

S-RPS: Draft Regional Policy Statement Structure Standard, Part 4 – Themes, p.8

Key Issues:

The Draft Regional Policy Statement Structure Standard primarily focuses on themes relating to the management of the natural environment. The themes proposed do not appear to consider urban growth and form, development of which the provision of social infrastructure is part. This is important for the Department as custodial and non-custodial assets are critical social infrastructure. These facilities are often located in urban areas, where there can be competing and conflicting land use pressures and opportunities which Regional Policy Statements should manage.

By way of example, the Auckland Unitary Plan has as a chapter in its Regional Policy Statement section "B2. Tāhuhu whakaruruhau ā-taone - Urban growth and form". In this chapter there are objectives and policies which deal with the management of social facilities, for example:

"B2.8. Social facilities B2.8.1. Objectives

(1) Social facilities that meet the needs of people and communities, including enabling them to provide for their social, economic and cultural well-being and their health and safety.

(2) Social facilities located where they are accessible by an appropriate range of transport modes.

(3) Reverse sensitivity effects between social facilities and neighbouring land uses are avoided, remedied or mitigated".

The explanation of these objectives in the Unitary Plan recognises that with growth, new open spaces and social facilities will be required and the existing open space and social facilities will need to be expanded and upgraded to meet the needs of new residents and the increased level of use. The Auckland Unitary Plan recognises that social facilities include public and private facilities which provide for services such as corrections facilities, but also including education, health, justice, community and cultural facilities. The Plan recognises that such facilities contribute to the economy of Auckland and New Zealand in a variety of ways, both supporting other activities and by contributing to a high-value knowledge economy. This is particularly important for a growing city, as increasing numbers of people rely on these facilities to meet their needs and provide for their social, economic and cultural wellbeing. As such proper provision for social infrastructure is necessary at Regional Policy Statement level, and this should be managed in the context of the wider management of urban growth and form.

The Department's feedback:

That the NPS includes a new RPS theme of 'Urban growth and form' in Part 4 to ensure the proper management of urban development and growth, including the proper provision of social infrastructure in urban areas. This is in recognition of the reliance people have on these facilities to meet their needs and provide for their social, economic and cultural wellbeing, and in the case of corrections facilities, the importance of the to provide for the safety and wellbeing of people and communities.

S-DP: Draft District Plan Structure Standard, District-Wide Matters, p.14

Key Issues:

The Draft District Plan Structure Standard provides for a good range of district-wide resource management matters; however, it does not include a transport section.

The Department is normally required to achieve certain transport and parking outcomes in its custodial and non-custodial facilities. For example, minimum parking requirements, access specifications and limitations on road and intersection capacity. Custodial prison facilities in particular can require a

reasonable amount of parking for staff and visitors, with potential impacts on adjoining roads. The Department faces many and varied parking and access requirements for its facilities depending on their location in New Zealand, yet the fundamentals of parking requirement according to activity type, dimensions and access and manoeuvring standards should be the same throughout New Zealand.

A standardised transport section within the Draft Standard will enable consistency in transport provisions, their content and their format in District Plans. A standardised approach to transport provisions aligns with the general thrust of the NPS.

The Department's feedback:

The NPS includes a new section in the Draft District Plan Structure Standard and the Draft Combined Plan Structure Standard for transport provisions, including parking, access and dimension standards.

S-DP: Draft District Plan Structure Standard, Special Purpose Zone, p.17

Key Issues:

The Draft NPS specifies certain special purpose zones, including an Airport Zone, a Hospital Zone and an Education Zone. In many instances, sites subject to these Special Purpose Zones will also be designated. Designations and special purpose zones can therefore be used in tandem to manage specific land use activities, that are significant to the district and yet not supported by other zones.

The Department's custodial correctional facilities are commonly designated; however activities that are associated with the operation of prisons may not necessarily be provided for within the designation purpose, nor does underlying zoning necessarily make specific policy provision for prison facilities. This is understandable given that prison facilities are typically on-offs in a district and as such there is a reliance on a designation rather than an underlying zoning to provide for prison facilities. Underlying zoning ranges from Heavy Industry, such as the Auckland South Correction Facility in Wiri, Auckland, through the Rural, such as the Waikeria Prison in the Waikato.

Lack of appropriate provision in underlying zoning creates difficulties for Corrections in planning and providing for new prison facilities. Specifically, the following difficulties arise:

- In determining the appropriateness of new facilities or changes to existing facilities, there can be little or no policy support from underlying zoning in District Plans. This can lead to underlying zoning having contrary outcomes to that sought in a new or existing facility, leading to difficulties for decision makers when consider new or amended designations.
- Activities which occur in prisons can necessarily evolve overtime, and sometimes reliance on the underlying zoning is necessary for such change, yet not necessarily provided for, triggering either consent requirements or the need to amend designations. Rehabilitation facilities are such an example, where approaches to rehabilitation have evolved over time, sometimes meaning designations are out of step.
- Many prison designations are focussed on what occurs within the secure perimeter, with the balance lands (while still designated) reliant on the provisions of the underlying zoning. This occurs typically on the Department's large rural sites where the secure part of the site is relatively small and there are large balance areas of farming or forestry. Activities that occur on balance parts of the site are subject to the provisions of the underlying zoning which may not be nuanced sufficiently to provide for corrections activities.

At present, there are no Special Purpose Zones that apply to prison sites nationally. If accepted, the Department would seek Special Purpose Zone on its existing prison sites, as well as any future sites acquired for the purpose of establishing a new prison facility.

District Plans do not currently have corrections zones; however the NPS offers the opportunity to achieve a standardised approach for an uncommon but necessary activity that is similar in operational requirements and effects.

It is envisaged that the Department would seek a Schedule 1 plan change process for a Special Purpose Zone in parallel with a designation for new sites.

While it is possible to seek an amendment to the purpose of existing designations to include new activities (such as non-custodial facilities), the lack of an appropriate policy base in the underlying zoning can lead to difficulties in the Department's recent experience. For example, in the recent Environment Court decision on the proposed expansion to Waikeria Prison, the Court was strongly guided by the provisions of the underlying zoning in its decision making. As a rural zone, it provided very little policy support for the expansion to the prison.

The Department would be happy to provide a purpose statement for a Corrections Special Purpose Zone.

The Department's feedback:

Inclusion of an additional special purpose zone for corrections custodial prison facilities as 'Corrections zone' in the Draft District Plan Structure Standard and the Draft Combined Plan Structure Standard.

CM1: Draft Definitions Standard, Community Facility and Community Corrections Activity, p.79

Key Issues:

It is important that non-custodial community corrections activities (and the associated facilities) are provided for in the proposed activity definitions within the Draft National Planning Standard. These include the probation, rehabilitation and reintegration services activities that occur on a range of sites throughout New Zealand.

A definition for "community facility" is proposed, which includes for safety and welfare purposes. A community correction facility is encompassed within this definition; however it is important that community corrections activities (which occur and are consistent nation-wide) are also defined.

As noted above, community corrections activities are essential social infrastructure and play a valuable role in reducing reoffending.. In respect of the definition proposed, community corrections facilities are non-profit, established for safety, welfare and community purposes.

The Department supports the definition of "community facilities" in the NPS in that it is broadly defined as *"a non-profit facility primarily for recreational, sporting, cultural, safety and welfare, religious or similar community purposes"*. Being broadly defined provides for the co-location of government services on a single site, a trend the Department is increasingly responding to. The Department understand that the reference to "safety and welfare" would for example helpfully provide for the Police, Corrections and Ministry of Social Development to co-locate within a building under the same community facility activity class.

It is anticipated that Councils would provide for community facilities in many commercial zones as

typically is the case at the moment. By including the additional definition of “community corrections activities” as applying to ‘non-custodial services’ it will give Councils the option of providing for such activities in a more nuanced way – specifically in locations where the full range of activities defined as community facilities may not be appropriate. An example might be a light industrial zone, where a Council could be keen to exclude office type uses and related community facilities, but willing to provide for Community Corrections Facilities. Such an approach is consistent with that sought by the Department and accepted in a number of proposed District Plans that have recently been made operative; including the Auckland Unitary Plan, Christchurch District Plan, Invercargill City District Plan and the Opotiki District Plan.

The Department’s feedback:

The Department seeks that a new definition of ‘community corrections activity’ be included as follows:

community corrections activity
means the use of land and buildings for non-custodial services for safety, welfare and community purposes, including probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes, administration, and a meeting point for community works groups

CM1: Draft Definitions Standard, Residential Unit and Household, p.87

Key Issues:

The Department has self-care units both within the grounds of its correctional facilities, and in the community. Self-care units are residential accommodation that are occupied by offenders nearing release (located on prison grounds) or following release (located in the community). They are designed to assist offenders with integration back into the community. While they have all the characteristics of residential activities, in that they may house one or more people, they may or may not include the full range of facilities such as cooking facilities. These could be provided communally elsewhere.

At a broader level, the proposed definition of ‘residential unit’ is narrow and perhaps does not reflect many modern living and care arrangements in the community, including that undertaken by the Department in its self-care units, but also by other service providers. The definition, should be amended to recognise that a residential activity is not necessarily determined by sleeping, cooking, bathing and toilet facilities, and that a household encompasses a wide range of living scenarios. While sleeping, cooking, bathing and toilet may be a feature of residential units, the totality of these should not be a requirement to qualify as a residential unit.

The NPS could also usefully include a definition of ‘household’, drafted in a way that captures modern living arrangements as well as the sort of self-care facilities provided by the Department and others (ie not limited to a family unit).

The Department’s feedback:

In the Draft Definitions Standard:

1. Amend the definition of ‘residential unit’ as follows:

residential unit
means a building or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.

2. Add a new definition for 'household' as follows:

household

means a person or a group of people who live together as a unit whether or not:

a) any or all of them are members of the same family; or

b) one or more members of the group (whether or not they are paid) provides day-to-day care, support and supervision to any other member(s) of the group.

CM1: Draft Definitions Standard, Reverse Sensitivity, p.87

Key Issues:

The Department generally supports the draft definition for reverse sensitivity, however notes that the definition does not provide for the expansion of lawfully established activities. The expansion of activities is often necessary for their ongoing operational needs. It is appropriate to recognise that the expansion of existing lawful activities can also be adversely affected by the establishment of sensitive activities.

The Department's feedback:

In the Draft Definitions Standard, amend the definition of 'reverse sensitivity' as follows:

reverse sensitivity

means the potential for the operation and expansion of an existing lawfully established activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an existing activity.

CM1: Draft Definitions Standard, Social Infrastructure

Key Issues

It is important that social infrastructure be provided for in the proposed definitions in the Draft National Planning Standard, to support the reference to the Draft Regional Policy Statement Structure Standard discussed above in this feedback.

The Department's feedback:

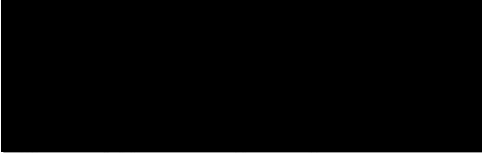
In the Draft Definitions Standard, add a new definition for 'social infrastructure' as follows:

social infrastructure

means assets that accommodate social services such as health (hospitals), education (schools and universities), cultural, religious, state housing, justice (police stations, courts, community corrections activities and prisons) and community recreation (halls, sports stadiums and parks)

Thank you again for the opportunity you have made available to the team to meet and discuss our feedback on the Draft National Planning Standards. We look forward to the opportunity to discuss further with you the points set out in this letter and provide any further clarification or rationale for the changes if that assists.

Yours sincerely



General Manager Property
Department of Corrections

Draft first set of National Planning Standards

SUBMISSION FORM

The Government is seeking views on the draft first set of National Planning Standards.

For more information about the Government's proposals read our National planning standards consultation document available at <http://www.mfe.govt.nz/consultation/draft-national-planning-standards>.

Submissions close at 5:00 pm on Friday 17 August 2018.

Making a submission

You can provide feedback in three ways:

1. Use the online submission form available at <http://www.mfe.govt.nz/consultation/draft-national-planning-standards>. This is our preferred way to receive submissions.
2. Complete this submission form and send it to us by email or post.
3. Write your own submission and send it to us by email or post.

Publishing and releasing submissions

All or part of any written submission (including names of submitters) will be published on the Ministry for the Environment's website www.mfe.govt.nz. Unless you clearly specify otherwise in your submission, we will consider that you have consented both your submission and your name being posted to the Ministry's website.

Contents of submissions may be released to the public under the Official Information Act 1982 following requests to the Ministry for the Environment. Please advise if you have any objection to the release of any information contained in a submission and, in particular, which part(s) you consider should be withheld, together with the reason(s) for withholding the information. We will take into account all such objections when responding to requests for copies of, and information on, submissions under the Official Information Act.

The Privacy Act 1993 applies certain principles about the collection, use and disclosure of information about individuals by various agencies, including the Ministry for the Environment. It governs access by individuals to information about themselves held by agencies. Any personal information you supply to the Ministry in the course of making a submission will be used by the Ministry only in relation to the matters covered by this consultation. Please clearly indicate in your submission if you do not wish your name to be included in any summary of submissions that the Ministry may publish.

Submission form

The questions below are a guide only and all comments are welcome. You do not have to answer all of the questions. To ensure your point of view is clearly understood, please explain your rationale and provide supporting evidence where appropriate. The structure of this form is in line with the draft first set of national planning standards as shown in the overview section tables 1 and 2.

Contact information

Name*	Click here to enter text.	
Organisation (if applicable)	MidCentral Public Health Service	
Address	[REDACTED]	
Phone	[REDACTED]	
Email*	Click here to enter text.	
Submitter type*	Individual	<input type="checkbox"/>
	NGO	<input type="checkbox"/>
	Business / Industry	<input type="checkbox"/>
	Local government	<input type="checkbox"/>
	Central government	<input type="checkbox"/>
	Iwi	<input type="checkbox"/>
	Other (please specify)	<input checked="" type="checkbox"/> Public Health Service, District Health Board

* Questions marked with an asterisk are mandatory.

Draft first set of National Planning Standards

1. Do you support the draft first set of National Planning Standards?

Yes

No

Plans adopted under the Resource Management Act 1991 (the Act) are important public health documents. Section 5 of the Act sets out the purpose, and includes wellbeing, health and safety, and safeguarding the life-supporting capacity of the environment. Consequently the MidCentral Public Health Services references plans made by seven Territorial Authorities and one Regional Council. We support the goal of achieving greater consistency between the organisations responsible for RMA planning documents, as we expect greater consistency will make plans easier to use and easier to review. MidCentral Public Health Services supports consistency in all areas of planning.

2. S-RPS: Regional policy statement structure standard

MidCentral Public Health Services support consistency in all areas of planning.

- a. Parts 3 and 4 – Core policy statement provisions

[Click here to enter text.](#)

- b. Part 5 – Evaluation and Monitoring

[Click here to enter text.](#)

3. S-RP: Regional plan structure standard

MidCentral Public Health Services support consistency in all areas of planning.

- a. Parts 3, 4 and 5 – Core plan provisions

[Click here to enter text.](#)

- b. Part 6 – Evaluation and Monitoring

[Click here to enter text.](#)

4. S-DP: District plan structure standard

MidCentral Public Health Services support consistency in all areas of planning.

