

F-2: Draft Mapping Standard

The proposed Colour Palette presents some issues:

- The Yellow colouring proposed for the “Low-density Residential zone”, “Residential zone”, Rural Residential zone” and “Rural settlement” are too close in colour to easily distinguish each zone.
- Some colours will fade into the background.
- The use of only one grey colour for the range of Special Zones would also confuse rather than clearly identify each Special zone for anyone using the plan.
- Any changes to the colour palette should avoid the use of different intensities of stippling as such would also confuse.
- If a Mining zone is to be included perhaps this could be a brown colour.
- If a Forestry zone is to be included perhaps this could be of a dark Lincoln green colour.
- If a Coastal; Zone is provided the corresponding colour palette should be deep blue.
- The Symbology Table proposes to show designations with a **medium blue** outline. This colour would be impractical as it would fade into a digital background. Also a blue colour is usually associated with water / the coast so that its use to delineate designations could lead to confusion.
- Has the colour palette been reviewed to avoid difficulties for colour blindness?

To the Ministry for the Environment

In the Matter of the

Draft National Planning Standards

Submission by

Waimakariri District Council

16 August 2018

Jim Palmer, Chief Executive



1 Context

- 1.1 The Waimakariri District Council (the Council) has appreciated the opportunity provided by the Ministry for the Environment (the Ministry) to be a 'pilot council' in testing and providing feedback on the National Planning Standards (the Planning Standards) as they were drafted.
- 1.2 The Council welcomes the opportunity for further comment by way of a formal submission on the draft Planning Standards following their formal release by the Minister for the Environment on 6 June 2018 for public consultation. Please note the Council is also a contributor to the Canterbury Mayoral Forum submission, prepared jointly by several Canterbury Councils.

2. Submission

Overview

- 2.1 The Council broadly supports the concept of the Planning Standards, in that they have the potential to provide clarity and guidance to councils regarding what should be included, the ease of use, and consistency amongst plans and policy statements. The Council also supports the Planning Standards chapter template as it very closely accords with what the Council has already developed and is using in its current District Plan Review.
- 2.2 The Council's submission mainly concerns a need for greater direction and guidance by the Ministry in the detail of how the Planning Standards should be interpreted and implemented, related to the context of Waimakariri District and the District Plan Review which will need to factor in the Planning Standards upon gazettal and ahead of Plan notification.

Circumstances for Notification/Non-notification

- 2.3 The Ministry's Consultation document (p13) on the Planning Standards outlines circumstances when a formal consultation process (or public notification) under the First Schedule of the Resource Management Act 1991 (RMA) cannot be used and other circumstances when this must be used. However, it is considered the circumstances as to when notification must or cannot occur requires clarification. Many councils would find the prospect of not having to go through a public notification, submission and hearing process very attractive, however if there is any doubt many will opt to notify to make sure they are covered legally which may not give effect to what the Ministry intends and may contravene the Planning Standards.

Zones

- 2.4 Can additional zones be included, and do the zones used have to have exactly the same names as those in the draft Planning Standards? The purpose descriptions of the zones are overly brief and the differences in some cases are subtle, and consequently do not provide sufficient guidance on which zones should be used in what circumstances. The suite of zones as proposed in the Planning Standards may not satisfy many local concerns. The purpose descriptions of each zone need expanding to better distinguish between zones.

- 2.5 How are roads meant to be identified spatially? Earlier drafts of the Planning Standards contained reference to a Transport Zone yet this no longer appears in the current draft. Questions that this raises include why was a Transport Zone apparently discontinued? Can roads be zoned Special Purpose (Road)? Or shown by way of an overlay? Greater direction in this respect would be appreciated, as Council is currently considering the suite of options available to it as part of the District Plan Review. Roads traverse districts and regions. Different approaches to the treatment of roads across districts and regions may undermine the standardising intent of the Planning Standards.

Relationship between Zones, Precincts and Overlays

- 2.6 The relationship and differences between zones, precincts and overlays is not well explained, and the circumstances when precincts and overlays may or should be used and what these can include is unclear. The Planning Standards attempt to explain this, along with many other parts, with explanations that are overly brief. A fuller explanation is required to better understand when and how these aspects of the Planning Standards should be implemented, noting that the limitation on zones may mean greater use of the other options, with potential plan interpretation and complexity outcomes.
- 2.7 The Draft Area Specific Matters Standard provides for the use of 'precincts' as a planning tool where two or more additional provisions apply to a specific area and which modifies the approach to the underlying zoning. Precincts are shown in Table 5 of the Draft District Plan Structure Standard as a different chapter. However, the Draft Area Specific Standard states that precincts must be provided as a different section of the chapter. Accordingly, the Planning Standards contains contradictions as to whether precincts should be a separate chapter or a different section within the underlying zone chapter. It is understood that 'precincts' are a subset of a zone. If so, it is considered that 'precincts' should not need a separate chapter from the underlying zone, but only a separate section in the underlying zone chapter. To address this issue, amendment of the Draft District Plan Structure Standard is sought to make it clear that 'precincts' are a subset of the underlying zone chapter.

