch City Council noted that it currently protects its waterways using setback rules it considers would likely need to

become an overlay under the requirements of the spatial planning tools. Therefore, the requirement of direction 6 that “all the sites/areas and their values that have been identified in a district wide overlay must be listed within a schedule” is not practicable.

7.2.4 Maps

NZ Telecommunications Forum Inc said that the requirement to have printed maps should be discretionary. An electronic plan provides the ability to print the material relevant to a particular project, including the plans.

A common request for inclusion was a map identifier or link (Porirua City Council).

7.2.5 Terminology

The term ‘topic’ was also considered to be confusing (Christchurch City Council, Forest and Bird New Zealand). Submitters, including Hutt City Council, were confused by the term ‘map set’ in direction 10 and the directions about how maps are included.

7.3 Analysis

We agree with Marlborough District Council that such a prescriptive standard on schedules and appendices may not be necessary, and we have attempted to simplify the standard to make it more useable.

We also agree with submitters that schedules and appendices often sit most logically within the relevant topic or zone chapter. We have reconsidered the need for all schedules or appendices to always be in the same place and consider that the benefits of always having them in a specified place are too small, compared with them, in some cases, being located within the relevant chapter. Therefore, we propose giving flexibility for these to either be with the relevant topic or chapter or at the end of the plan or policy statement in this part.

We agree the standards could be clearer about the difference between schedules and appendices and will address this in guidance, because there is no appropriate place to do so within this standard.

7.3.1 What can be included as an appendix

The intention of the appendix standards was not to remove the ability for councils to add guidance and other material. We agree that councils should be able to include any appendices they see relevant and agree with the reasons given by submitters for this; therefore, we recommend deleting this direction.

7.3.2 Schedules table

We agree with submitters’ concerns about the narrowness of the schedules table presented. On reflection, we agree it does not allow for all types of schedules that may be appropriate. Therefore, we recommend allowing flexibility by making the information in the schedules table a minimum requirement and being clear that more information can be included. This will mean that all of the information suggested by Heritage New Zealand Pouhere Taonga can be included in schedules. We will include the information requested by Heritage New Zealand

Pouhere Taonga in our guidance on this chapter, so councils can easily see what information should be included.

Similarly, we agree with submitters that the reference to study material could often be the same for the whole table; therefore, we recommend removing this from the minimum requirements.

We agree with New Plymouth District Council that, in the future, schedules may not be needed in an ePlan. Because we are no longer recommending requiring schedules for all overlays within a plan, New Plymouth District Council can provide schedules as it sees fit. However, we do consider it necessary that this information is available as a grouping not just on a property-by-property basis (but we are not requiring this).

We agree with Heritage New Zealand Pouhere Taonga that schedules being downloadable as an excel spreadsheet would be helpful to some. However, we do not consider that this requirement is a priority for this set of standards.

7.3.3 Schedules being related to overlays

Again, we agree with submitters (Bay of Plenty Regional Council, Christchurch City Council, Otago Regional Council, Whangarei District Council) that the requirement that “all sites/areas identified in a district wide overlay must be listed within a schedule” is not practicable. Again, we recommend deleting this requirement. This will also address Bay of Plenty Regional Council’s concern relating to the ability of regional councils to use overlays, and Otago Regional Council’s concerns about freshwater objectives, numerical limits and environmental flows.

7.3.4 Maps

With regard to the NZ Telecommunications Forum Inc’s submission that printed maps should be discretionary, we agree and this is the intent of the draft standards. We will ensure this is clearer.

We also agree that the inclusion of a map identifiers or links within schedules is appropriate.

7.3.5 Terminology

We agree that the terms ‘topic’ and ‘map set’ are confusing, and we propose to remove them from the standard.

7.3.6 General consolidation

We also recommend changes to the standards to make them clearer. This includes allowing the part to be titled ‘appendices and maps’, ‘appendices’ or ‘maps’, depending on the content included.

We also recommend adding directions at the start of each structure standard, to make the use of the part clear.

7.3.7 Usability

To make the standard more usable we recommend deleting the whole standard and moving the requirements of the standard to the structure standards and the format standard.

The structure standards are recommended to include direction about the title of the part and what can be included in it.

The format standard is recommended to set out the requirements for the minimum requirements of schedules.

7.4 Recommendations

We recommend the following changes are made:

- simplify the requirements of the standard
- make the information required to be in a schedule a minimum requirement and be clear that more information can be included
- delete the requirement for appendices to only include technical and/or descriptive specifications
- remove reference to study materials in the minimum requirements for schedules
- remove requirement for “all sites/areas identified in a district wide overlay must be listed within a schedule”
- make it clear that printed maps are not required
- remove reference to ‘topic’ and ‘map set’
- add a requirement for map identifiers or links within schedules
- add directions at the start of each structure standard allowing this Part to be titled ‘appendices and maps’, ‘appendices’ or ‘maps’, depending on the content included
- add directions at the start of each structure standard allowing schedules to be placed within the relevant chapter of the plan or at the end of the plan
- add directions to the format standard to set out the requirements for the minimum requirements of schedules
- delete the Schedules Appendices and Maps standard.

7.4.1 Guidance to accompany this standard

The following guidance to accompany the Appendices and Maps Standard is recommended as a result of matters raised in submissions:

- set out the difference between schedules and appendices
- set out the information that Heritage New Zealand Pouhere Taonga would like to see in heritage related schedules.