5. S-CP: Combined plan structure standard

We support consistency in all areas of planning.

6. S-IGP: Introduction and general provisions standard – Part 1 of all plans and policy statements

MidCentral Public Health Services support consistency in all areas of planning.

- a. Introduction chapter

[Click here to enter text.](#)

- b. How plan works chapter

[Click here to enter text.](#)

- c. Interpretation

[Click here to enter text.](#)

- d. Plan integration

[Click here to enter text.](#)

- e. Formation of standards with tangata whenua

[Click here to enter text.](#)

- f. National direction

[Click here to enter text.](#)

7. S-TW: Tangata whenua structure standard – Part 2 of all plans and policy statements

MidCentral Public Health Service considers it essential that respective Mana Whenua are involved in making decisions in the setting of these standards ensuring the appropriate Iwi contribution is made for each region.

We believe that the standards will not absolve the Territorial Authority or Regional Council from appropriate engagement with Mana Whenua on the content of any plan.

- a. Recognition of iwi/hapū chapter
[Click here to enter text.](#)
- b. Tangata whenua local-authority relationships chapter
[Click here to enter text.](#)
- c. Iwi and hapū planning documents chapter
[Click here to enter text.](#)
- d. Consultation chapter
[Click here to enter text.](#)
- e. Use of te reo Māori
[Click here to enter text.](#)

8. S-SD: Strategic direction structure standard – Part 3 of District plans

MidCentral Public Health Services support consistency in all areas of planning.

9. S-DWM: District wide matters standard – Part 4 of District plans

MidCentral Public Health Services support consistency in all areas of planning.

- a. Natural Environment Values Chapter
[Click here to enter text.](#)
- b. Environmental Risks Chapter
[Click here to enter text.](#)
- c. Community Values Chapter
[Click here to enter text.](#)
- d. Infrastructure and Energy Chapter
[Click here to enter text.](#)
- e. Subdivisions Chapter
[Click here to enter text.](#)
- f. General District Wide Matters Chapter
[Click here to enter text.](#)

10. S-ASM: Draft area specific matters standard – Part 5 of District plans, Part 6 – Combined plans

MidCentral Public Health Services support consistency in all areas of planning.

- a. Zone framework (individual and range)

[Click here to enter text.](#)

b. Purpose statements

[Click here to enter text.](#)

c. Additional special purpose zones and criteria

[Click here to enter text.](#)

d. Precincts chapter

[Click here to enter text.](#)

e. Development areas chapter

[Click here to enter text.](#)

f. Designations chapter

[Click here to enter text.](#)

11. S-SAM: Schedules, appendices and maps standard – Part 6 – Regional policy statements, Part 7 – Regional plans, Part 6 – District plans, Part 8 – Combined plans

MidCentral Public Health Services support consistency in all areas of planning.

12. F-1: Electronic accessibility and functionality standard

The MidCentral Public Health Services is aware that not all members of the community will have access to ePlans. People will have hardware of differing capability and different software. Not all internet connections will support complex ePlans or large downloads. ePlans must be accessible across a wide range of platforms/browsers, and it is not appropriate for a Territorial Authority or Regional Council to assume the public will be using the most up-to-date version of any particular software.

a. Standard baseline requirements

[Click here to enter text.](#)

b. Level 5 requirements

[Click here to enter text.](#)

13. F-2: Mapping standard

The MidCentral Public Health Services has reviewed this section, particularly Table 21: Zone Colour Palette Table. It would be useful to use other visual cues, not simply colour. Some of the colours are difficult to differentiate from each other, and will pose additional problems for people who are colour-blind.

a. Zone colour palette

[Click here to enter text.](#)

b. Symbology

[Click here to enter text.](#)

14. F-3: Spatial planning tools (Regional) standard

MidCentral Public Health Services support consistency in all areas of planning.

a. Range of tools

[Click here to enter text.](#)

b. Zone

[Click here to enter text.](#)

c. Overlay

[Click here to enter text.](#)

d. Specific control

[Click here to enter text.](#)

e. FMU

[Click here to enter text.](#)

f. Airshed

[Click here to enter text.](#)

g. Area

[Click here to enter text.](#)

15. F-4: Spatial planning tools (District) standard

MidCentral Public Health Services support consistency in all areas of planning.

a. Range of tools

[Click here to enter text.](#)

b. Zone

[Click here to enter text.](#)

c. Overlay

[Click here to enter text.](#)

d. Precinct

[Click here to enter text.](#)

- e. Specific control

[Click here to enter text.](#)

- f. Development areas

[Click here to enter text.](#)

- g. Designation

16. F-5: Chapter Form standard

MidCentral Public Health Services support consistency in all areas of planning. The consistent formatting of rules (as per table 26) is especially welcome.

- a. Chapter form

[Click here to enter text.](#)

- b. Rules

[Click here to enter text.](#)

- c. Rule tables

[Click here to enter text.](#)

17. F-6: Status of rules and other text and numbering form standard

MidCentral Public Health Services support consistency in all areas of planning.

- a. Status of rules and other text

[Click here to enter text.](#)

- b. Numbering

[Click here to enter text.](#)

18. CM-1: Definitions standard

MidCentral Public Health Services support consistency in all areas of planning. The MidCentral Public Health Services considers it is vital for those definitions that are used in the Act to be worded in the same way as the Act. Any variation between a definition in a plan and in the Act will cause confusion.

- a. Individual definition

[Click here to enter text.](#)

- b. Additional definitions

[Click here to enter text.](#)

19. CM-2: Draft noise and vibration metrics standard

MidCentral Public Health Services supports the use of up-to-date consistent standards for management of noise. It is important that the National Planning Standards keep up-to-date with changes to the technical standards for managing noise, and that Territorial Authorities are required to update their plans when a new noise standard is adopted. Noise has adverse effects on health, the understanding of noise and monitoring for noise is likely to continue to change over time. It is not appropriate for plans to continue to rely on old standards when more appropriate newer technical standards become available.

a. **Technical support**

[Click here to enter text.](#)

20. Implementation

[Click here to enter text.](#)

a. **ePlanning implementation**

[Click here to enter text.](#)

b. **Timing**

[Click here to enter text.](#)

c. **Support**

[Click here to enter text.](#)

d. **District plan structure guidance**

[Click here to enter text.](#)

e. **Regional policy statement and regional plan structure guidance**

[Click here to enter text.](#)

f. **District plan spatial planning tools and zone framework guidance**

[Click here to enter text.](#)

g. **Regional plan and policy statement spatial tools guidance**

[Click here to enter text.](#)

h. **Chapter form and status of rule and other text numbering guidance**

[Click here to enter text.](#)

i. **Additional guidance materials required**

[Click here to enter text.](#)

21. Future content for standards

[Click here to enter text.](#)

a. Utilities provisions

[Click here to enter text.](#)

Other comments

22. Do you have any further comments you wish to make about the Government's proposal?

[Click here to enter text.](#)

Releasing submissions

Your submission may be released under the Official Information Act 1982 and will be published on the Ministry's website. Unless you clearly specify otherwise in your submission, we will consider that you have consented to both your submission and your name being posted on the Ministry's website.

Please check this box if you would like your name, address, and any personal details withheld.

Note that the name, email, and submitter type fields are mandatory for you to make your submission.

When your submission is complete

If you are emailing your submission, send it to PlanningStandards@mfe.govt.nz as a:

- PDF
- Microsoft Word document.

If you are posting your submission, send it to National Planning Standards, Ministry for the Environment, PO Box 10362, Wellington 6143.

Submissions close at 5:00 pm on Friday 17 August 2018.

Ministry for the Environment
PO Box 10362
Wellington 6143
Attention: Draft National Planning Standards

NZ Geothermal Association Submission to Ministry for the Environment on Planning Standards

Thank you for the opportunity to make a submission on the Draft National Planning Standards. Please find attached New Zealand Geothermal Association's submission regarding this document.

Should you have any queries regarding the content of this document please contact Stephen Daysh directly on [REDACTED] or by email at [REDACTED]

Regards,



Stephen Daysh
President, New Zealand Geothermal Association

Background

The New Zealand Geothermal Association (NZGA) would like to thank the Ministry for the Environment for the opportunity to submit on the Draft National Policy Standard.

The New Zealand Geothermal Association (NZGA) is an independent, non-profit association that provides information on geothermal phenomena and utilisation for industry, government and educational organisations. In addition, the NZGA, as a member of the International Geothermal Association, contributes to the international exchange of information within the geothermal development industry. NZGA membership comprises participants, regulators, and interested parties within the geothermal community. It totals almost 300 members currently.

The New Zealand Geothermal Association supports the intention of the standards which aim to make Resource Management Act (RMA) plans simpler to prepare, and easier for users to understand, compare and comply with. We look forward to release of the final standards and are available to provide input to any remaining issues and solutions to be explored.

This submission will be published on the NZGA website, and we have no objection to it being published in any other setting.

We wish to comment on one provision of the draft standard, as below:

Standard	Issue	Submission Point	Relief sought
S-RPS	Geothermal	<p>Page 9 of the standards states that “If water matters are addressed in the regional policy statement (RPS) they must be included in the water chapter. Local authorities must consider whether to combine this chapter with the land chapter.” A similar provision is provided for on page 13 for regional plans.</p> <p>Requiring geothermal water to be dealt with in the same chapter as fresh water cuts across the intent of the RMA that resource management issues specific to a region should be dealt with by that region. Geothermal water (and coastal water) are recognised by the RMA as having different management issues from fresh water and need to be treated differently.</p> <p>Because of the different issues that geothermal water and land uses face, and because of the integrated nature of the effects of use of geothermal water and land, the New Zealand Geothermal Association prefers the current structure that both Bay of Plenty and Waikato Regional Councils have in their policy and planning documents of dealing with these resource issues together in a separate chapter. Waikato and Bay of Plenty regions between them are responsible for sustainable management of 90 percent of the nation’s geothermal resource making this a unique regional issue.</p> <p>The issues regarding the management of geothermal water are different from those for freshwater and both councils have in their RPS and Regional Plans separate chapters for the management of this regional geothermal resource. These geothermal chapters contain specific objectives, policies, rules, other implementation methods and environmental results anticipated. This approach in the statutory documents recognises that the issues for geothermal management are related to, but not limited to water management. They also include sustainable management of heat and energy as a resource, which in some cases does not involve taking and discharge of water, and land management practices ensuring access to geothermal energy while protecting rare and highly vulnerable geothermal features and ecosystems.</p> <p>These resources also contribute substantially to the regional economy through industrial direct heat use, electricity generation and tourism, reinforcing the importance of a separate and focussed management approach in planning documents.</p>	Provide clarification in the standards that geothermal water can be considered separately as a special topic.

Yours faithfully



Stephen Daysh
NZGA President



Submission form

Contact information

Name*	P.Rene	
Organisation (if applicable)	Iwi Working Group Member (1 of 8) Ngati Toa ki Whakatu Rep	
Address	[REDACTED]	
Phone	[REDACTED]	
Email*	[REDACTED]	
Submitter type*	Individual	<input type="checkbox"/>
	NGO	<input type="checkbox"/>
	Business / Industry	<input type="checkbox"/>
	Local government	<input type="checkbox"/>
	Central government	<input type="checkbox"/>
	Iwi	<input checked="" type="checkbox"/>
	Other (please specify)	<input checked="" type="checkbox"/>

Iwi Working group- Ngati Toa ki whakatu.
(1 of 8 iwi reps)

re Tangata whenua part structure

Questions to consider for your submission:

Q3: Do you agree with the level of standardisation proposed in the plan structure standards?

No I don't recommend special zones classification for any s6(e) zones

Q4: Are there other topics that would benefit from a chapter structure standard?

YES (1) a common infrastructure for Maori. where s5 is the super-structure, s6(e) is the structure. s7a and s8 become part of the s6(e) structure when developed for implementation.

Q5: Does the tangata whenua part structure standard help meet RMA requirements for iwi authorities and tangata whenua input into RMA plans? Will this help tangata whenua and councils to work together?

NO there is the need to develop the infrastructure of s5-s6e-s7a-s8 as common purpose statement for Council-Maori participation

Q6: Should we have a standard set of zones? Would this make plans across New Zealand easier to use?

Yes for Tangata whenua.

My recommendation is for a RMA s6(e) ZONE.(as initially the parent zone).

And it is of vital importance to have FIRSTLY; a "ANCESTRAL LAND" Zone even before a papakainga zone

Q7: Are some zones missing, or are some zones not needed?

YES (1) there is most definitely Zones or 'zone options' missing for tangata whenua or more specifically there is a whole infrastructure specific to spatial Zone planning for

Maori, around RMA s6(e).

(1) the key Zone that is missing, is a the overarching zone for Maori spatial planning development:

is; a RMA s6(e) Zone

(2) of the 'spatial' areas of the s6(e) clause ;

then first and foremost, the MOST important area is "ANCESTRAL LAND" space, of s6(e)

and therefore should be the FIRST "spatial area of clause s6(e).....[ANCESTRAL LAND], sites, water, waahi tapu and other taonga;

that should be addressed with a zone ie "ancestral land zone".

(3) of the remaining 'spatial' areas of the s6(e) clause ; ancestral land, [SITES], water, waahi tapu and other taonga

'sites' would be next.

-of this layer, there could be sub-layers of papakainga, urban or rural etc

(4) of the remaining 'spatial' areas of the s6(e) clause ;

ie water, waahi tapu and other taonga;

such areas could be developed as a sub-layer of s6(e) spatial planning

(5) such a tangata whenua spatial zone structure should adhere to 'top-down' planning practice:

with s6(e) as the primary zone; with sub zones to that primary s6(e) zone, being

(a) ancestral land zone;

(b) sites (tangata whenua) zone(s)

(c) water (tangata whenua) zone(s)

(d) waahi tapu and other taonga

(e) other taonga

(6) - It should be noted that some spatial areas(zone) could be integrated into an "ANCESTRAL ZONE".

Q8: Is the inclusion of purpose statements for zones useful for guiding how they may be used?

Yes and No

Yes - in terms of a 'National Direction' re tangata whenua.

The following should be guiding purposes

A Common "RMA infrastructure framework for Maori"

It should be noted that s5,s6(e),s7(a),s8 has been recommended as a 'common' infrastructure framework for Maori participation , in (2015)

at the Nelson City council- Iwi Working Group level(current discussions re Maori chapter-of the Whakamahere Plan(under review)-

prior to the 'whakahono-a-rohe' provisions of the s58 becoming an option , in (2017)

At council level:

And that for guiding purposes re "Kaitiakitanga developement"; that

s6(e) of that 'common infrastructure framework' s6(e) needs further developement and expansion for tangata whenua of each specific council region(rohe)

to highlight why s7(e) and s8 are considered part of 'customs & traditions of the s6(e) clause

Developing the contents of the RMA s6(e) clause

ie "S6(e) the relationship of Maori and their {customs and traditions} with their [ancestral land, sites,water,waahi tapu and other taonga]".

with (a) the contents of {customs and traditions} developed with general values and traditions , common to recognised iwi of a rohe

re Nelson-Iwi working group planning(current) a 'Aoturoa' plan has been developed.
one of the intentions of the 'Aoturoa' plan is to inform the 'customs and traditions ' of s6(e)

and (b) with the spatial areas noted as [.....ancestral land, sites,water,waahi tapu and
other taonga]
given recognition as options for spatial zone recognition, each in their own
existence.

and with (c) the key zone being "ancestral land zone"
and with (d) further options for integration across all s5,s6,s7,s8,spatial areas

it is the intention of participation in this forum, to recommend to the planning team
of the spatial areas as noted in s6(e) which are all important areas for Maori planning and
management by Maori,
with 'ancestral land' being of the most important of all the area. for Zone development

Autonomy as per Iwi Management Plans

No - the 'constraints and restrictions' or 'what is appropriate' for each zone or spatial area.
should be developed as per a management plan of the respective Iwi and it's communities,
that have connections to such spatial areas.