Sustainability

- 2.8 The RMA is about sustainable management, yet the focus of district plans in particular to date has essentially been forms of development control that are quite traditional and some might argue have failed the primary purpose of the RMA in this respect. The Planning Standards could be an appropriate time and method and opportunity to mandate greater direction as to how plans and policy statements should be working to achieve significantly more in this space. Yet the Planning Standards contains nothing that specifically relates to sustainability beyond the norm. It may be that the Ministry intends this to be addressed in subsequent, more content-oriented editions of the Planning Standards, or in other legislative amendments. Greater direction as to how plans and policy statements should be working to achieve significantly more in this space would be appreciated.

Mapping Standard

- 2.9 The Draft Mapping Standard provides a zone colour palette to be used for all planning maps. Some of the colours provided are too similar to one another and

therefore a revised colour palette is sought that includes colours that are more distinct from one another.

- 2.10 The Draft Mapping Standard provides only one symbol for Special Purpose zones yet 7 Special Purpose zones are mandated with the ability to add more – how would each different Special Purpose zone be distinguished from the other on maps – by text?. This requires clarification. Alternatively, the ability to use different symbols for different Special Purpose zones is requested.
- 2.11 The Draft Mapping Standard for precincts is not specified. It is understood a precinct is a subset of a zone. That being the case, how is a precinct meant to be illustrated and differentiated from the ‘parent’ zone – by text? This requires clarification.
- 2.12 Table 22 provides the same symbol for coastal, flood, volcanic and fault hazards. We are concerned that this provides no differentiation between these natural hazards and makes interpretation and understanding of the plans and understanding of the extent and nature of natural hazards more difficult, especially if these hazards existed in the same area. Providing a text note is not considered sufficient enough to distinguish the different hazards especially on large scaled maps and would also be problematic when more than one hazard is present. An amendment of Table 22 is therefore sought to provide the option for different symbols for different natural hazards.
- 2.13 The symbol for ‘sites of significance to Maori’ says ‘Council to consult with tangata whenua’. Does that mean councils should consult with tangata whenua about whether/how these sites should be identified in a plan or just the symbol itself? It is assumed the latter, however clarification would be appreciated.

Designations

- 2.14 Many designation schedules in district plans contain significantly more information than the schedule prescribed by the Planning Standards. Further sections could be included to help aid interpretation e.g. rollover with/without modification; if with, what modifications; or is the designation a new requirement.

Transport

- 2.15 The Draft District Plan Structure Standard does not include a Transport section. The proposed Infrastructure and Energy section is to contain provisions on state highways and local roads. However, there are many other aspects of transport infrastructure not directly referred to which are typically provided outside transport corridors e.g. access, parking, loading, cycling and walking. Clarification/confirmation that all transport matters are to be included in the Infrastructure and Energy section would be appreciated.

Special Purpose Zones – Airport and Hospital

- 2.16 If a district has an Airport or Hospitals is it mandatory for these to be zoned Special Purpose? Or can these be provided for by other means, such as designation, or through the provisions of other zones? If these are provided for by designation, should the underlying zones be Special Purpose? Or is it up to each district? More direction would be appreciated.

Quarrying and Gravel Extraction

- 2.17 These are significant issues in many rural districts. These can include excavation, processing (including crushing), and movement of material on site, stockpiling, the removal of gravel or rock by truck, and the rehabilitation of the site. It is unclear whether provisions for these should be included in the District-wide 'Earthworks' section (where they might have traditionally appeared) or in the District-wide 'Mining' section? Could these be provided for in a 'Rural Production' zone? Or is it up to a Council to decide? It is requested the Planning Standards provide better guidance and direction in this matter.

Landforms

- 2.18 The Planning Standards include the term 'landforms' as a District-wide section heading along with the terms 'landscape' and 'natural character'. The concern is that 'landform' is not a term referred to in Section 6 of the RMA and therefore its relevance is questionable as 'landform' is not a matter of national significance. Section 6 of the RMA does provide for the protection of outstanding natural features and landscapes as a matter of national importance, but not landforms. It is suggested either use of the term 'landforms' be deleted, or clarification or justification be provided for its inclusion.

Rural Residential

- 2.19 The sustainability of rural-residential land use is a topical and concerning issue in many parts of the country including north Canterbury. The operative Canterbury Regional Policy Statement (RPS) currently contains specific direction on rural-residential land use in the Greater Christchurch area. There is a concern that new zoning provisions in proposed new district plans drafted in response to the Planning Standards, and formulated prior to future amendment of the RPS, may run counter to the directions of the current RPS and drive the direction of future amendments to the RPS. This raises an issue regarding the relative timing of the implementation of the Planning Standards, future RPS amendments, and the development of new rural-residential provisions in new district plans. It would not be efficient for new district plans to be proposed then subsequently amended once RPS processes have caught up. Clarification is sought as to how this might be addressed.

Definitions

- 2.20 The draft definitions standard does not appear to allow Council to choose which definitions may apply; it seems all are mandatory (even if not required; for example some relate specifically to regional and not district councils). Further, Council may have situations where more detailed definitions are required or where exemptions or departures are required. Discretion is sought by way of change to direction 3(b) in the Definitions standard to allow for such situations to meet local needs, and in order to avoid challenge as to whether a definition is a synonym or not.

