

Submissions due on proposed National Planning Standards

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Submissions are due by **5pm on Friday 17 August 2018** on the first set of draft National Planning Standards (Planning Standards) released for consultation by the Ministry for the Environment. The draft Planning Standards and related documents are available on the [Ministry for the Environment website](#).

Overview

Planning Standards were added to the Resource Management Act 1991 toolbox in 2017. They are a new mechanism to provide national direction for how councils should structure their plans and policy statements. Planning Standards are intended to provide greater consistency in planning documents, reduce the complexity and cost of creating them, and improve their user-friendliness.

The first set of draft Planning Standards are divided into 'structure' standards, 'form' standards, and 'content and metrics' standards. Most standards are mandatory.

The proposed 'structure' standards specify mandatory part, chapter and section headings for plans and policy statements. They also prescribe where and how particular types of matters or information must be located within the different parts, chapters and sections of plans and policy statements. However, some of the structure standards also seek to prescribe or limit the content of various parts or chapters. For example, there is a standard prescribing the content of a national direction instruments chapter that must be included in all plans and policy statements. Another standard prescribes a list of 27 zone types from which councils must choose, with limited ability to create special purpose zones.

The proposed 'form' standards include baseline electronic accessibility and functionality standards requiring all plans to be easily accessible online, with hyperlink navigation and keyword search functionality. Other form standards prescribe the zone colour palette and symbols for use in planning maps, the types and names of spatial planning tools that can be used, the way provisions are presented in chapters, and how provisions should be numbered.

The proposed 'content and metrics' standards include a list of 109 standardised definitions of commonly used terms which must be used where relevant. There is also a noise and vibration metrics standard that must be used when measuring and assessing noise and construction vibration.

It is proposed that councils will have one year to comply with the baseline electronic accessibility and functionality standards. Most councils will have five years to amend their plans and policy statements to comply with the remaining standards, with an extra two years for 13 councils which recently completed major plan reviews – such as Auckland and Christchurch. The Ministry is considering how smaller councils can be assisted with the implementation process.

Observations

A standardised national approach to the structure, form and content of plans and policy statements may be highly desirable for councils and plan users – particularly larger organisations that work across council boundaries, such as infrastructure and utility providers. However, the standardisation process could influence the substantive content of plans and policy statements because:

- The hierarchy of a plan structure could affect how its provisions are interpreted
- Definitions are often closely related to the operation of rules, so any change to a definition can require a series of consequential changes throughout a plan
- The zone types may not match, or be more limited than, some existing plans.

Although it is intended that the changes necessary to implement mandatory standards would not undergo a Schedule 1 public participation process, any changes to plan content beyond what the mandatory standards need will require public participation. It is unclear where that line is to be drawn, given the potential changes that could occur to the substantive meaning of provisions arising from changing the definitions alone.

Councils will need to consider the time, cost, resourcing and drafting implications of implementing the proposed standards within the proposed timeframes, and use the opportunity to lodge submissions to address any concerns arising. Matters that councils may wish to submit on include any concerns with:

- The proposed definitions and consequential changes to rules
- The proposed zone types
- Complexity, cost and timeline of implementation.

Councils who have yet to publicly notify second generation plans or policy statements may wish to schedule notification at a date that allows prior implementation of the final version of the Planning Standards, due to be gazetted in April 2019.

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