To recommend otherwise, means trampling on the mana or autonomy of others

Further specific customs and traditions relevant to each iwi,may be indicated as per their
management plans

*Q9: Do the purpose statements help you understand which zones you currently have in your plan, and
how they fit into the planning standard's zone?*

For tangata whenua – if highlighted as above, it should add a better understanding , as currently
for some this may be unclear.

hence the need to develop, from s5 through to s6 , s7,s8; clear lines of understanding.
'Overlays' should not be discounted as a planning tool for maori, however 'Zone planning' for
Maori is also a recommendation of
this submission, both should be options that can work simultaneously for Maori;

Integration should continue.

further thoughts:(at management plan level)
there needs to be consistency with all mandatory policy statements,Coastal Policy
Statement,Treaty settlement provisions etc

The method of implementing Kaitiakitanga is S6(e)



MANIAPOTO MAORI TRUST BOARD



24 August 2018

Ministry for the Environment
PO Box 10362
Wellington 6143

Tēnā koe

Re: **Draft National Planning Standards 2018**

The Maniapoto Māori Trust Board (the Board) appreciates the opportunity to make a submission on the Draft National Planning Standards (the Standards). The purpose of the Standards is to provide greater consistency of Resource Management Act 1991 (RMA) plans and policy statements developed in New Zealand.

The Board supports the intention of the Standards which aim to make RMA plans simpler to prepare, and easier for users to understand, compare and comply with. The Board also acknowledges the implementation costs and timing implications for councils, and the requirement to amend plans to fit the framework of the Standards within a five-year timeframe and to do so without any undue delay OR Schedule 1 process. The Standards must provide for existing **or pending** treaty legislation and regional or local statutory documents (e.g. Waikato and Waipā River Acts).

The reason for our submission is to future proof relationships with central and local government moving forward. Maniapoto would like to activate the Ministry for the Environment Accord, to form part of the strategic joint working group to provide advice in relation to the Standards and integrated wellbeing outcomes. This is vital for Maniapoto as we expect to complete our Deed of Settlement with the Crown in 2019. This will have legislative mechanisms that will provide for an integrated management framework across our tribal rohe, we currently engage with 3 regional councils and 5 district councils. We also have 1 Joint Management Agreement with 5 local government and Accords with 10 central government agencies, of which the Ministry of the Environment is one.

Recommendations

Part one: Acknowledgement of the Treaty of Waitangi and its Principles and Te Reo Māori as an official language of Aotearoa New Zealand

- (1). Reference relevant legislative obligations to Māori that may influence decision making processes
- (2). Reference relevant treaty settlement legislation that may influence decision making processes
- (3). Reference all other legislative obligations to Māori that may influence decision making processes
- (4). Underline for emphasis the parts of legislation that is important for the reader to understand.

Part Two:

- (1). Acknowledgement of **Mātauranga Māori**
- (2). Acknowledgement of **Tikanga Māori** to make the planning processes easier to understand by simplifying, standardising and streamlining processes for integrated wellbeing outcomes.
- (3). Use of technology - ePlan Electronic Accessibility and Functionality Scale – that identify how iwi planning documents;
 - a. form part of the relevant plan OR referenced and how it is;
 - b. applied consistently throughout the planning standard processes and;
 - c. how it features in all integrated wellbeing outcomes

Ā muri kia mau ki tēnā, kia mau ki te kawau mārō, whanake ake, whanake ake

The Board thanks the Ministry for the Environment for this opportunity in considering our submission. We reiterate our support for the purpose of the National Planning Standards, and look forward to working with the Ministry of the Environment moving forward. The Board also looks forward to the release of the final document and are available to provide input.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'Sonya Hetet', written in a cursive style.

Sonya Hetet – Chief Executive

cc: Secretary for the Environment



17 August 2018

Planning Standards
Ministry for the Environment
PO Box 10362
Wellington 6143
Email: planningstandards@mfe.govt.nz

Dear To Whom It May Concern

Draft National Planning Standards - Joint Southland Councils Technical Submission

Thank you for the opportunity to submit on the first set of draft National Planning Standards, the Southland Councils have developed their submissions in collaboration – as such this submission has been endorsed by all four Councils and can be read as from Gore District Council, Invercargill City Council, Southland District Council and Southland Regional Council (Environment Southland). The Councils have developed two submissions – one from a technical (officer) perspective and one from a governance perspective.

This submission follows the question format of the consultation document provided by Ministry for the Environment published June 2018.

Q1. *What are your thoughts on this proposed package of planning standards? If you consider changes necessary, how would these affect the anticipated outcomes?*

We support the Planning Standards in principle but request that any standards are prepared in manner that is future proofed to enable easy transition to web based delivery of planning information and advice.

From a practitioners perspective standardising planning documents will make it more efficient to draft and produce plans in terms of time and cost to our ratepayers and resources to be focused on the meaningful planning matters that are addressed through plans.

The standards will also enable easier comparison between the different approaches to matters dealt with in these documents across different Council areas. It is questionable that these efficiencies will benefit a significant number of public users given the majority of people's experiences of the District and Regional Plans are for one off resource consents for discrete projects.

It is clear that the draft Standards for accessibility, functionality and e-Plan requirements will mean that district and regional plans will need to be electronically cross-referenced and spatially integrated. These requirements will require an ambitious work programme, which will have significant costs, and require major work to align the planning provisions, data and record management systems.

We do note however, that if District and Regional Plans are going to be predominantly e-plans in the future - the physical layout and structure of the provisions will be less important. Any National Planning Standards established will need to be constructed in such a manner so that they are future proofed for a transition to a more web based manner of interacting with plan users and our communities.

From a funding perspective we note that Councils have just completed their Long Term Plan cycle and an opportunity to discuss allocation of any significant funding towards implementing the ePlan requirements under the National Planning Standards may be constrained until the next cycle in three years' time.

Q2. *What topics or matters should be investigated for future planning standards?*

We consider it would be advantageous across the country to have consistent standards regarding:

1. Provisions relating to development around Significant Infrastructure such as:
 - a. the National Electricity Grid (TransPower)
 - b. Airports (especially the management of Noise)
 - c. State Highways (the management of Noise, Vibration, sight distances)
 - d. Main Railway Trunk Line (Kiwi Rail)
2. Temporary Military Training Activities
3. Hazardous Substances (and the role of HASNO and Work safe)
4. Contaminated Land
5. Climate Change adaptation including sea level rise and managed retreat
6. Activities within National Park/DoC controlled land – and clarification regarding the perceived/real duplication of approvals under Conservation Act / Resource Management
7. Section 6 Matters (e.g. consistent methodology and provisions relating to Outstanding Natural Features and Landscapes, Biodiversity and the Coastal Environment).

Any development of future planning standards will need to carefully consider the potential for creating a continual cycle of plan alignment and updating without allowing the first cycle to complete. This type of work absorbs a significant level of resource and time, not just of Councils but also from both the community and potential submitters involved in this process.

Therefore if these standards are to be implemented within 5-7 years the timing of the next set of planning standards will need to be past the completion of that work.

While this work seems superficial at first glance there are a number of changes that may trigger wider reviews – for example standardising definitions may necessitate amending the associated activity rule to ensure the intended outcome is still achieved. A Council may have to change its provisions to put the definitions into context and then change the provisions again following the release of further standards.

Q3. Do you agree with the level of standardization proposed in the plan structure standards?

We generally agree with what is proposed.

From a District Plan perspective we have some concerns regarding the implications of amending definitions and the administration aspects of the referencing. More detailed discussion of our concerns is provided further on in this submission.

Specific Comments regarding the drafting of this part of the standard:

With regard to S-DWM D7b (pg. 38) – we question the use of requiring that objectives, policies and methods, including rules (if any) address the “life supporting capacity of the systems” given this relates to Landscape, Landforms and natural character – we consider that the direction is to protect the values associated with those features and landscapes where they are outstanding and managed where they are not outstanding.

With regard to S-DWM D9 – we consider this could provide direction in line with what Part 2 of the Resource Management Act already state in a similar format to the topics above it – Coastal Environment and Landscapes and Features.

From a regional plan perspective it is concerning that the Standards have not been tested on an existing Regional Policy Statement or Regional Plan. We have attempted to apply the proposed standards to the Introduction chapter of our Regional Policy Statement and encountered the issues in the following table. It should be noted that this is by no means a comprehensive analysis but illustrates that there are likely to be numerous issues with applying the Standards that will need to be worked through.

Standard/section	Comment
S-IGP/S-INTRO	Our current Regional Policy Statement includes the date the policy statement was made operative and the local authority seal as part of the Foreword. The Standards would require these to be in the Introduction section rather than the Foreword/Mihi section, which would be messy to implement.
S-INTER	Table 11 only applies to District Plans, was this intended? If so, why does it not apply to other Plans and Policy Statements?
S-INTER	The prescriptive table formats and requirement to split interpretation into three different tables means that implementing this standard will be quite a time consuming task.
S-NDI	How will the national planning standards be updated when there are new/changes to national direction instruments?
S-NDI	Instruction 3 – The standards should include the hyperlinks to the national instruments rather than require each Council to find the hyperlinks and risk mistakes coming in.
S-NDI	It is not clear whether the second column of Table 14 may/should contain information in addition to the choices in Instruction 4.

Standard/section	Comment
S-NDI	The text for the National Environmental Standards needs editing. It contains errant apostrophes and interchangeably refers to national environment standards and national environmental standards.
S-NDI	Table 15 is not relevant to Regional Policy Statements, as they do not contain rules.
S-NDI	It may be impractical to list the rules that are more lenient or stringent than NESs. For example, the National Environmental Standard for Plantation Forestry has resulted in a 23 page table describing which of the rules in the proposed Southland Water and Land Plan are more stringent than the NES.
S-NDI	It is not clear what the point of the Regulations section is – it does not appear to add anything useful to a Plan or Policy Statement. In addition, Instruction 9 is unclear about what is required to be included.

In addition, the rationale for the order of chapters within regional plans and regional policy statements is not clear. We recommend that the rationale be articulated.

Q4. Are there other topics that would benefit from a chapter structure standard?

No Comment.

Q5. Does the tangata whenua part structure standard help meet RMA requirements for iwi authorities and tangata whenua input into RMA plans? Will this help tangata whenua and Councils work together?

Generally we agree that having a structure standard will ensure that requirements are met. From our perspective in Southland we do not believe that the proposed changes to the provisions in the plan will make a great difference to how Councils work together with tangata whenua. These provisions are largely in our plans anyway.

From a layout perspective we have specific Tangata Whenua Objectives and Policies in our current District Plans and it is unclear from the documentation provided whether these would fit within this section of the plan or in the District Wide provisions in the Community Values chapter. Guidance on this would be helpful.

With regard to the drafting of the standards we question how the objectives of the strategic direction standard (On pg. 36 of the Planning Standards Strategic Direction Standard 3. Bullet point 4.) differ from those of this section? Guidance on this would be helpful.

This proposed layout in the standards, while ensuring minimum standards are met, could potentially restrict those plans which exceed the requirements by fully integrating Tangata Whenua principles throughout the document. Local tangata whenua issues are also woven through the different provisions through our Plans. Iwi and cultural issues cannot, for example, be separated from landscapes, biodiversity or water related issues. It will be important to be able to retain reference to these values throughout the planning documents and not attempt to separate them.

Q6. *Should we have a standard set of zones? Would this make plans across NZ easier to use?*

Generally we support the theory behind this.

We note that this is a discretionary direction under Planning Standard S-ASM. Currently if this became mandatory it would only require that the zone is selected from this list and that any provisions are tested against the stated purpose of that zone.

Where the standardisation becomes more complicated is in the provisions that attach to the activities undertaken within those zones.

There will be variation across New Zealand in terms of intensity of development provided for and this has evolved as individual communities have shaped the provisions to achieve their aspirations. This has the potential to confuse those plan users that are working across districts and regions for similar activities. While this will not be insurmountable any move towards standardised provisions within zones will need to be carefully tested and still provide for local variations within reason.

For example, the Rural Zone in one plan may have a minimum lot size of 20ha, while another District may interpret the zone as providing for lots down to 2ha. The different plans may provide for different commercial activities and a different scale of activity within the “commercial zone”. Invercargill’s Hospital Zone may provide for development at a different scale to the hospital zone in Auckland. The existing complications may not therefore have been remedied.

Q7. *Are some zones missing, or are some zones not needed?*

No Comment.

Q8. *Is the inclusion of purpose statements for zones useful for guiding how they may be used?*

We consider they are useful, but see our comments above under Q6.

We also note that a number of terms are used to help describe the nature of particular environments within specific zones – but that the terms are not defined. Suburban- Urban Character, High – Low Density, Urban Density, Heavy – Light Industrial.

While each Council may have its own interpretation of what these terms mean it may be helpful to provide guidance and examples to support consistency in the use of these zone descriptions.

Q9. *Do the purpose statements help you understand which zones you currently have in your plan, and how they fit into the planning standard’s zone?*

We consider they are useful.

We will need to do some work to address all the environments that the community has asked us to provide for within some of our District Plans. See also our comments under Q6 above.

Q10. *Is ‘Level 5’ of the Electronic Accessibility and Functionality Scale an appropriate standard for Council e-Plans? Should it be more or less ambitious? What would you include/exclude?*

We support this concept, however, it will take significant resources and time to develop for the Southland Councils. This may be achievable depending on the amount of direction provided by Central Government. Five years is a very ambitious timeframe and we may not be able to meet this.

Council website search functions can be variable in quality, with some bringing up search responses of questionable relevance. This is a source of frustration for customers using the website search functions. **We recommend that a website search functionality standard be included in the baseline accessibility and functionality standards, or considered for future National Planning Standards.**

F-1 Table 18 Plan accessibility and functionality:

Due to a lack of integration of information between Southland’s four Councils, we consider that providing links between district plans and regional plans as required by Instruction 7 will be challenging to provide within the one (1) year timeframe. Further, this would result in significant ‘wasted’ work given that ePlans will be required later on. Under the proposed standard, we are required to make substantial changes to existing plans within a short timeframe, and then to carry out further, though more comprehensive, updates later. **We recommend that the links required by Instruction 7 be incorporated as part of the development of ePlans rather than baseline electronic accessibility and functionality.**

We consider that the meaning of the word ‘version’ is unclear in the context of Instruction 11. Our reading is that Councils would be required to include versions of plans on their websites even in cases where there was a minor correction to a plan. We consider that providing iterations of plans to this level of detail is a significant level of workload for Councils, with minimal value to our customers. In addition, it is unclear whether older versions of the current plan required on the website should be included three clicks from the homepage as per Instruction 2.