Submissions

- 2.21 It is unclear from the Planning Standards how councils are meant to manage those parts of a proposed plan on which submissions are not able to be lodged, as they are matters prescribed by the Planning Standards and cannot be changed by council decision, and other parts of the plan that might be dependent on matters prescribed by the Planning Standards but open to submission. An example might be a definition prescribed by the Planning Standards. A suite of objectives, policies and rules might be based on, and depend on, a Planning Standards definition. If the definition

cannot be challenged, to what extent can submissions on objectives, policies and rules that are dependent on a Planning Standards definition be considered? In this situation amendment to provisions might tempt (or require) amendment to the definition on which the provisions are based. It would be helpful for the Ministry to address how councils should manage this situation to avoid any potential for subsequent legal challenge regarding what matters were dealt with in decisions and how they were dealt with.

Timeframe to Implement the Planning Standards

- 2.22 It is suggested the timeframe stipulated to implement the Planning Standards be amended from 5 years or, in the case of some Councils, 7 years, to 10 years for all Councils. This aligns with the current RMA timeframe of 10 years for reviewing policy statements and plans. It also affords more time for those Councils who have recently completed a review of a policy statement or plan, and would allow those Councils to implement the Planning Standards in a timeframe that fits in with when they would normally be undertaking a ten-yearly review of their policy statement or plan. It is also understood the cost benefit analysis commissioned by MfE to assess the cost to Councils of implementing the Planning Standards, recommended a 10 year implementation timeframe, and this is supported.

3. Relief Sought

- 3.1 The Council broadly supports the draft National Planning Standards, but requests the following within the Planning Standards:
- a. Clarify the circumstances when a formal consultation process under the First Schedule of the RMA cannot be used and other circumstances when this must be used;
 - b. Clarify whether additional zones be included, and whether zones used have to have exactly the same names as those in the draft Planning Standards;
 - c. Expand the purpose descriptions of each zone to better distinguish between zones;
 - d. Clarify how roads are meant to be identified spatially;
 - e. Better explain the relationship and differences between zones, precincts and overlays, and the circumstances when precincts and overlays may or should be used and what these can or should include;
 - f. If precincts are a subset of a zone, make provision to include these in the zone chapter instead of in a separate part of the plan;
 - g. Mandate greater direction as to how plans and policy statements should be working to achieve significantly more with regards sustainability, to achieve the purpose of the RMA;
 - h. Revise the mapping standard colour palette to provide colours that are more distinct from one another;
 - i. Clarify the mapping standard for special purpose zones, so it is clear how each different special purpose zone will be distinguished from the others on maps;

- j. If a precinct is a subset of a zone, clarify the mapping standard so it is clear how a precinct is to be distinguished from a 'parent' zone (there is currently no mapping standard for precincts);
- k. Amend the mapping standard to provide different symbols for different natural hazards;
- l. In the mapping standard, where the symbol for 'sites of significance to Maori' says 'Council to consult with tangata whenua', clarify/confirm if this means just the symbol itself or if councils should consult with tangata whenua about whether/how these sites should be identified in a plan (which occurs anyway), and identify how this should be achieved;
- m. Provide for the ability for councils to include additional information in designation schedules as appropriate, over and above what is being prescribed;
- n. Clarify/confirm that that all transport matters, including aspects of transport infrastructure typically provided outside transport corridors (such as access, parking, loading, cycling and walking), are to be included in the Infrastructure and Energy section of plans;
- o. Clarify whether it is mandatory for airports and hospitals to be zoned Special Purpose, or whether these can be provided for by other means, such as designation, or through the provisions of other types of zones and, if these are provided for by designation, whether the underlying zones are to be Special Purpose;
- p. Clarify whether quarrying and gravel extraction are to be managed through District-wide 'Earthworks' rules, District-wide 'Mining' rules, or through the provisions of other rules such as a 'Rural Production' zone;
- q. Delete reference to the term 'landform' as it is not a Section 6 RMA matter;
- r. Provide greater guidance regarding the relative timing of the implementation of the Planning Standards, future RPS amendments, and the development of new district plans, for the purpose of achieving more efficient resource management of rural-residential land use;
- s. Provide discretion within the draft definitions standard to address the matter set out in 2.20 above;
- t. Clarify how councils are meant to manage those parts of a proposed plan on which submissions are not able to be lodged, as they are matters prescribed by the Planning Standards and cannot be changed by council decision, and other parts of the plan that might be dependent on matters prescribed by the Planning Standards but open to submission;
- u. Amend the timeframe to implement the Planning Standards from 5 / 7 years to 10 years;
- v. The Ministry continues to work with pilot councils including Waimakariri District in further development of the Planning Standards prior to gazettal, including testing.

Address for Service:

Trevor Ellis, Development Planning Manager

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Office of the Mayor



16 August 2018

Ministry for the Environment
PO Box 10362
Wellington 6143

Via email: planningstandards@mfe.govt.nz

Dear Sir/Madam

Dunedin City Council: Submission on Draft National Planning Standards

Please find attached the submission of Dunedin City Council with respect to the Draft National Planning Standards (the Standards) released by the Ministry for the Environment in June 2018.

The Dunedin City Council (DCC) is pleased to have been involved in the development of the Standards, providing feedback to the Ministry. While some feedback has been incorporated, there are still a number of issues which remain. Overall it is our submission that the Standards are unlikely to achieve the benefits sought without further work to improve them, and will more likely have the opposite effect in terms of reduced Plan usability. Furthermore, the Council submits there will be significant inefficiencies and additional costs if the five or seven year implementation period is adopted.

The key points that the Dunedin City Council wishes to emphasise are:

1. The use of the planning template should be voluntary in the short term to enable testing and refinement. Any mandatory transition should occur only when plans next become due for review (i.e. within ten years of being made operative).
2. A pilot programme testing the templates with a range of plans and policy statements and funded by the Ministry should be initiated before the Standards are gazetted, to ensure the Standards deliver the desired outcomes. A longer transition is needed, with Dunedin City Council suggesting:
 - Stage 1: Pilot testing of Draft Standards by volunteering local authorities
 - Stage 2: Review of pilot testing
 - Stage 3: Revision and improvement of the Draft Standards
 - Stage 4: Consultation on the revised Draft Standards and amendment pre-gazetting
 - Stage 5: Implementation commencing within 10 years at the next review (if the Standards are compulsory).
3. The stated benefits of template use are queried. They do not appear to be well grounded in research; and may be more likely to accrue to smaller local authorities through development of common plan approaches to similar issues.
4. Larger cities, such as Dunedin City, have evolved with a significantly more sophisticated range of land uses, character and forms of development, valued by residents but which

the Standards fail to consider. The Council considers that the standards will therefore lead to decreased Plan usability as provisions are required to be fit into a more coarsely-grained plan structure. It may mean that in some cases the desired outcome may not be able to be drafted at all, leading to a reduction in the ability of submitters to influence the Plan (reduced democratic input).

5. A national e-programme for managing submissions, further submissions, appeals and section 274 parties, in association with any ePlan, should be a development priority for the Ministry as local authorities struggle to find reliable systems to support the complex 2-stage plan-making process.
6. There is opportunity to achieve more nationally consistent plan content direction through national policy statements and national environmental standards on matters of national importance, for example for significant heritage, indigenous biodiversity, outstanding landscapes and significant natural hazard risk management.

In addition to these general points, responses to the questions in the Consultation Document are provided in the attached appendix (Appendix A).

We would welcome the opportunity to discuss with you further the matters raised in this submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dave Cull', with a stylized, cursive script.

Dave Cull
Mayor of Dunedin

Attachment:
Appendix 1: DUNEDIN CITY COUNCIL SUBMISSION IN DETAIL ON THE 2018 DRAFT
NATIONAL PLANNING STANDARDS

APPENDIX 1:
DUNEDIN CITY COUNCIL SUBMISSION IN DETAIL ON THE 2018 DRAFT NATIONAL
PLANNING STANDARDS

Q1. Proposed package

The Dunedin City Council (DCC) supports in principle working towards standardising plan structure and conventions, subject to the changes that have been identified in this submission, sufficient pilot testing of the Draft Standards, their voluntary use and, if this is not possible, the timeframe for transition being extended to the next review of the plan or within 10 years of gazettal.

Q2. Future planning standards

DCC considers that the topics below warrant consideration for future planning standards:

- Development of a standard submissions database, linked to the notified version of the ePlan. Such a database would enable preparation of standard reports for plan making.
- Plan level direction on Section 6 RMA matters of national importance, for example policy which would be incorporated into each plan or policy statement by amendment (any proposed National Policy Statement or National Environmental Standard should clearly identify this).

Plan standards should not substitute for the development of further National Policy Statements or National Environmental Standards.

Q3. Level of plan structure standardisation

The high-level structure (by part) does not align well with the 2GP in places and would require significant re-work of the District Plan.

It is unclear how the first three Parts work together, or what is best addressed here or later at the level of objectives, policies and rules. Part 1 mixes general introductory material (the first 3 chapters) with national directions (the 4th chapter) ahead of local context in Part 2 – Tangata whenua and Part 3- Strategic direction.

The relationship between Part 3 Strategic Directions and Part 4 District-wide Matters is unclear, and there is very limited guidance provided on what is expected for strategic directions or how they relate to decision-making processes for plan development and consenting. We submit that the approach used in the Dunedin 2GP of using a strategic direction section to overview the key issues for the district and the methods used to achieve them including the criteria used to determine zones and to schedule item is a critical aspect of the usability of the DCC 2GP that had broad support through submission on the 2GP and should be enabled by the Standard.

The chapter headings for Part 4 – District-wide Matters do not align well with the DCC 2GP in places.

The DCC submits that:

- The principle of the structure should be to keep rules alongside the related objectives and policies and therefore if objectives have a district-wide or overlay focus then the rules should be in a district-wide part of the Plan, whereas if the rules are focused on objectives and policies for a particular management zone

(e.g. a rural vs a residential zone) then they should be in the area-specific matters part of the Standard.