We recommend that Instruction 11 is altered to better define what a ‘version’ of a plan is. In our view, the definition of a ‘version’ should exclude minor wording changes as the result of correcting errors in any plan, but should include:

- amended versions of plans issued as a result of national direction from Central Government; and
- any notified version, decisions version, or operative version of a plan.

We recommend that it be made clear that superseded versions of operative plans could be located in an archive rather than on that plan’s landing page, as providing older versions of a plan on that plan’s landing page may generate confusion.

F-1 Table 18 Data Standards:

We support the provision of publicly-accessible existing digital plan data, and we are already heading towards implementation of Instruction 13. **We recommend that this Instruction be retained.**

We seek clarification of the use of New Zealand Vertical Datum 2016 (NZVD2016) as required by Instruction 14. Our reading of the Instruction is that all planning datasets are required to

incorporate this datum. However, the datum is largely used in scientific contexts, and has applicability to planning data in only very specific circumstances, such as managing water resources and assessing hazards. Arranging all existing spatial data in NZVD 2016 will present significant workload, system, and financial burdens, to potentially limited benefit.

We recommend that:

- a. the provision of all planning data in NZVD2016 be made optional; or
- b. contexts in which data must be provided in NZVD2016 be clarified in the standard.

We consider that there is scope to include additional standards covering the type, format, and content of metadata that Councils should be required to present as part of any online plan dataset. Metadata standards should be included in Standard F-1, or considered for inclusion in future National Planning Standards.

F-1 Table 19 standard for ePlan requirements:

Councils have numerous regulatory functions that sit outside of the RMA (including bylaws, biosecurity regulations, and harbourmaster regulations in the regional context). Including regulatory information under other Acts within an ePlan, so that all of Councils' regulatory information is available in one place, would have advantages from a customer service and data integration perspective. **We recommend that a clause be included in Table 19 which advises Councils that they are not prohibited from including other regulatory information within their ePlans.**

From a wider planning perspective we have concerns regarding the separation of regulatory controls from the policy framework that supports them. Many ePlans are useful when looking at the different rules that may apply to a parcel of land, but the objectives and policies behind those provisions are not as easy to find. These provisions are important, particularly for explaining the rationale behind the rules – which can be a common question asked of Councils, and for the resource consent process. Careful consideration of how to maintain these linkages needs to be undertaken as part of this shift to a different way of doing things.

We consider that, in order to enhance the level of ePlanning service delivery, incentives should be provided to encourage Councils to provide ePlan accessibility beyond Level 5, as described in Figure 1 and Table 20. Incentives for Councils who provide ePlan accessibility and functionality beyond Level 5 could include (but are not limited to):

- extensions of implementation timeframes;
- financial incentives; and/or
- greater and earlier involvement in MfE consultation on changes to National Planning *Standards in future.*

Q11. For Councils: what type of support would be useful to help you implement the ePlan standard?

Clear direction from Central Government on any preferred suppliers, programmes or platforms and technical support for Council information system teams.

With the intention that plans look the same and can enable easy cross-plan/cross-District comparisons, it would make sense that there was consistency between what these ePlans look like and how they function, otherwise there will be the potential for ePlans to develop like the hard copy of the paper-based plans has with variances between districts and regions. There is a risk that while the hard copies of the plans will look the same following these standards, the ePlans will look and work significantly differently. Guidance from Central Government on this will be important.

If we then have to use a set platform, each Council will need to undertake significant work to ensure that that works with existing database and consent processing programmes. It is likely that Southland will try to integrate their planning information on the same platform so that it appears as seamless as possible for the user.

We consider that there is potential for the development of nationally-consistent ePlanning software. Ideally, this software would be cloud-based, and be a ‘turnkey’-type setup where Councils input data into an existing framework. We consider that this approach to an ePlanning solution would have the following advantages:

- saving duplication of work, by eliminating the need for 78 Councils to develop or otherwise source ePlanning solutions separately;
- increase standardisation of ePlanning formats, and encourage collaboration across Councils in developing integrated ePlanning solutions; and
- enable Central Government to provide a single tool for migrating data into ePlans.

We recommend that a national tender for a nationally-consistent ePlanning software solution be carried out, and that a nationally-consistent ePlanning software solution be adopted as a result of this tender process.

Further to this specific ePlan question – the Councils would also like to highlight that the correlated exercise of collection data and monitoring the effectiveness of plans and consenting processes would significantly benefit from a common platform. Currently national monitoring system does not allow data to be collected upfront and absorbs a significant amount of data. Changes to this current approach supported with a national platform managed by MfE could provide real time benefits rather than an annual data collection and would put a greater emphasis on plan effectiveness monitoring data rather than focusing on numeric data such as dates.

Q12. *Does the mix of map colours and symbols mix well for your plan(s)?*

We generally agree that what is proposed will be workable for our planning maps and GIS mapping, subject to the detailed comments below. Some of our District Plans do provide more information on our planning maps than is catered for by the symbols, but we note that the planning standards F-2 D. 5 provides that we may include additional symbols in maps and eplans.

As discussed above it would be helpful and cost effective if there was one platform to provide the planning maps/ePlans on given that each Council will need to invest time and resource in systematically working through making these changes to align existing symbology to what is required.

We note that many of the zone colours are very similar, and may be difficult to distinguish on screen or on paper when viewing planning maps at a range of scales and resolutions. **We suggest that the zone colour palette be given more variety, in order that plan users can more easily distinguish between different zones.**

We consider that the faultline hazard symbol, in its current form, may be confused with waterway symbols, due to its blue colouration. **We suggest a brighter colour more indicative of a hazard be used.**

The statutory acknowledgement area symbol is difficult to read, and may be difficult to render on different devices. **We suggest that a more visually appealing symbology for statutory acknowledgement areas be used.**

Further we consider that a national platform that spatially displays existing data common across Councils and plans (e.g. Earthquake, LiDAR, natural hazards, Land Information New Zealand, Heritage New Zealand, Access, and Department of Conservation) could provide a better multi agency information source.

Q13. *Should other symbols or mapping instructions be included in the first set or future sets of planning standards?*

We are concerned that there is only one symbol/colour used to describe a number of hazards. Some of our District Plans have identified different levels of flood risk, areas that may be subject to storm surge or coastal hazard. This information is important to the context of Invercargill, Gore and Southland communities and planning into the future. It is information that we have that is of value to the public. If there is only one symbol for all hazards, for example, the wealth of this information will be potentially lost and more difficult to decipher from a visual perspective. One possibility may be to have a different colour for each hazard category. Otherwise we will need to consider creating variations on the proposed standard or retain the existing map approach to ensure the information is retained.

Other important symbols consistent across all District Plans that need to be developed relate to:

- Areas that are identified as Significant Areas of Indigenous Biodiversity (SNA's)
- Outstanding Natural Features and Landscapes (ONFL's).
- A standard colour for unformed roads
- A surface water zone colour (or a colour for water)
- The CMA
- Archaeological sites
- Railway corridors/view lines
- Airport approach and transition lines

The standards will need to be accompanied by some detailed guidelines. For example, for the national grid line – is there a requirement to place the 'x' where the structures are on the ground.

Currently some planning maps use a symbol for the national grid line and one for the national grid structure itself. This way people are aware of what properties the structures sit on and can determine whether a rule applies to them or not.

While the layers of information may be able to be found on a GIS/electronic mapping programme, the images will need to also make sense in a 'printed' version for reports and applications. If there are specific requirements or instructions on how to achieve good alignment between the two types of information display they should be included in the mapping instructions.

We consider that there should be greater consistency between Standards F-2 and F-3. For example, regional spatial planning tools that are specific, in particular freshwater management units (FMU) and airsheds, should have some baseline symbology included in F-2. Councils should still be able to produce additional symbology for these spatial planning tools, but having a baseline would provide greater standardisation across plans.

Q14. *Can these spatial planning tools be used to address the planning issues in your community?*

Within Southland, we are considering moving towards a more integrated planning approach. We consider that the Draft Spatial Planning Tools (Regional) Standard in their current form may pose a potential barrier to this.

In particular, Table 23 states in relation to zones that they only apply to the coastal marine area (CMA) within regional plans. This creates uncertainties in managing across the CMA boundary, and the implementation of novel planning approaches such as coastal environment plans, 'one plans', or combined plans.

The standard as written appears to preclude the creation of a 'coastal environment' zone, where the zone extends landward of the CMA to incorporate coastally-influenced features and processes. **We consider that this wording would make the development of coastal environment plans difficult and should be revised.**

It is unclear whether multiple zones can be applied within the CMA; or whether in the current wording of Standard F-3, the CMA must exist within regional and combined plans as a single zone.

With regard to the detail contained in F-4 Table 24 – we wish to comment on the terminology. Specific controls refers to a provision controlling an issue or matter. This is a very regulatory approach and we consider that regard should be had to the potential for positive responses within a specific control. For example, some plans identify areas where certain provisions do not apply – such as central city "parking areas" within which business do not need to provide on-site parking. **We request that the terminology be reviewed to ensure that these types of enabling provisions are able to be provided for within a "specific control".**

Q15. *Should additional spatial planning tools be included?*

No comment

Q16. Do you agree with the level of prescription in the Chapter Form Standard?

We generally agree with the level of prescription in F-5, but do not agree with the content of the Standard, as discussed below.

We do not support the proposed manner of abbreviation. We consider that this does not achieve a significant improvement in the look and feel of planning documents, and may in fact create confusion for plan users. For example, in the scheme of the rules table there is actually very little difference in space taken up by the word ‘permitted’ and the abbreviation “P”. Policies are also abbreviated to P so will there be some confusion?

We agree standardisation is valuable, but if something is abbreviated there needs to be a good reason for it and it should result in a plan being easier to understand. The level of jargon proposed will introduce a whole new set of planning jargon. Where a significant proportion of our Plan users are not ‘planners’ we need to be careful that the resulting document can be interpreted by the average member of the public.

We would strongly recommend that Guidelines on this section including working examples be developed to ensure that the form is interpreted accurately. Our Plans do not currently utilise tables and so we would need to see how these work in practice to assess whether to incorporate them or not. For example, the manner in which some plans are currently drafted result in general performance standards being referenced in the permitted activity rules and listed at the end of the rules which avoids repetition and reduces the amount of text. Standard F-5 would require integration of these performance standards and create a considerable increase in text within a chapter.

We note and support that it is not mandatory at this stage to use the rule tables.

Q17. Would the acronym and alphanumeric code approach work well for your plans? If not, what changes would work better?

As discussed above we do not support the proposed manner of abbreviation. Our concerns relate to the practical application of the appropriate proposed, given these will need to be referred to in reports and when talking to lay members of the public so again, it is important that the results of the changes are actually to make the Plan more user-friendly and not just a jumble of indecipherable letters and numbers.

Practically some of our Councils have found that a range of two-four letter abbreviation or acronym works well and gives sufficient information for someone to understand what the subject the rule is referring to. The abbreviations that have been used in our plans follow common sense. For example, SIGN (signage), BIO (indigenous vegetation). NFL (natural features and landscapes), CE (coastal environment). Policies and Rules are labeled as per their topic and numbered for example, Policy BIO.1 or Rule BIO.1 etc. Alternatively abbreviations for the rules only could be developed as this is the most used part of the plan for the majority of plan users.

We recommend that these proposed suggestions are considered or alternatively if these are not accepted that the use of abbreviations as set out in the standard are not a mandatory requirement.

It would be helpful if the standards would also cover:

- A standard for referencing notes or issues if relevant
- Explanations for policies and any associated numbering system.
- Standardisation of common requiring authorities names

Q18. *Are these drafting principles suitable for definitions? Should they be changed or expanded?*

The principles are considered to be appropriate, however, the execution is inconsistent.

For example, the principle is to include the definitions from any legislation referred to and yet the definitions from relevant NZ standards is not also required. For example, the definitions for the noise standards just refer back to the standard without expanding on what those definitions are, which seems to be the opposite approach to including the full definitions from the RMA or other legislation. The definition of road refers to the RMA definition, which then refers to the Local Government Act and Government Roading Powered Act. This is particularly unhelpful and seems to contradict the principles and standard 3(f). We suggest that the definitions be reviewed against the principles and amended where situations like those described above exist.

The Plan layout states that there is to be a Glossary of Te Reo Māori terms. However, these terms have been included in amongst the definitions. Is there some guidance as to which terms sit in the glossary and which sit in the definitions? The Māori terms defined use the RMA definitions, which is consistent with the drafting principles stated. However, in our District Plans the local Iwi Management Plan definitions are used, which are worded slightly differently. Is there scope to amend these definitions in consultation with tangata whenua?

There are over 40 definitions that would need to be amended in our Regional and District Plans with related implications for the provisions that rely on these terms. Some definitions expressly exclude terms that are not otherwise currently used in the Councils' District Plans and will therefore trigger the consideration of additional provisions. For example, "Accessory buildings" expressly excludes 'minor residential units'. 'Minor residential units' is not a term used and therefore Councils may need to consider adding this term into the Plans, or at least adding it into the definitions section to ensure the definition makes sense.

The full impact of the required changes has not yet been assessed, however feedback from the Councils indicates that it is not just the impact on interpretation of rules that will generate additional plan change work, but also interpretation notes that have been added to Plans to assist plan users. Alternative methods for providing guidance for plan users will need to be considered to ensure that the same level of support is provided.

With regard to the impact on regional planning, Environment Southland staff have assessed the effect of five of the definitions on the Regional Policy Statement and Regional Plans. This analysis is included as a separate Excel sheet.

An example of a definition across all plans is also provided below:

Cleanfill is defined in the standard as:

“Means an area used for the disposal of exclusively inert, non-decomposing material”

However, the Invercargill District Plan defines it as:

“Cleanfill: Means material that when buried will have no adverse effect on people or the environment. Cleanfill material includes virgin natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:

- combustible, putrescible, degradable or leachable components.
- hazardous substances.
- products or materials derived from the treatment, stabilisation or disposal of hazardous waste.
- materials that may present a risk to human or animal health such as medical and veterinary waste, asbestos or radioactive substances.
- liquid waste.”

The Southland District Plan definition is very similar to the one above. This definition is utilised to achieve consistency with the Regional Plan rules relating to clean fill. The proposed definition itself may be better, however the further explanation in the District Plans will be lost for the plan user. (Unless it is put in a guidance note). We also note that the cleanfill definition proposed in the NPS differs from those given MfE’s guidance entitled, ‘*A Guide to the Management of Cleanfills?*’. We consider the definitions in that document more appropriate in this instance.

Definitions standard 3(g) states that diagrams can be included to aid in the interpretation of a definition – Guidance is required on whether this applies only to diagrams included to aid the mandatory definitions, or whether this can also apply to locally defined terms.

We appreciate the ability within the Standards to be able to include definitions that only apply to a subcategory or narrower application of a term defined in the Definitions table. Guidance is required to clarify whether this includes definitions that apply just for certain rules.

Q19. *What other definitions should be standardized in the future sets of planning standards?*

Future definitions to be standardised should relate to the topics covered in any future standards developed. See the response provided under question 2. The extent of additional standardisation will depend on how prescriptive those standards are. The opportunities for further alignment across definitions will become clearer once the first round of plans are completed under the 2019 Standards.