- Another key principle of structure should be that Plan users should be able to quickly (ideally one one page) see all the rules that relate to their activity. It is submitted that this is best done through integrated activity status tables as in the Dunedin 2GP
- The management zones sections (area specific matters) should be well linked to the city-wide provisions through activity status rules and performance standards being listed in the management zones (as is done in the 2GP) but with the detail of the performance standards and objectives and policies in the district wide sections
- The Natural Environment Values would be better integrated into one section as there is overlap between biodiversity values and natural character of the coast. Separating these will lead to repetition and reduced Plan clarity.
- The hazardous substances chapter would be better combined with light spill and noise into a section on Public Health and Safety more broadly.
- The DCC supports having a Natural Hazards section as a district wide matter
- Sites of significance to Maori should be expanded into a broader Manawhenua chapter that does not just discuss sites of significance but includes the objectives, policies, rules and assessment guidance for the broad range of cultural values of important to Manawhenua. Archaeological sites of significance to Manawhenua should stay in the Heritage chapter alongside other protected archaeological sites.
- The DCC supports having a heritage section as a district-wide matter
- The DCC supports having a protected trees section as a district wide matter
- The DCC supports having an Infrastructure and energy section as long as this is limited to Network Utilities and does not include the broader range of things under the RMA definition of Infrastructure
- The DCC submits that the Structure should include a separate Transportation section
- The DCC notes that the 2GP has city-wide sections for public amenities and natural hazard mitigation activities. The DCC submits that these are less important to keep separate and can be integrated into management zones if necessary, though would prefer to keep as district-wide sections
- The DCC supports temporary activities and earthworks being managed through district wide activities sections
- The DCC does not support a separate subdivision section. As subdivision is managed to meet the objectives of management zones (as subdivision can affect what land uses and development may occur) therefore related rules should be included adjacent to the objectives and policies of those management zones. Including this in a separate chapter will reduce Plan usability by leading to significant repetition and poor integration of provisions.
- The DCC also does not support a separate section for mining (though support the ability to have major facility zones for very large mines) or for Signs as these activities are managed based on the objectives and policies of the related management zone. Including these in a separate chapter will reduce Plan usability by leading to significant repetition and poor integration of provisions.
- The DCC queries the need for a section for activities on the surface of water as the Dunedin 2GP does not include any provision for this.

With respect to the overall scope of the Standard, the DCC strongly submits that Tables 26: Rule table and Table 27: Rule requirements table are removed from the Standards. In DCC's opinion, this is the most critical change to make to the Standards as the proposed structure is not based on best practice for second generation plan, is not well suited to use in an Eplan format, at least not in all platforms, and will lead to reduced

Plan usability for the Dunedin District Plan compared to the format used in the 2GP, which has been through a rigorous public submission process.

Easy to view and understand rules are critical for effective plan implementation and there has not been time to properly test this element.

Q5. Tangata whenua provisions and working with local authorities

While it is valuable to have a clear understanding of matters of importance to tangata whenua with respect to resource management, the Standards suggest that more content is included in the ePlan than currently, and that consultation is prescribed within the ePlan.

DCC submits that a separate chapter on consultation is too rigid and unresponsive to the evolving relationship between local authorities tangata whenua.

Q4/6/7. A standard set of zones

There is no compelling reason provided as to why a fixed number of pre-specified zones are allowed in the Standards.

The district plan zones proposed are more limited than those used in the Dunedin 2GP and also have some structural differences, e.g. Rural Residential is considered a type of Rural zone, where in the 2GP it is considered a different type of zone with significantly different objectives. The range of commercial and mixed use and major facility zones also does not cover the range of environments that require a different management approach.

The DCC submits:

- It should be optional to have a Trade Related Retail Zone given the prevalence of this being now a common type of specialised environment
- Rural residential should not be grouped under rural zones as the objectives and policies can be fundamentally different and it sends the wrong message to indicate that this is a type of rural zone
- It is unclear what the difference is between the rural zone and rural production zone
- The word Precinct has a particular meaning in Planning and does not make sense in some environments. The Standard should allow for "overlays" of different types to apply rules particularly for district-wide matters.
- 'Free choice topic' chapters should be available for use. If this is not allowed for, over time, it is considered likely that creative plan drafters will find a way to re-interpret precincts, development areas etc to accommodate the community's desire for more nuanced planning requirements within a particular area. This will reduce plan clarity.

There are no thresholds for differentiating the nature and scale of activities between similar zones. Therefore, there is a risk that those using multiple plans will be confused by provisions with the same names but different content. This also has a consequential impact for any nationalised monitoring of plan effectiveness.

It is unclear how the zones relate to the precincts, development areas and designations, as they are structured as separate chapters when in reality they interact with the related zone at any specific location.

Q8. Purpose Statement for zone

The purpose statement is a useful summary for what issues are important and what purpose is to be achieved (or anticipated environmental result) in managing activities and development standards within each zone.

Q9. Proposed application re purpose statements and plan transition

DCC is concerned about how effectively the new 2GP will translate into the Standards, and strongly recommends that a pilot process is undertaken prior to the Standards being gazetted.

DCC requests a longer transition and more extensive pre-testing, possibly as follows:

- Stage 1: Pilot test of Draft Standards by volunteering local authorities, including through the appeal phase so that the Environment Court can carefully consider its impact on content
- Stage 2: Review of pilot test
- Stage 3: Revise and improve the Draft Standards
- Stage 4: Consult on the revised Draft Standards and amend pre-gazettal
- Stage 5: Implementation commencing at the next review and within 10 years;

DCC suggests that the pre-testing include translation of the Residential provisions for each of the main urban areas (Auckland, Hamilton, Tauranga, Wellington, Christchurch, Dunedin) into the templates, and then testing their usability with key users, including RMA commissioners and stakeholder groups.

Q10. Level of electronic accessibility

DCC supports having ePlan electronic accessibility and functionality at the Level 5 scale. The 2GP has been designed to this level. However, the DCC notes that amending this level of functionality is a complex process and requires more checking to ensure accuracy at the property level.

There will still be times when a hard copy of plan material will be required, including for public consultation, reports, and for those without computers or with insufficient broadband speed for downloading material easily.

DCC supports the use of notes to plan users that alert plan users to other regulatory requirements they may need to assess for different activities, including the need to consider regional plan rules. However, the DCC does not support a requirement to have a hyperlink in the plan to the precise rule in another authorities' plan as this would be difficult to maintain and present a high risk to the DCC if people became reliant on that information being always up to date, where this could be difficult to ensure.

DCC also notes its support for including alongside plans additional electronic information that may be helpful for applicants (the 2GP includes this through a complimentary 'data-maps' link). In particular, the DCC sees value in encouraging access to maps which show infrastructure availability and constraints, or other constraints that may affect development potential (for e.g. slope or geology).

Q11. Support for ePlan implementation

DCC considers that wider support is important for nationwide implementation of the Standards, especially for smaller local authorities that may find Level 5 functionality challenging to achieve in the short term.

Q12. Map colours and symbols

Zone colours are generally acceptable, although tonally there is little differentiation between some zones. Zone labels will continue to be important.

Overlays should be used for the matters shown in Table 22: Symbology table, and more symbols are needed for some matters.

Q13. Other map instructions

DCC considers that additional spatial tools and layers should be added through time, in accordance with the general spatial planning tool protocols. The Standards should not constrain flexibility to respond to necessary mapping changes into the future.

All maps should be able to be created according to standard map-making conventions (title, location, scale, north point, key indicating what content is shown on the map, date etc). They should also be downloadable and printable.

Q14. Community use of spatial planning tools

There is an opportunity for community use of spatial planning tools into the future. However, this must be a low priority relative to getting ePlans to function effectively and nation-wide in the first place.

Q15. Additional spatial planning tools

As above, DCC considers that the first spatial planning system must be working effectively before embarking on optional extras.

Q16. Chapter form standard

This covers the matters normally addressed in district plans, noting that only the objectives, policies and rules are mandatory in the RMA.

DCC submits that this format must be tested using actual district plan material before the Standards are gazetted (refer to Question 9 above). The DCC has concerns that the need to draft content to fit the more course-grained options allowed by the Standards will result in awkward/forced drafting rather than efficient and clear provision drafting based on best practice principles. The DCC also has concerns that the chapter form proposed will have reduced usability compared to the form developed for the Dunedin 2GP. The DCC's chapter form is designed so that Plan users can see all the rules that apply to each activity they propose across not only the base zone but all overlays in a single location (activity status table), with easy to use hyperlinks to the details of all performance standards. This approach was adopted in response to consultation that showed this to be a desirable structure outcome. The proposed Standard will not allow this and will require users to look through several chapters to find all related rules. The DCC anticipates that many users will find that Plan structure less usable, and encourages the Ministry to test this through user-groups to confirm which structure (based on real content) is easier to use.

The DCC also encourages the Ministry to survey regular plan users (builders, surveyors, planning professionals etc) to determine how many use a single Plan regularly versus how many use multiple plans regularly. It is further suggested that the Ministry evaluates the benefits of the Standards in terms of reduced single Plan usability versus improved cross-plan consistency in evaluating the benefits of the Standards.

Q17. Acronyms and alphanumeric codes

A plan should be written in plain English. Table 28: Numbering table identifies 83 acronyms for district plans alone, which is too many for most plan users to remember.

The DCC requests that a small number of acronyms is used for the public-facing version of the ePlan. These should reflect the most commonly used resource management abbreviations. Acronyms could be used for inputting, but the full words should always appear in the ePlan text.

Q18. Principles used for definitions

While DCC agrees in principle with the objective of using common definitions for common terms, the DCC is concerned about using such definitions without adequate testing to ensure they are fit for purpose and have no unintended consequences.

Te reo terms should also be included, so that the plan user looks in one place for all terms and definitions.

Of those terms used in the 2GP, many vary from the proposed definitions. It is difficult to assess the possible impact, but problems in the Standards may arise with:

- 'Additions' excluding the concept of 'alteration', which is important with respect to heritage management in the 2GP
- 'Building' and 'structure' definitions overlapping ('structure' excludes 'building' in the 2GP)
- 'Site' and 'allotment' each include more detail in the 2GP definitions, reflecting the need for more nuanced detail with respect to issues that Dunedin has faced
- The definition of 'Community facility' is determined by being a not-for-profit facility, rather than based on the potential effects of a land use. The 2GP moved away from this concept as there was no evidence that 'profit' had a resource management effect. For example, non-for-profit and profit-making early childcare centres of the same scale can have the same resource management effects.
- 'Reverse sensitivity', where the proposed definition does not effectively address issues raised by submitters on the 2GP.

DCC is concerned that if there are unintended consequences, it will be difficult to fix definition problems quickly and cost effectively. Therefore, the DCC strongly encourages the Ministry to enable more time for the testing of the Standards before they are gazetted.

Q19. Other definitions or standards

DCC considers that these should be the subject of future changes to the Standards, to enable consultation with all interested parties.