Q20. *Is it appropriate to use NZ Standards as the basis for noise metric and vibration standards?*

Yes, this is appropriate, however the definitions from the standards should be included in the Definitions section of the Plan, not just reference to the standard. Ideally, the Plan user would not have to flick between documents. The standards are not all easily accessible and it

would be easier for these definitions to be included in the Plans. The approach to defining these standards is inconsistent with the approach to defining terms from legislation. Clear guidance is needed on the process applicable for updating references to external standards when updated versions are released. This should not require a first schedule process.

Some of our plans reference additional standards, guidance is required on whether these will be able to be retained.

For example the Invercargill City District Plan requires that in some environments, noise sensitive activities are designed to meet internal design sound levels set in AS/NZS2107:200 *Recommended design sound levels and reverberation times for building interiors*.

For vibration in the Rail Network Corridor the Norwegian Standard NZ 8176E: *2nd edition September 2005 Vibration and Shock Measurement of Vibration in Buildings from Land Based Transport and Guidance to Evaluation of its Effects on Human Beings*.

Councils also use:

NZS6807:1994 *Noise Management and Land Use Planning for Helicopter Pads* ,

AS 2670.1-2001 Evaluation of human exposure to whole-body vibration – General requirements,

AS 2670.1-2001 Evaluation of human exposure to whole-body vibration – Continuous and shock induced vibration in buildings (1-80Hz).

While it is considered appropriate to use the NZ Standards we would also request that the implications of requiring these documents to be accessible to plan users. It is our understanding that this would require all Councils to have the standards available for plan users and that we would be required to all pay a subscription fee individually. It would be more efficient if the Ministry for the Environment enabled the standards to be available on their website and the Councils were able to refer to one source for this information.

Q21. *Should the planning standards set noise limits for certain zones?*

We note that the current NZ standard indicates that the noise limits contained within the standard should be used as a base unless there is justification for a more stringent or lenient limit.

The Councils are amendable to this idea in principle provided that there is still the ability for exceptions to the standard allowed to provide recognition for unique localised environments. There may be a case for standard noise provisions along transportation corridors addressing reverse sensitivity.as well as this is an area of commonality across most District Plans. See also our comments under question 2.

Q22. *How will these implementation timeframes affect your Council?*

It is likely that the Councils will be able to meet the required timeframes by setting aside staff time and resources to review and prepare amended documents over the 5-7 years. It is expected that the standards will necessitate changes that range from purely superficial reformatting through to reviewing the basis for particular policy and regulatory frameworks within the plans.

Currently Southland and Gore District Councils are required to have amended their plans to align with the national standards within 5 years of the gazettal of the NPS. The Regional Policy Statement and the Invercargill City District Plan are exempted and provided a 7 year timeframe.

The Southland District Plan decisions were released in October 2014 and several appeals were received on the District Plan. The court effectively placed the appeal process on hold requiring that the higher order Regional Policy Statement appeals were resolved first. This resulted in a substantial delay in resolving the District Plan appeals with the Southland District Plan not being made operative until January 2018 (after the RPS was made operative).

It should be noted that any review of plans would need to be consistent with the higher order policy documents. Therefore the review of the Regional Policy Statement would need to be completed first to ensure that the lower order plans are able to consistent and give effect to the strategic policy direction within that document. **This could have the potential to impact on the ability for regional and district plans to be completed within the required timeframe.**

These standards also provide an opportunity for the local Councils to work collaboratively towards integrating planning documents. **To this end it is requested that the Southland Councils have a consistent timeframe applied to meeting the timeframes.**

This would require the 5 year time frame be extended to 7 years for Southland District Council and Gore District Council. It is considered this would have a positive outcome for our communities and those that use the District Plans across the region.

Q23. *What sort of guidance and support would be useful to plan users and Councils? What guidance should we prioritise?*

The electronic functionality aspects of the standards impose a significant resource requirement on the Councils. **The identification of preferred ePlan platforms, systems and or preferred suppliers by Central Government would enable consistency across Councils and shorten implementation timeframes significantly. In addition centralised support for Council information technology departments would be of considerable benefit to implementation and day to day running of any increased functionality.**

With regard to resourcing, we consider that MfE needs to:

- a. **consult with Councils about their financial and logistical needs in relation to implementation of the National Planning Standards;**
- b. **articulate the nature and extent of the financial and logistical support for implementation of the National Planning Standards prior to their gazettal.**

We are conscious that the support of the Council's information technology staff is essential in meeting the requirements imposed by the standards and would request that there is consideration of how to engage and involve these key staff in the process of preparing the guidance and support in relation to this topic. We consider that the development of a nationally-consistent ePlanning solution would save duplication of work and increase standardization.

In addition to the support and guidance outlined above working examples of how the plans are to look in practice and how the changes work in the practical sense of writing

applications and reports would be useful. Alongside having staff available to help with questions on the application of the standards.

With regard to Plan Effectiveness Monitoring we are interested in how MfE proposes to follow up on the implementation of the National Planning Standards and how these changes will impact on plan effectiveness monitoring report requirements. **It would be helpful for any guidance to address these matters once the standards have been confirmed.**

Please also see comments we have made throughout this document for additional specific guidance requested.

Q24. Should MfE target its implementation support to smaller Councils with fewer resources?

Assistance for smaller Councils would be sensible. Recruiting staff into planning policy positions can be difficult in smaller centres and this is an additional piece of work to be completed on a planning document that may have recently been reviewed. With the raft of other planning work to be completed, this is another requirement that will put pressure on small offices.

Once again, thank you for the opportunity to submit on the first set of draft National Planning Standards. Staff from the joint Southland Council working group are available to meet, discuss or provide further clarification on the contents of this submission. We are also available to assist the Ministry to work through any further changes that may be developed prior to gazettal in April 2019. Please feel free to contact me on [REDACTED] or via email at [REDACTED] as necessary.

Yours faithfully

Rebecca Blyth – Senior Policy Planner

On behalf of Gore District Council, Invercargill City Council, Southland District Council and Environment Southland

31st August 2018

Email: planningstandards@mfe.govt.nz



Central Hawkes Bay District Council Submission to the Ministry for the Environment on the Draft National Planning Standards

Introduction:

- 1.1 Central Hawke's Bay District Council welcomes the opportunity to provide feedback on the draft National Planning Standards. We appreciate that you have extended the timeframe for submissions so that we were able to brief our Councillors on this feedback.
- 1.2 Central Hawke's Bay District Council agrees with and supports the comments made in the submission from LGNZ on the National Planning Standards.
- 1.3 In principle we are in support of the National Planning Standards and understand what MfE is trying to achieve through the publication and enforcement of these standards. However, we believe that these standards will cause undue cost and delays to our District Plan process as well as uncertainty for our development community.
- 1.4 We welcome feedback from you on our submission and look forward to working with you in the future as the draft NPS progresses.

Cost:

- 2.1 The scope of changes proposed in the draft NPS suggest that a significant re-write of the Council's District Plan will be required to implement the final gazetted format and structure changes. The cost associated with introducing these new standards into the Plan will be considerable and in the situation of Central Hawkes Bay District Council, will occur in the period immediately following the adoption of the current review of the Operative Plan District Plan if the period for introducing the standards remains at five years.
- 2.2 The burden on Council of funding the introduction of the planning standards in the period immediately following the review of the District Plan is a significant one to impose on a small local authority with a limited funding base.
- 2.2 The draft NPS have come at a time when Councils have just completed their most recent Long Term Plans, therefore we have not been able to plan for our future spend for any projects that we are required to complete as part of the NPS.

- 2.3 While it is understood why the NPS strives for uniformity amongst Council's in their plans, this does make it harder for smaller Council's to keep up with our bigger peers. We do not have the technical capacity within our teams that bigger Council's will have to undertake projects such as the e-plan, so will be required to go out to consultants, increasing the cost for us to have the same level of standard as all other Council's.
- 2.4 We note that the Ministry may consider providing a contestable fund to support local authorities with a smaller rating base by providing policy planners to travel to local authority's offices to incorporate the standards into plans.

While the proposed approach is supported in regard to assisting local authorities with the introduction of standards we have concerns around the efficiency of an MfE appointed policy planner who is not familiar with either the Plan or the community introducing the standards.

We believe it would be more efficient for the Ministry to offer support to local authorities in the form of a financial fund so that the local authority has the choice to engage consultants who are familiar with the Plan and the community to introduce the standards. The provision of direct funding is considered to be a more practical and effective option than MfE appointed staff to incorporate the standards into the Plan.

- 2.5 We know that you cannot tell the future, and things often do not change overnight with a change of Government, but as the current Government is looking to roll back some of the recent RMA amendments, could this happen with the NPS? We are hesitant to invest money into processes that may change again in 2 years' time.

Delays to our District Plan:

- 3.1 You have requested that we provide some feedback on the timing of introducing the standards into the District Plan. This matter has been discussed with the elected members and they agree that the most sensible option is to continue with the review of the District Plan and introduce the standards to the Operative Plan.
- 3.2 This option is considered to be the most cost effective and least confusing for the Central Hawkes Bay community in that they will be familiar with the current format and structure of the Plan throughout the complete review process.
- 3.3 However, given that the Council is in the process of reviewing the District Plan at this time and will be during the introduction and implementation period of the standards we request that Central Hawkes Bay be given an exemption to introduce the changes within a seven year period rather than the mandatory five years provided by the standards. An extension to seven years will provide some financial respite for the Council after meeting the costs incurred in reviewing the Plan.
- 3.4 Alternatively the Council request that the introduction of the standards is extended to ten years to align with the statutory review of plans under the RMA.

E-Plan:

- 4.1 We support the move towards a uniform e-plan standard for all Council's to follow and agree that this will provide for a much more streamlined and easier to understand planning process for all users. However, we believe that there is a risk that streamlining and simplifying District Plans will strip the plans of their 'local' flavour and also dumb down the planning profession.
- 4.2 As discussed above in Section 2, the cost to us as a small Council to employ, create, integrate and maintain an e-plan could be prohibitive. We do not know what the costs are yet, as only a few Councils have undertaken this project. It would be appreciated if there was some guidance from MfE on what an appropriate amount to spend on this project would be, and if it is mandatory, some financial assistance from MfE is needed.
- 4.3 We would appreciate an agreed list of service providers for E-plans, or an approved service provider from MfE. This will ensure that all Council's know that the standard of E-plan they are implementing is correct and will be approved by the NPS. This may also help us in planning the implementation of the E-plan, as we are sure there will be many demands on the few E-plan providers in the short timeframe required to implement.

Specifics:

- 5.1 Zoning: As with the comments from Hastings DC, we are concerned that the Rural Zone and Rural Production Zone are not differentiated enough. Our District Plan review is placing an emphasis on protecting our rural production land, we agree with Hastings that the lack of detail in those zones may cause issues in the longer term. We are concerned that the Rural Production Zone is rural productive LAND as well as rural INDUSTRY production.
- 5.2 Definitions:
 - 'Commercial activity' is very vague; does it include office space that supports the trading of goods, equipment or services? Does it include the manufacturing of these goods, if the trading of goods also happens on the site? Does it include retail?
 - 'Coverage': does this include decks? Decks are not covered by any of the definitions.
 - 'Educational facility': what does 'suitably qualified' instructor mean? Who determines what pre-set syllabus is appropriate to include in an educational facility. How often is 'regular teaching'?
 - 'Footprint': how will this definition help in stopping "mushroom" type buildings, whereby the footprint on the ground is small, but the first floor and above protrudes out, thwarting the point of the rule to minimise footprints.
 - 'Ground level': Point (c) is very confusing. Can this be accompanied by a diagram?
 - 'Habitable room': can this include office, as often we see people putting offices on floor plans that have a wardrobe and will clearly be used as a bedroom.
 - 'Land disturbance': does this include scraping?

Conclusions:

- 6.1 Central Hawkes Bay District Council is concerned with the timeframes relating to the introduction of the standards and requests that it wither be granted an extension of seven years to introduce the standards or alternatively 10 years to align with the plan review process.
- 6.2 The offer of a contestable fund from the Ministry to provide resources to assist councils with a small rating base to introduce the standards is appreciated and welcomed. It is requested however, that the fund provide a financial grant rather than the provision of personal to introduce the changes.
- 6.3 Council has concerns relating to the cost of introducing the standards, including the cost of the eplan and requests that the Ministry give serious regard to the submission made by LGNZ in relating to this matter.

Once again thank you for the opportunity to make a submission on the NPS and to submit it at the end of August. If you have any queries on the content of this submission please contact either Helen O'Shaughnessy or Alison Francis for clarification.

Yours sincerely



Monique Davidson
Chief Executive

From: [REDACTED]
To: [Planning Standards Mailbox](#); [REDACTED]
Cc: [REDACTED]
Subject: RE: National Planning Standards
Date: Friday, 31 August 2018 3:07:46 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[NatPlanningStandardsRev_2f.pdf](#)

Tena koe,

Ngati Kahungunu welcome the establishment of standards that will firstly, assist in recognition of the rights and interests of tangata whenua and iwi, and secondly will assist whanau, hapu and iwi engage in a more simplified process.

It's important to note while there are many references and good intentions in recognitions of iwi rights and interests for example in the RMA and National Planning documents there is often caution and reluctance to take the 'leap of faith' to make the meaningful and necessary change.

We appreciate that the scope of the discussion documents and terms of the National Planning Standards review is limited and that cultural considerations may not be a significant aspect of the review. However, our submission should be also considered for any future direction and guidance the Ministry of Environment is considering developing in future.

For any additional information, please contact [REDACTED]
[REDACTED]
[REDACTED]

Heoi ano,

[REDACTED]
DIRECTOR ENVIRONMENT & NATURAL RESOURCES
TE TAIAO ME ONA RAWA

[REDACTED]
[REDACTED] [REDACTED] [REDACTED]
Toll Free: 0800 524 864 **W:** www.kahungunu.iwi.nz

Otago Regional Council Submission
to the
Ministry for the Environment
on the
Draft National Planning Standards

This is a submission to the Ministry for the Environment on the Draft National Planning Standards.

The Otago Regional Council wishes to be heard in support of this submission if the opportunity arises.

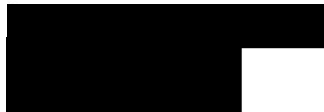
Signature of submitter (or person authorised to sign on behalf of submitter):



Tanya Winter
Director of Policy, Planning and Resource Management

17 August 2018

Address for service:



Telephone:

Fax:

Email:

Contact person: Warren Hanley, Resource Planner – Liaison

Our Reference: A996854

Introduction

Otago Regional Council (ORC) appreciates the opportunity to submit to the Ministry for the Environment (the Ministry) on the draft National Planning Standards (the Standards).

In 2017, ORC submitted on discussion documents for the proposed standards and continues to generally support the intent of the draft national planning standards. ORC considers the Standards strike a reasonable balance between ensuring a consistent structure and format across plans, while leaving sufficient discretion for regional councils to adapt their plans to the specific context of their regions. However, greater clarity is required on a number of matters which this submission addresses; and requirements applying to regional plans and regional policy statements should be amended to be better adapted to the breadth and scope of regional policy statements and plans.