Q20. Use of NZ Standards for noise and vibration

DCC agrees the use of these NZ standards for noise and vibration is appropriate.

DCC notes that this includes documents in the ePlan by reference, and any change to these NZ standards will require plan change (until the RMA is changed to enable such change to be made by amendment).

Q21. Setting noise limits

DCC submits that it is not the role of a planning standard to set content.

DCC considers that any nationwide standards for noise control should be developed through a National Environmental Standard.

Q22. Implementation timeframe

While the DCC acknowledges and support the extension to the timeframe that was made since the earlier consultation, it reiterates that the Standards should be voluntary in the short term to enable testing and refinement. Any mandatory transition should occur when plans next become due for review (i.e. within ten years of being made operative).

Q23. Guidance

DCC considers that pilot testing of actual district plans is essential before the Standards are gazetted (refer to Question 9 above). In undertaking this exercise, it may become apparent where further explanation is required to ensure consistent application of the Standards.

A User Guide associated with the ePlan would be helpful.

Q24. Implementation support from MfE

DCC supports assistance being made available for smaller councils.

The DCC submits that the Ministry should first pilot test the Standards, and using some of these smaller councils in their pilot testing programme as well as pre-testing conversion of some of the larger city plans as part of its refinement of the Standards.

**HORTICULTURE NEW ZEALAND SUBMISSION ON DRAFT NATIONAL PLANNING
STANDARDS 2018**

TO: NATIONAL PLANNING STANDARDS
MINISTRY FOR ENVIRONMENT
PO BOX 10362
WELLINGTON 6143
PlanningStandards@mfe.govt.nz

SUBMISSION ON: DRAFT NATIONAL PLANNING STANDARDS 2018

NAME: HORTICULTURE NEW ZEALAND

**POSTAL
ADDRESS:**

[REDACTED]
[REDACTED]

**1. Horticulture New Zealand's (HortNZ) submission and the decisions sought are
detailed in the attached schedules and appendices:**

Schedule 1: Horticulture in New Zealand
Schedule 2: Cover submission
Schedule 3: Completed submission form

Rachel McClung
Environmental Policy Advisor – South Island
Horticulture New Zealand

Dated: 17 August 2018

Address for service:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

SCHEDULE ONE: HORTICULTURE IN NEW ZEALAND

Horticulture New Zealand (HortNZ) was established on 1 December 2005, combining the New Zealand Vegetable and Potato Growers' and New Zealand Fruitgrowers' and New Zealand Berryfruit Growers Federations.

HortNZ represents the interests of New Zealand's 5,000 commercial fruit and vegetable growers who employ over 60,000 workers. Land under horticultural crop cultivation in New Zealand is calculated to be approximately 120,000 hectares.

Horticultural exports are rapidly growing, and the industry is on target to meet Horticulture New Zealand's industry mission of \$10 billion by 2020. For the first time New Zealand's total horticultural produce exports in 2017 exceeded \$3.44bn Free On Board value, 83% higher than a decade before.

It should be acknowledged that it is not just the economic benefits associated with horticultural production that are important. The rural economy supports rural communities and rural production defines much of the rural landscape. Food production values provide a platform for long term sustainability of communities, through the provision of food security.

HortNZ involvement in Resource Management planning processes

On behalf of its members, HortNZ takes a detailed involvement in resource management planning processes. HortNZ works to raise growers' awareness of the Resource Management Act 1991 (RMA) to ensure effective grower involvement under the Act, whether in the planning process or through resource consent applications.

The principles that HortNZ considers in assessing the implementation of the RMA include:

- The effects-based purpose of the RMA
- Non-regulatory methods should be employed by councils
- Regulation should impact fairly on the whole community, make sense in practice and be developed in full consultation with those affected by it
- Early consultation of land users in plan preparation
- Ensuring that RMA plans work in the grower's interests both in an environmental and sustainable economic production sense.

SCHEDULE TWO: COVER SUBMISSION

Introduction to this submission

HortNZ welcomes the opportunity to provide this submission to the Ministry for the Environment (MfE) on its Draft National Planning Standards 2018.

The commercial fruit and vegetable growers that HortNZ represent are frequent users of RM plans and HortNZ supports progress to improve the user friendliness of RM plans and to provide certainty as a result of consistent plan interpretation.

HortNZ have completed the submission form (attached). All submission questions have been answered within the submission form, with the exception of Questions 18a and 18b. Given the length of the HortNZ submission points, we have responded to the questions on Definitions below.

Q. 18. CM – 1: Definition standard

HortNZ generally supports Definitions Standard, including the mandatory directions. In particular, HortNZ supports Direction 3c – *Policy statements and plans may include definitions that only apply to a subcategory or narrower application of a term defined in the Definitions table*. An example of where this particular clause is important can be seen when considering the RMA definition of ‘bed’ and ‘active bed’ as a sub-category of bed, such as it is used in the Horizons One Plan. If sub-category definitions are not provided for, then this would affect the status of rules in their application, making rules wider than previously negotiated through the public planning processes.

Decision sought – retain Clause 3c as notified.

HortNZ considers that it is unnecessary to repeat the full RMA definitions in plans. It is preferable to state that the definition ‘*has the same meaning as in section 2 of the RMA*’ and simply provide a hyperlink in plans to the legislation.