ORC is concerned by the proposed timeframes, and the resourcing burden it will impose on the profession: the likely need to go through Schedule 1 processes to implement the standards will result in a proliferation of plan changes in a short time, which will put significant pressure on the industry, including hearing commissioners, industry groups, and the Environment Court.

More particularly, the proposed standards would require a significant review of Otago's Regional Policy Statement (RPS) by 2024, even though it has been reviewed recently. Such a requirement will put significant pressure on Council's resources, and will prevent ORC to focus on the region's priority environmental issues.

To reduce those resourcing issues, implementation timeframes should align with plan reviews and provide for a maximum of 10 years.

This submission follows the structure of the draft standards, and outlines ORC's concerns on each element of the standards.

1. Regional Policy Statement Structure Standards

The proposed standards cover the wide range of topics that are expected in a regional policy statement. In particular, the ORC supports paragraph 4 of the standards, which allows additional topics to be added as necessary.

Additional sections that could be considered are:

- (a) Adaptation to climate change – as this would signal a clear expectation that local councils should have clear and integrated policies to deal with the foreseeable effects of climate change
- (b) Integrated management – which would cover process matters to ensure integrated management is achieved across councils of a same region.

2. Regional Plan Structure Standards

The ORC supports the degree of flexibility offered by the draft regional plan structure standards.

3. Part 1 and regional direction instruments

Regional plans must not only give effect to the national direction instruments, but also to the regional policy statement for the region.

Adding the regional direction instruments to the national direction instruments in Part 1 will ensure that the role and relevance of the regional policy statement is recognised; and that the regional policy statement is implemented.

4. List of themes

ORC note that the list of Part 4 themes in the regional plan structures are the same as those for regional policy statements. This does not reflect the scope and nature of those documents:

- Regional policy statements must be given effect to in both regional and district plans. They must therefore address any significant resource management issue, across the areas of responsibilities of both territorial and regional councils.
- In contrast, the purpose of regional plans is to “assist regional council to carry out any of its functions” (RMA s63).

The proposed Part 4 themes go beyond the core functions of regional councils: for example, responsibilities for landscape management, or historic heritage, are very limited.

As noted in MfE’s guidance document, the chapter on historic heritage will be limited to historic heritage in the coastal marine area. The value of having a chapter with such restricted scope is limited. It also creates the expectation that regional councils should be more active on historic heritage, or landscape management. If regional councils choose to address such matters in their regional plans, they can do so by incorporating them in other chapters such as Coastal Environment; or Land.

Moreover, the large number of proposed themes ***does not support or promote the integrated management of natural and physical resources***. As an example, the standards require that natural character be addressed separately from water, and coast; while such topics are inseparable. Separating closely related topics creates the risk of disjointed plans, which will be particularly difficult to navigate.

Relief sought
Change Part 4 as follows:

Part 4	THEMES
Air	Self explanatory
Environmental risks	Addresses land use controls for the avoidance or mitigation of natural hazards, excluding those which may be addressed in part 5
Infrastructure and energy	Establishes objectives policies and methods for the strategic integration of infrastructure with land use
Coast	Addresses activities in the coastal marine areas, and objectives and policies for the management of the coastal environment, including for the preservation of the natural character of the coastal environment, for historic heritage, for ecosystems and indigenous biodiversity
Land	Addresses discharges to land; the maintenance and enhancement of land-based ecosystems; and land use controls for the purpose set out in s30(c), unless included in part 5
Water	Addresses the taking, diverting, damming of water; discharges to water; for the management of freshwater ecosystems, and the preservation of the natural character of water bodies Unless included in part 5
Special topics	
Part 5	CATCHMENTS

5. Link between Part 4 and Part 5

The link between Part 4 (Themes) and part 5 (Catchments) should be clarified, to allow the splitting of themes between Part 4 and Part 5.

Catchment-based management allows the integrated management of land and water in a catchment, and should deal with elements relating to indigenous biodiversity, flood risks, and natural character. However, catchment scale management is not relevant to other environmental risks, such as seismic risks, some ecosystems, and landscape management.

Relief sought

- Change “**PART 4 – THEMES** -If the local authority chooses to address matters on a theme basis, this part and any of its relevant accompanying chapters must be used.” To “**PART 4 – THEMES** - If the local authority chooses to address any

matter on a theme basis, this part and any of its relevant accompanying chapters must be used.”

- Change instructions for each theme to: “If the local authority chooses to address matters on a theme basis, and xxx matters are addressed in the regional plan they must be included in the xxx chapter, unless addressed in Part 5.”

6. Draft District Plan Structure Standard

The ORC has not fully assessed the draft district plan structure standard. Comments are focusing on facilitating integration of regional and district plans.

7. Part 1 and regional direction instruments

District plans must not only give effect to the national direction instruments, but also to the regional policy statement for the region.

Adding the regional direction instruments to the national direction instruments in Part 1 will ensure that the role and relevance of the regional policy statement is recognised; and that the regional policy statement is given effect to as required.

8. Draft Combined Plan Structure Standard

The ORC supports the fact that the draft standards provide councils discretion over whether plans should be combined or not.

9. Draft introduction and general provisions standards

The ORC generally supports the matters covered in the standards. As noted above, the national direction instruments should be extended to regional policy statement, as a recognition that regional and district plans must give effect to regional policy statements.

Relief sought:

Include a section on “regional policy statement”, between national environmental standards and regulations in Table 13 and any consequential amendment.

10. Tangata whenua structure standard

The national planning standards should ensure that councils and tangata whenua can determine how to incorporate the matters of importance to tangata whenua in the plans and policy statements. They should also enable them to vary definitions of Maori concepts in plans (see discussion in section 14 of this submission)

11. Draft Schedules, Appendices and Maps Standard

The draft national planning standards do not explicitly define the difference of schedules and appendices in scope and purpose; and focus on setting constraints on their content and format. This leads to a great deal of uncertainty over what a schedule should be.

As it stands, Table 17 focuses on site type or value identification. This restricts the scope of schedules in regional plans significantly. Schedules could only be used to describe specific values associated with an area; and could not include freshwater objectives, numerical limits and environmental flows.

Appendices are defined as “technical and/or descriptive specifications required to be complied with to meet a rule or rule requirement in a topic or zone-based chapter”. This

also excludes freshwater objectives, numerical limits and environmental flows to be presented in Appendices.

Consequently, those “numbers” will have to be in the core chapters/parts of regional plans, which may negatively impact the readability of these plans.

Relief sought

Define the scope/intent of schedules in a plan; while providing more flexibility over the format of Schedules

12. Draft Electronic Accessibility and Functionality Standards; Draft Mapping Standard and Draft Spatial Planning Tools (Regional) Standard

The ORC mostly supports those standards.

We note however the requirement of providing “a *note* within any district or regional plan rule (and hyperlink to relevant plan) that clarifies an activity may also require consent from another plan.” In practice, this requirement could be very onerous and impractical for councils, as it may require an exhaustive list of every activity that could be linked to, for example, discharges; hyperlinks to each district plan in the region, and expensive administration costs to ensure those hyperlinks remain up-to-date.

Relief sought: remove instruction 7 or revise it to make it less onerous.

13. Draft Chapter Form Standard

The ORC supports the standardisation of rule presentation and drafting. However, the formatting of rules as proposed in Table 26 is not user-friendly and does not provide the flexibility required by regional councils.

Upon trialling the rule table (see Appendix 1), ORC has made the following observations:

- The three-column format makes rules difficult to read, as content is added in. Moreover, it requires the repetition of some rules, such as any consenting rule which applies when a permitted activity rule is not complied with, but which also sets specific requirements.;
- The table does not provide for cross-referencing well:
 - The various parts of rules are not numbered (i.e. those parts which each correspond to a different activity status (permitted/controlled etc.)
 - Rule requirements, rules descriptors and matters for consideration are all numbered in the same format
- The table does not allow to refer to requirement tables for prohibited activities; thus creating the risk of lengthy rules.

Moreover, the table does not seem to allow councils to adapt the order in which activity statuses are presented in the rule tables. This is an important consideration, to enhance the readability of plans, and highlight the plans’ approach. In Otago, regional plans generally put prohibited activity rules first, as those rules send a strong signal to resource users. It is ORC’s preference to have discretion over the order of provisions, and adjust it to the structure and intent of the provisions.

Relief sought

- Revise Table 26 to address the issues highlighted above.
- A possible alternative is as follows (see example in Appendix 2):

Rule Number (e.g. WATER-R1)	Rule title
Area/Zone	Scope – Activity descriptor
Sub-element number (e.g. WATER-R1.1)	<p>Activity Status:</p> <p>Where this activity meets the following conditions</p> <ol style="list-style-type: none"> 1. 2.
Sub element number	<p>Activity Status: C/RD</p> <p>Where this activity meets the following conditions</p> <ol style="list-style-type: none"> 1. 2. <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> A. B.

14. Definitions

The ORC generally supports adopting the RMA definitions for the terms which are defined in the RMA. However, Councils should be able to modify the definition of te reo words in the RMA (including mana whenua, tangata whenua or kaitiaki) if requested or supported by tangata whenua.

The following definitions should be amended:

- As it stands, the proposed definition for “sewage” includes treated wastewater, and any water in a river that receives wastewater discharges.
- The definition of “fertiliser” should be amended to exclude water
- The definition of “intensive primary production” does not take into account the environmental effects caused by intensification that occurs outside of buildings.
- The definition of “stormwater” should ensure that discharges to soak pits or stormwater retention areas are covered.
- The definition of groundwater should be changed to: “means water occupying and moving through openings, cavities, or spaces in soils or rocks under the surface of the land”.

Relief sought

- Remove definitions of te reo words
- Revise definitions to address the concern above.

15. Timeframes for implementation

As mentioned above, the proposed implementation timeframes will put significant pressure on the local authorities, industry groups, and the wider planning profession, as councils go through Schedule 1 processes to implement the standards. This has been

noted in the “*Economic Evaluation of the Introduction of National Planning Standards*” report (Castalia Strategic Advisors, 2010), which highlights that the benefit-cost ratio of the planning standards is the highest when the implementation period is 10 years.

ORC notes that opportunity costs from the implementation of the standards have not been taken into account in MfE’s cost-benefit analysis. Given the current scope of “consequential amendments”, councils will need to notify specific plan changes to implement the standards: such plan changes will prevent council from focusing on improving the effectiveness and efficiency of their plans.

More specifically, in Otago’s context, the standards would require a significant review of the regional policy statement, which was notified in May 2015, and which is currently under appeal, after Council’s decision was released in October 2016. A new review of the RPS could in turn require changes to regional and district plans, in addition to changes required by the national planning standards.

Aligning timeframes with plan reviews will eliminate opportunity costs; and will:

- Extend the implementation timeframe for Otago’s regional policy statement, in recognition of its recent review
- Allow the regional council and Otago’s territorial authorities to stage the regions’ plan reviews efficiently.

Relief sought

- **Align implementation timeframes to plan review, with a maximum timeline of 10 years**
- **Or, as a minimum, extend the implementation timeframe for Otago’s RPS, regional and district plans to 7 years**

16. Support for implementation

The ORC notes that all implementation costs will be borne by local councils. Insofar as most benefits are incurred at the national level, Central Government should provide financial assistance for standards’ implementation, with a particular focus on:

- Smaller councils
- Plan reviews and amendments which only focus on implementing the standards, with minimal content changes.

The implementation of the standards is likely to raise a number of questions of interpretation and practice. Ongoing guidance and support should be offered to councils. Such support should be sufficiently resourced to cope with a likely high demand. In particular, guidance over the scope of consequential amendments will be critical, and will be needed as early as possible, to help councils determine whether Schedule 1 processes are required or not, and to avoid unnecessary litigation over those matters.

End.

Appendix 1 – Rule table application

The ORC has applied the rule formatting proposed in the draft National Planning Standards to operative rules in the Regional Plan: Water for Otago (Table 1). Table 2 shows the same rule within the alternative format proposed in this submission.

Table 1: Application of National Planning Standards' rule table

WATER-R1	Other discharges to water	
<p>Activity Status: Permitted</p> <p>Where: The discharge of water or any contaminant to water, or onto or into land in circumstances which may result in a contaminant entering water</p> <ol style="list-style-type: none"> 1. Does not contain contaminants provided for in Rule XXX and 2. Is not from an industrial or trade premises or a consented dam; and 3. Is not prohibited <u>under this rule</u> <p>Where this activity complies with the following rule requirements</p> <ol style="list-style-type: none"> 1. WATER-REQ1 and 2. WATER-REQ2 and 3. From 1 April 2020, WATER-REQ 3 	<p>Activity status when compliance not achieved:</p> <p>Restricted discretionary where the discharge:</p> <ol style="list-style-type: none"> 1. Meets D-REQ1; and 2. Has not been previously been authorised by resource consent granted under this restricted discretionary rule or is from a short-term activity with a short-term effect for a period of up to 2 years <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The nature, type, volume, frequency and location of the discharge; and 2. The concentration and loading of contaminants in the discharge; and 3. The staged timeframe for achieving WATER-REQ1; and 4. In the case of an application previously consented under Rule XXX, compliance with conditions of the previous resource consent; and 5. Any change to infrastructure and the staging of implementation of those changes; and 6. Any adverse effect on water quality, including cumulative effects, and consideration of trends in the quality of the receiving water; and 7. Any adverse effect of the discharge on any natural or human use value, including Kāi Tahu values and use of the coastal marine area for contact recreation and seafood gathering; and 8. The need for and extent of any mixing zone; and 9. Any co-ordination of discharges across multiple landholdings; and 	

	<p>10. The extent to which the contaminant results from the activities of the applicant; and</p> <p>11. Any effect on any Regionally Significant Wetland or on any regionally significant wetland value; and</p> <p>12. Any erosion, land instability, sedimentation or property damage resulting from the discharge; and</p> <p>13. Any financial contribution for any Regionally Significant Wetland or on any regionally significant wetland value; and</p> <p>14. The information and monitoring requirements; and</p> <p>15. The duration of the resource consent; and</p> <p>16. The review of conditions of the resource consent.</p> <p>Notification:</p> <p>The Consent Authority is precluded from giving public notification of an application for a resource consent for an activity</p> <p>Activity status when compliance not achieved:</p> <p>Discretionary where</p> <ol style="list-style-type: none"> 1. The discharge does not meet WATER-REQ1; or 2. Has previously been authorised by resource consent granted under <u>this restricted discretionary rule</u>
<p>Activity Status: Restricted discretionary</p> <p>Where: the discharge is not permitted by this rule, and has not been previously been authorised by resource consent granted under <u>this restricted discretionary rule</u> or is from a short-term activity with a short-term effect for a period of up to 2 years</p> <p>Where this activity complies with the following rule requirements</p> <ol style="list-style-type: none"> 1. WATER-REQ1 	<p>Activity status when compliance not achieved:</p> <p>Discretionary</p>

<p>Activity Status: Prohibited</p> <p>Where: The discharge of any contaminant to water</p> <ol style="list-style-type: none"> 1. Does not contain contaminants provided for in Rule XXX and 2. Is not from an industrial or trade premises or a consented dam; and 3. produces an objectionable odour, or a conspicuous oil or grease film, scum, or foam in any: <ol style="list-style-type: none"> (i) Lake, river or Regionally Significant Wetland; or (ii) Drain or water race that flows to a lake, river, Regionally Significant Wetland or coastal marine area; or (iii) Bore or soak hole 	
<p>Activity Status: Prohibited</p> <p>Where: The discharge of water or any contaminant from an animal waste system, silage storage or a composting process, which does not contain contaminants provided for in Rule XXX and Is not from an industrial or trade premises or a consented dam:</p> <ol style="list-style-type: none"> 1. To any lake, river or Regionally Significant Wetland; or 2. To any drain or water race that goes to a lake, river, Regionally Significant Wetland or coastal marine area; or 3. To the bed of any lake, river or Regionally Significant Wetland; or 4. To any bore or soak hole; or 5. To land in a manner that results in overland flow entering any: <ol style="list-style-type: none"> a. Lake, river, Regionally Significant Wetland or coastal marine area that is not permitted <u>under this rule</u>; or b. Drain or water race that goes to any lake, river, Regionally Significant Wetland or coastal marine area that is not permitted <u>under this rule</u>; or 6. To land within 50 metres of: 	

<p>a. Any lake, river or Regionally Significant Wetland; or b. Any bore or soak hole; or 7. To saturated land; or That results in ponding</p>	
<p>Activity Status: Prohibited</p> <p>Where: The discharge of sediment from disturbed land, which does not contain contaminants provided for in Rule XXX and is not from an industrial or trade premises to water in any:</p> <ol style="list-style-type: none"> 1. Lake, river or Regionally Significant Wetland; or 2. Drain or water race that flows to a lake, river, Regionally Significant Wetland or coastal marine area, 3. where no measure is taken to mitigate sediment runoff 	

<p>WATER-REQ1</p>	<p>Discharges to water or to land - generic</p>
<ol style="list-style-type: none"> 1. The discharge does not result in flooding, erosion, land instability or property damage; and 2. There is no discharge of water from one catchment to water in another catchment; and 3. The discharge does not change the water level range or hydrological function of any Regionally Significant Wetland 	

WATER-REQ2	Discharges to water or to land – specific to diffuse discharges
<p>1. When the discharge, including any discharge from a drain or water race, enters water in any lake, river, wetland or the coastal marine area; the discharge:</p> <ul style="list-style-type: none"> a. Does not result in: <ul style="list-style-type: none"> i. A conspicuous change in colour or visual clarity; or ii. A noticeable increase in local sedimentation, in the receiving water; and b. Does not have floatable or suspended organic materials; and c. Does not have an odour, oil or grease film, scum or foam <p>2. When the discharge enters water in any drain that goes to a lake, river, wetland, or the coastal marine area, the discharge:</p> <ul style="list-style-type: none"> a. Does not result in: <ul style="list-style-type: none"> i. A conspicuous change in colour or visual clarity; or ii. A noticeable increase in local sedimentation, in the lake, river, wetland or the coastal marine area (refer to Figure 6); and b. Does not result in the production of conspicuous floatable or suspended organic materials in the drain at the first of: <ul style="list-style-type: none"> i. The downstream boundary of the landholding where the discharge occurs; or ii. Immediately before the drain enters a river, lake, wetland or the coastal marine area; and c. Does not have an odour, oil or grease film, scum or foam. <p>3. When the discharge enters water in any water race that goes to a lake, river, wetland, or the coastal marine area, the discharge:</p> <ul style="list-style-type: none"> a. Does not result in: <ul style="list-style-type: none"> i. A conspicuous change in colour or visual clarity; or ii. A noticeable increase in local sedimentation, in the water race (refer to Figure 7); and b. Does not result in the production of conspicuous floatable or suspended organic materials in the race at the first of: <ul style="list-style-type: none"> i. The downstream boundary of the landholding where the discharge occurs; or ii. Immediately before the race enters a river, lake, wetland or the coastal marine area; and c. Does not have an odour, oil or grease film, scum or foam; and 	

WATER-REQ3	Discharges to water or to land – specific to diffuse discharges by FMU
FMU 1	<p>1.</p> <p>a. If the discharge causes contaminants to first enter water in any lake, river, wetland, or the coastal marine area, the discharge does not exceed any of the thresholds in Appendix APP-16 immediately before entering a river, lake, wetland or the coastal marine area when the water flow at the relevant representative flow monitoring site is at or below the reference flow in Appendix APP-16</p> <p>except:</p> <p>b. If the discharge causes contaminants to first enter water in a river which originates in the landholding where the discharge occurs and which conveys irrigation run-off, then, when the water flow at the relevant representative flow monitoring site is at or below the reference flow in Appendix APP-16, the discharge does not result in the exceedance of any of the thresholds in Appendix APP-16 at the first of:</p> <ol style="list-style-type: none"> i. The downstream boundary of the landholding where the discharge occurs; or ii. Immediately before the river joins another river, lake, wetland or the coastal marine area <p>2.</p> <p>a. If the discharge causes contaminants to first enter water in a drain that goes to a lake, river, wetland or the coastal marine area, then, when the water flow at the relevant representative flow monitoring site is at or below the reference flow in Appendix APP-16, the discharge does not result in the exceedance of any of the thresholds in Appendix APP-16 within the drain at the first of:</p> <ol style="list-style-type: none"> i. The downstream boundary of the landholding where the discharge occurs; or ii. Immediately before the drain enters a river, lake, wetland or the coastal marine area (refer to Figure 10), <p>b. except: If all of the dischargers to the drain have advised the Council in writing that they share responsibility for discharges from that drain, contaminants in the drain do not exceed any of the thresholds in Appendix APP-16 immediately before the drain enters a lake, river, wetland or the coastal marine area (refer to Figure 11), when the water flow at the relevant representative flow monitoring site is at or below the reference flow in Appendix APP-16</p> <p>3.</p> <p>a. If the discharge causes contaminants to first enter water in a water race that goes to a lake, river, wetland or the coastal marine area then:</p> <ol style="list-style-type: none"> i. Any measurable discharge does not exceed any of the thresholds in Appendix APP-16 immediately before entering the water race, when the water flow at the relevant representative flow monitoring site is

	<p>at or below the reference flow in Appendix APP-16; and</p> <p>ii. The cumulative contaminant discharge into the water race between the upstream boundary of the landholding where the discharge occurs and the first of:</p> <ol style="list-style-type: none"> 1. The downstream boundary of the same landholding; or 2. Immediately before the water race enters a river, lake, wetland or the coastal marine area (refer to Figure 12), <p>does not exceed any of the thresholds in Appendix APP-16, when the water flow at the relevant representative flow monitoring site is at or below the reference flow in Appendix APP-16</p> <p>except:</p> <p>b. If the race operator has advised the Council in writing that it takes responsibility for discharges to the race from specified landholdings:</p> <ol style="list-style-type: none"> a. Paragraph (5) does not apply to discharges from those specified landholdings; and b. Contaminants in the water race do not exceed any of the in Appendix APP-16 immediately before the race enters a lake, river, wetland or the coastal marine area (refer to Figure 13), when the water flow at the relevant representative flow monitoring site is at or below the reference flow in Appendix APP-16
--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Appendix 2 – Alternative Rule Table

The table below sets out the same rules as in Appendix 1, with the alternative format proposed in section 13 of this submission.

Table 2: Application of proposed alternative format

WATER-R1	Other discharges to water
<p>Where: The discharge of water or any contaminant to water, or onto or into land in circumstances which may result in a contaminant entering water</p> <ol style="list-style-type: none"> 1. Does not contain contaminants provided for in Rule XXX and 2. Is not from an industrial or trade premises or a consented dam 	
WATER-R1.1	<p>Activity Status: Prohibited</p> <p>Where this activity meets the following conditions</p> <ol style="list-style-type: none"> 1. WATER-REQ1 or 2. WATER-REQ2 or 3. WATER-REQ3
WATER-R1.2	<p>Activity Status: Permitted</p> <p>Where this activity complies with the following conditions</p> <ol style="list-style-type: none"> 1. WATER-REQ4 and 2. WATER-REQ5 and 3. From 1 April 2020, WATER-REQ6
WATER-R1.3	<p>Activity Status: Restricted discretionary</p> <p>Where the activity:</p> <ol style="list-style-type: none"> 1. Does not meet D-REQ 1, D-REQ2 or D-REQ3; and 2. Meets D-REQ4; and 3. Has not been previously been authorised by resource consent granted under this <u>restricted discretionary rule</u> or is from a short-term activity with a short-term effect for a period of up to 2 years <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> A. The nature, type, volume, frequency and location of the discharge; and B. The concentration and loading of contaminants in the discharge; and C. The staged timeframe for achieving D-REQ1; and D. In the case of an application previously consented under Rule XXX, compliance with conditions of the previous resource consent; and E. Any change to infrastructure and the staging of implementation of those changes; and F. Any adverse effect on water quality, including cumulative effects, and consideration of trends in the quality of the receiving water; and G. Any adverse effect of the discharge on any natural or human use value, including Kāi Tahu values and use of the coastal marine area for contact recreation and seafood gathering; and

	<p>H. The need for and extent of any mixing zone; and I. Any co-ordination of discharges across multiple landholdings; and J. The extent to which the contaminant results from the activities of the applicant; and K. Any effect on any Regionally Significant Wetland or on any regionally significant wetland value; and L. Any erosion, land instability, sedimentation or property damage resulting from the discharge; and M. Any financial contribution for any Regionally Significant Wetland or on any regionally significant wetland value; and N. The information and monitoring requirements; and O. The duration of the resource consent; and P. The review of conditions of the resource consent.</p> <p>Notification:</p> <p>The Consent Authority is precluded from giving public notification of an application for a resource consent for an activity</p>
WATER-R1.4	<p>Activity Status: Discretionary</p> <p>Where the activity: is not provided for by WATER R1-1, WATER R1-2, or WATER R1-3</p>

WATER-REQ1	Pr - Discharges to water or to land – gross effects
<p>The discharge:</p> <ol style="list-style-type: none"> 1. Is to water; and 2. produces an objectionable odour, or a conspicuous oil or grease film, scum, or foam in any: <ol style="list-style-type: none"> (i) Lake, river or Regionally Significant Wetland; or (ii) Drain or water race that flows to a lake, river, Regionally Significant Wetland or coastal marine area; or (iii) Bore or soak hole 	

WATER-REQ2	Pr - Discharges to water or to land – from an animal waste system
<p>The discharge is from an animal waste system, silage storage or a composting process,</p> <ol style="list-style-type: none"> 1. To any lake, river or Regionally Significant Wetland; or 2. To any drain or water race that goes to a lake, river, Regionally Significant Wetland or coastal marine area; or 3. To the bed of any lake, river or Regionally Significant Wetland; or 4. To any bore or soak hole; or 5. To land in a manner that results in overland flow entering any: <ol style="list-style-type: none"> a. Lake, river, Regionally Significant Wetland or coastal marine area that is not permitted by WATER R1.1; or b. Drain or water race that goes to any lake, river, Regionally Significant Wetland or coastal marine area that is not permitted by WATER R1.1; or 6. To land within 50 metres of: 	

<ul style="list-style-type: none"> a. Any lake, river or Regionally Significant Wetland; or b. Any bore or soak hole; or <ul style="list-style-type: none"> 7. To saturated land; or 8. That results in ponding

WATER-REQ3	Pr - Discharges to water or to land – Sediment from disturbed land
<ul style="list-style-type: none"> 1. The discharge is discharge of sediment from disturbed land, to water in any: <ul style="list-style-type: none"> a. Lake, river or Regionally Significant Wetland; or b. Drain or water race that flows to a lake, river, Regionally Significant Wetland or coastal marine area; and 2. No measure is taken to mitigate sediment runoff 	

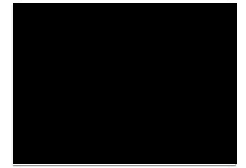
WATER-REQ4	P - Discharges to water or to land - generic
<ul style="list-style-type: none"> 1. The discharge does not result in flooding, erosion, land instability or property damage; and 2. There is no discharge of water from one catchment to water in another catchment; and 3. The discharge does not change the water level range or hydrological function of any Regionally Significant Wetland 	

WATER-REQ5	P - Discharges to water or to land – specific to diffuse discharges
<p>1. When the discharge, including any discharge from a drain or water race, enters water in any lake, river, wetland or the coastal marine area; the discharge:</p> <ul style="list-style-type: none"> a. Does not result in: <ul style="list-style-type: none"> i. A conspicuous change in colour or visual clarity; or ii. A noticeable increase in local sedimentation, in the receiving water; and b. Does not have floatable or suspended organic materials; and c. Does not have an odour, oil or grease film, scum or foam <p>2. When the discharge enters water in any drain that goes to a lake, river, wetland, or the coastal marine area, the discharge:</p> <ul style="list-style-type: none"> a. Does not result in: <ul style="list-style-type: none"> i. A conspicuous change in colour or visual clarity; or ii. A noticeable increase in local sedimentation, in the lake, river, wetland or the coastal marine area (refer to Figure 6); and b. Does not result in the production of conspicuous floatable or suspended organic materials in the drain at the first of: <ul style="list-style-type: none"> i. The downstream boundary of the landholding where the discharge occurs; or ii. Immediately before the drain enters a river, lake, wetland or the coastal marine area; and c. Does not have an odour, oil or grease film, scum or foam. <p>3. When the discharge enters water in any water race that goes to a lake, river, wetland, or the coastal marine area, the discharge:</p> <ul style="list-style-type: none"> a. Does not result in: <ul style="list-style-type: none"> i. A conspicuous change in colour or visual clarity; or ii. A noticeable increase in local sedimentation, in the water race (refer to Figure 7); and b. Does not result in the production of conspicuous floatable or suspended organic materials in the race at the first of: <ul style="list-style-type: none"> i. The downstream boundary of the landholding where the discharge occurs; or ii. Immediately before the race enters a river, lake, wetland or the coastal marine area; and c. Does not have an odour, oil or grease film, scum or foam; and 	

WATER-REQ3	P- Discharges to water or to land – specific to diffuse discharges by FMU
FMU 1	<p>1.</p> <ul style="list-style-type: none"> a. If the discharge causes contaminants to first enter water in any lake, river, wetland, or the coastal marine area, the discharge does not exceed any of the thresholds in Appendix APP-16 immediately before entering a river, lake, wetland or the coastal marine area when the water flow at the relevant representative flow monitoring site is at or below the reference flow in Appendix APP-16 <p>except:</p> <ul style="list-style-type: none"> b. If the discharge causes contaminants to first enter water in a river which originates in the landholding where the discharge occurs and which conveys irrigation run-off, then, when the water flow at the relevant representative flow monitoring site is at or below the reference flow in Appendix APP-16, the discharge does not result in the exceedance of any of the thresholds in Appendix APP-16 at the first of: <ul style="list-style-type: none"> i. The downstream boundary of the landholding where the discharge occurs; or ii. Immediately before the river joins another river, lake, wetland or the coastal marine area <p>2.</p> <ul style="list-style-type: none"> a. If the discharge causes contaminants to first enter water in a drain that goes to a lake, river, wetland or the coastal marine area, then, when the water flow at the relevant representative flow monitoring site is at or below the reference flow in Appendix APP-16, the discharge does not result in the exceedance of any of the thresholds in Appendix APP-16 within the drain at the first of: <ul style="list-style-type: none"> i. The downstream boundary of the landholding where the discharge occurs; or ii. Immediately before the drain enters a river, lake, wetland or the coastal marine area (refer to Figure 10), b. except: If all of the dischargers to the drain have advised the Council in writing that they share responsibility for discharges from that drain, contaminants in the drain do not exceed any of the thresholds in Appendix APP-16 immediately before the drain enters a lake, river, wetland or the coastal marine area (refer to Figure 11), when the water flow at the relevant representative flow monitoring site is at or below the reference flow in Appendix APP-16 <p>3.</p> <ul style="list-style-type: none"> a. If the discharge causes contaminants to first enter water in a water race that goes to a lake, river, wetland or the coastal marine area then: <ul style="list-style-type: none"> i. Any measurable discharge does not exceed any of the thresholds in Appendix APP-16 immediately before entering the water race, when the water flow at the relevant representative flow monitoring site is

	<p>at or below the reference flow in Appendix APP-16; and</p> <p>ii. The cumulative contaminant discharge into the water race between the upstream boundary of the landholding where the discharge occurs and the first of:</p> <ol style="list-style-type: none"> 3. The downstream boundary of the same landholding; or 4. Immediately before the water race enters a river, lake, wetland or the coastal marine area (refer to Figure 12), <p>does not exceed any of the thresholds in Appendix APP-16, when the water flow at the relevant representative flow monitoring site is at or below the reference flow in Appendix APP-16</p> <p>except:</p> <ol style="list-style-type: none"> b. If the race operator has advised the Council in writing that it takes responsibility for discharges to the race from specified landholdings: c. Paragraph (5) does not apply to discharges from those specified landholdings; and d. Contaminants in the water race do not exceed any of the in Appendix APP-16 immediately before the race enters a lake, river, wetland or the coastal marine area (refer to Figure 13), when the water flow at the relevant representative flow monitoring site is at or below the reference flow in Appendix APP-16
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

14 August 2018



www.horizons.govt.nz

Planning Standards
c/- Ministry for the Environment
PO Box 10362
WELLINGTON 6143

File ref: ROA 05 01
PAT:MLB

By email only
planningstandards@mfe.govt.nz

Dear Sir or Madam

HORIZONS REGIONAL COUNCIL SUBMISSION ON DRAFT NATIONAL PLANNING STANDARDS

Thank you for the opportunity to provide feedback on the first set of draft National Planning Standards (the Standards). Horizons Regional Council (Horizons) is the regional authority for the Manawatū-Whanganui Region. The One Plan, our region's consolidated regional policy statement, regional plan and regional coastal plan, will have to meet the Standards that apply to these documents.

This submission focuses on both the high-level concerns we have about the potential impact on Horizons' business of implementing the Standards, and detailed points associated with individual standards or parts of standards (Annex A). It was approved by our Council at the Strategy and Policy Committee meeting on 14 August 2018. Horizons also supports Local Government New Zealand's submission on behalf of local authorities.

Horizons has long held the view that, should standards determining the structure of planning documents be introduced, there will be varying degrees of change from existing plan formats needed to implement them and this will largely be the luck of the draw. We acknowledge that aspects of the proposed changes, once fully implemented, will bring some efficiencies for councils in future plan development processes, including for our own staff as they engage with the ten district plan documents across the Region.

Horizons strongly supports the making of standards mandatory in an effort to avoid a Schedule 1 plan change process for an, essentially, administrative exercise. However, our analysis leads us to the conclusion that that the extent of the amendments associated with inserting some of the standard definitions will be considerably more than can be carried as consequential amendments. For example, 'height' is defined as

the vertical distance between the highest part of a structure and a reference point. The reference point outside the coastal marine area is ground level unless otherwise stated in a rule. The reference point inside the coastal marine area is mean sea level.

The One Plan uses 'height' in several contexts, including the height of vegetation to describe habitat types in the Glossary – this uses the normally understood meaning of the term. As the standard does not allow the use of synonyms, extensive reworking of the affected provisions may be necessary to ensure the

Kairanga

Marton

Palmerston North

Taihape

Taumarunui

Wanganui

Woodville

policy intent is retained, well beyond what is considered “necessary to avoid duplication or conflict with the amendments”¹. The need to go through a plan change to make amendments across a broad range of provisions in the One Plan could create an opportunity for submitters to comment on quite fundamental aspects of the policy and regulatory approaches.

This is surely not the intention of mandatory Standards; such substantive matters should be considered as the result of a focused plan review, not confused with a technical change to comply with National Planning Standards requirements. While we appreciate that the Standard allows five years to achieve compliance to enable ‘piggybacking’ on other plan change processes, in Horizons’ case we do not consider this to be sensible.

Horizons considers that the insertion of 61 stand-alone terms (as opposed to those brought in from the Resource Management Act, New Zealand Standards and other legislation) into regional planning documents will cause significant costs and disruption for little benefit, and opposes this aspect of the Definitions Standard. In Horizons’ case, a plan change for this purpose will divert limited resources from urgent work on nutrient management in particular and ongoing work on implementing the National Policy Statement for Freshwater Management’s requirements. We submit that, if definitions must be inserted, they should be restricted to those brought in from legislation and New Zealand Standards.

In relation to the stated aim of improved accessibility of district and regional plans for plan users, Standards will be of most benefit to those plan users who work across boundaries. These are infrastructure providers, consultancies, large developers and other large businesses; most of the ratepayers who will bear the not insignificant cost of implementation will need to use a plan no more than once or twice in their lives. I see no acknowledgement of this disparity in the economic analysis.

It is also very disappointing that the outcomes the Standards are focused on are almost entirely administrative. The only benefits to the environment identified in the economic evaluation are indirect and unquantified. As noted above, we consider that the diversion of resources into implementing the Standards is likely to lead to a delay in resolving issues associated with water quality in the Region, a cost that has not been acknowledged in Castalia’s cost-benefit analysis.

Guidance and support

Horizons is of the view that additional guidance will be vital to assist councils as they convert their plans into the Standards. Officers found the initial guidance provided very useful in the assessments of Draft Standards.

The main areas we feel further guidance and support is needed, and would be most usefully targeted, are:

- Robust advice on the extent of changes permissible through the use of consequential amendments, including a legal opinion. We are disappointed that the Ministry has not already provided such advice given the reliance

¹ Resource Management Act 1991, Section 58I(3)(d)

on consequential amendments as a mechanism for completing the implementation of many of the Standards.

- Ongoing advice and support from Ministry officials; this should include access to a team with sufficient experience in district and regional council planning documents to be able to provide advice on specific implementation issues and a mechanism for discussion (such as through LGConnect, similar to that established during implementation of the Resource Legislation Amendment Act).

The attached table includes specific issues that officers have identified as they work through the draft Standards. This work has not been exhaustive; we note that actually applying the standards across our existing plan will be the only way to identify every issue we are likely to encounter in implementation.

Yours faithfully



Michael McCartney
CHIEF EXECUTIVE

Encl: Annex A: detailed submission points

ANNEX A: Horizons Regional Council – detailed submission points on draft National Planning Standards (NPS)

Standard	Issue	Outcome sought
S-CP Draft Combined Plan Structure Standard	Part 4 of S-CP provides for the coastal environment only, not a regional coastal plan focused on activities in the coastal marine area (either incorporated into a combined plan or stand-alone)	Provide for a regional coastal plan
F-1: Draft Electronic Accessibility and Functionality Standard Table 18, Instruction 7	Providing a note and hyperlinks between district and regional plan rules to sections in other plans will have practical difficulties as, especially during the implementation of S-RPS, S-RP and F-1, the location and naming of sections and provisions will be somewhat fluid. There is likely to be a chicken and egg situation depending on the sequencing of implementation between councils – in Horizons’ case, we will have to insert references to 10 district plans. This could be addressed by explicitly enabling the updating of this content without the need for a Schedule 1 plan change.	Enable ongoing updating of references and links between plans without need for a Schedule 1 process.
F-1: Draft Electronic Accessibility and Functionality Standard Table 18, Instruction 8	It is unclear whether instruction 8 applies to all PDF plan versions, or only to those councils that are using only PDFs. The One Plan is presented as both a web version, and searchable PDFs (entire plan and individual chapters). Our web version includes hyperlinked cross-referencing.	Clarify that Instruction 8 applies to those local authorities that are relying on PDF versions alone to present their policy statements or plans.
F-2: Draft Mapping Standard Table 22: Symbology table Sites of significance to Māori	The standard only provides for these sites to be shown as a geometry point. The One Plan equivalent appears to be “Sites of Significance – Cultural” as a freshwater value; these are river reaches and are mapped indicatively as lines.	Provide for Sites of significance to be shown as a line.
F-3: Draft Spatial Planning Tools (Regional) Standard – Overlay	Horizons identifies freshwater values and includes indicative mapping of the river reaches they apply to. Their function is most closely aligned to overlay; however they are mainly represented as a line in the One Plan. For our purposes, we are caught between having areas that meet the function of an Overlay but cannot be represented in the manner provided for in the Standard.	That overlays, which initial guidance describe as applying to an identified area or feature, be able to be presented as a line as well as a point, polygon or 3D polygon.

<p>F-3: Draft Spatial Planning Tools (Regional) Standard – Mandatory direction 4</p>	<p>This direction states “...where a regional plan has a need that is not met by the functions described in Table 23, other categories of spatial planning tools may be used within regional plans where appropriate (provided they do not overlap with the tools specified in this standard).” Horizons strongly supports this direction as it enables the mapping of features not otherwise provided for in the spatial planning tools (such as the boundary of the CMA at a river mouth). However, the intent of the qualification in parentheses needs to be clarified to ensure that ‘overlap’ refers to the function of the tools and is not restricting the use of other categories within areas where one or more tools from Table 23 have been applied.</p>	<p>Redraft this standard to ensure that its scope is clear and alternative spatial planning tools can be utilised when needed.</p>
<p>F-6: Draft Status of Rules and Other Text and Numbering Form Standard</p>	<p>Initial guidance for draft NP indicates that defined terms should appear in different text format when used. Horizons has used this approach to make defined terms (and terms defined in the Resource Management Act (RMA)) obvious to plan users. We have found this to be a useful, straightforward mechanism to improve plan clarity and support its inclusion in the NPS. However, officers could not identify any such requirement in the draft standard.</p>	<p>Clarify the standard to require defined terms to be easily recognisable in planning documents.</p>
<p>CM-1: Draft Definitions Standard</p>	<p>Horizons does not support the introduction of stand-alone definitions for terms such as ‘structure’ which are defined in the RMA. Where plans have taken the approach of not redefining a term included in relevant legislation, it is inappropriate to require the use of a new definition.</p>	<p>Remove the requirement to adopt any definitions that are different to terms interpreted in the RMA.</p>
<p>CM-1: Draft Definitions Standard Drain</p>	<p>The relationship between ‘drain’ and the RMA term ‘river’ (and ‘farm drainage canal’ referred to within the RMA definition of river) is unclear; in particular, it is unclear whether artificial watercourses include modified natural watercourses.</p>	<p>If retained, clarify the relationship between this term and ‘river’.</p>
<p>CM-1: Draft Definitions Standard Greywater</p>	<p>Unlike the definition of ‘sewage’, it is unclear whether ‘greywater’ is restricted to households or could come from institutions, businesses, etc. This also affects the scope of the term ‘wastewater’.</p>	<p>If retained, clarify whether the definition applies more widely than households. If restricted to domestic greywater, consequential amendments around the wastewater definition may be required to provide for both domestic and non-domestic contexts.</p>

<p>CM-1: Draft Definitions Standard</p> <p>Height</p>	<p>The restriction of this definition to the context of structures, and the inability to use a synonym, is extremely problematic for such a common term. The One Plan uses 'height' in its normal meeting in a number of contexts; the inability to continue to do so may cause significant issues where we use the height of trees or grasses to define particular indigenous biodiversity habitat types.</p>	<p>If retained, broaden the application of the term beyond structures, preferably by allowing words to be used in their common dictionary meaning. We note that clarifying the difference between a defined term and a common dictionary meaning is straightforward when defined terms are clearly recognisable (as requested above in relation to F-6).</p>
<p>CM-1: Draft Definitions Standard</p> <p>Site</p>	<p>This definition will have implications for two One Plan definitions: 'site' and 'property'. 'Property' is quite closely aligned and is possibly a subset of the NPS definition of 'site'. However, 'site' is defined as "includes, where in the context it is appropriate, an area or place or river reach"; its context is radically different to legally defined allotments, which seems more closely aligned to district planning. One way 'site' has been widely used in the One Plan is to describe river reaches or locations with certain water quality Values – for example, Sites of Significance – Aquatic, which are recognised as native fish habitat.</p>	<p>If retained, this term should apply to district plans only.</p>
<p>CM-1: Draft Definitions Standard</p> <p>Stormwater</p>	<p>Stormwater does not always flow to a waterbody or the coastal marine area; it may be contained in a stormwater detention structure or diverted to land, for example</p>	<p>If retained, amend the definition to broaden the receiving environment.</p>

16 August 2018

Vicky Robertston
Chief Executive
Ministry for the Environment

BY EMAIL: PlanningStandards@mfe.govt.nz

Dear Vicky

SUBMISSION ON THE DRAFT FIRST SET OF NATIONAL PLANNING STANDARDS

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

Support to implement the Standards from the Ministry for the Environment

7. With such a significant change to plans, implementation support will be essential across all of local government. At this early stage of the process it is anticipated that there will be a need to have more details and guidance around the component parts of the structure, as well as the shape and format of content to help inform the approach and delivery of the Standards.

8. The Council considers the ways in which implementation could be supported include:
 - More detailed guidance and consideration around when and how Schedule 1 should be used, in particular, the extent that it applies where details of policies, rules and their standards are being re-aligned, from across different parts of the plan.
 - Central support to help answer questions from both a planning and IT perspective.
 - The establishment/facilitation of implementation groupings of councils could also be useful. This could help councils of a similar type and stage of the process to share and support best practice, capacity and resource to develop solutions to implement the Standards.

Comments on the components of the Standards

S-DP: Proposed structure for District Plans

9. It is not clear in the draft Standards how two issues are intended to fit.

10. The first is in relation to the District Plan providing for development and growth. This is typically a core area and driver of a District Plan, with its principles integrated across the relevant policies and rules. The Standard is not clear as to which chapter this would sit and how it would be integrated across the many other areas to which it would relate.

11. It is also not clear how the Standards intend to manage areas and themes that are integrated across District Plans. Subdivision is a good example, where provisions are generally addressed in a section of the plan (S-SUB), with further details lying in specific zones. An assumption (as it is not specific in the consultation material) is that all relevant references and details would be centralised to one location (S-SUB). Subdivision cannot be divorced from natural hazards, earthworks, and other features

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

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

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

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

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

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

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

(S-PREC) Precincts Chapter

(S-DEV) Development Areas chapter

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

F-2: Draft Mapping Standard

Colour palette of Special Purpose subzones

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

Symbols

Designations

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

Representation of natural hazards

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

Noise contours need to include roadways and railway lines

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

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

Flexibility to provide for additional areas

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

CM-1: Draft Definitions Standard

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