Decision sought – do not require RMA definitions to be repeated in plans, rather ensure they are hyperlinked to legislation.

HortNZ generally supports the proposed definitions and in particular the following:

- Accessory building
- Intensive primary production
- Reverse sensitivity

Decision sought – retain the above listed definitions as notified.

However, care needs to be taken in some of the definitions that have clearly been drafted with urban activities in mind. As proposed, these definitions will have unintended consequences for the management of rural activities such as; artificial crop protection, crop support structures, land preparation, seasonal workers accommodation and rural research facilities.

HortNZ strongly submits that the following definitions are included in the Definition Standard to avoid unintended consequences for rural activities;

Land preparation– *Land preparation means the disturbance of soil by machinery for planting, replanting, tending or harvesting pasture or crops. Land preparation includes*

blading, contour ploughing, ripping, mounding, stepping, contouring, bunding and sediment control measures and drainage associated with horticultural crops but does not include direct drilling or mechanical land preparation associated with plantation forestry.

Seasonal Workers Accommodation– *A dwelling or accommodation that is used for part of the year to meet labour requirements in the rural sector which may include sleeping and ablution facilities and a communal kitchen and eating area.*

HortNZ provides specific comment on the following definitions:

Ancillary activity – This definition is too narrow and will be problematic for ancillary activities occurring on non-contiguous properties. It will create significant difficulties for rural enterprises where ancillary activities are located on separate sites. For example; post-harvest facilities and storage are often on sites physically separated from where crops are grown, however, they are ancillary to the growing activity.

Decision sought – Amend as follows: *means an activity that either provides support to, or is incidental and subsidiary to, the primary activity on the same site.*

Building – As proposed this definition captures artificial crop protection.

Artificial Crop Protection Structures are structures that use permeable materials to cover and protect crops and are now essential for horticulture production of some crops. With changing practice, crop types and diversification in the horticultural sector, growers have become increasingly reliant on a variety of Crop Support Structures and Artificial Crop Protection Structures to support rural production activities.

The definition of building is contingent on the definition of roof and walls. It is HortNZ's contention that permeable materials on the top and/ or sides should not constitute a roof or walls and therefore not be classed as a building.

There are a range of resource management and building consent issues that have arisen across the country and it has been HortNZ's experience that the response by regulatory authorities to these issues has been inconsistent. Much of the inconsistency has arisen from a lack of understanding of the requirements for this form of horticulture and how best to address in plans and interpret through the Building Act.

Crop Support Structures extend to a variety of structures upon which various crops rely for growth and support and are positioned and designed to direct growth to establish canopies. While Artificial Crop Protection Structures protect fruit from sunburn, windburn and hail, assist with spray coverage, reduce mowing and weeding, assist pruning and picking. An additional benefit of crop protection is the reduced need for bird scarers, as less birds get into the crops.

Photos 1, 2 and 3 below were taken in May this year in a kiwifruit orchard near Opotiki. They show a typical example of Artificial Crop Protection Structures. Crop Support Structures can also be seen in the photos supporting the kiwifruit vines.



Photo 1 – Artificial Crop Protection – Kiwifruit



Photo 2 – Artificial Crop Protection – Kiwifruit



Photo 3 – Artificial Crop Protection – Kiwifruit

As mentioned above, such structures are essential for protecting fruit from climatic events and wind. For instance, wind rub in kiwifruit can downgrade the fruit significantly and hail on ripe cherries can split the fruit, making it of little value. Traditionally live shelter was used, but increasingly growers are using artificial crop protection as it provides benefits immediately and can also provide horizontal as well as vertical protection.

As Artificial Crop Protection Structures are made of permeable material, rain and wind can pass through the structure, but the intensity is reduced.

Such structures are generally not totally enclosed, in that the cloth does not come to the ground level or some sides may be open. Some structures are vertical, but increasingly the benefits of overhead shelter are being recognised. In some location, the horizontal 'roof' material is pulled back during winter (when plants are not fruiting) to prevent deterioration of the cover that can be caused by winter weather.

For these reasons, Artificial Crop Protection Structures are distinctly different from buildings which are a totally enclosed environment and made of impermeable material and usually have a controlled temperature environment. Therefore, the effects of the two types of structures are different. Artificial Crop Protection should not be considered a building, however the definition of building as drafted would capture this.

Decision Sought – Amend the definition of building as follows:

Means any impervious structure, whether temporary or permanent, moveable or fixed, that is enclosed, with 2 or more walls and a roof, or any structure that is similarly enclosed.

Coverage – the definition of structure again causes an issue for crop protection structures.

Decision Sought – amend definition of structure to avoid unintended consequences for rural activities.

Drain – HortNZ have experienced issues with the definition of drain and river. We note that the RMA definition of River refers to farm drainage canal. Therefore, where a watercourse is defined as a river, it is not a drain. The definition of drain should also reflect this in reverse.

Decision sought: Clarify that drains are not rivers

Drinking water – HortNZ strongly believes that further clarification is required with respect to 'drinking water' which should be defined to differentiate from other end uses.

- Essential drinking water and sanitation – potentially includes hospitals and other critical public facilities.
- Domestic drinking water supply – water for domestic purposes only.
- Municipal water supply – recreational and amenity water, commercial and industrial water.

All are usually delivered through public supply networks. A definition is incredibly important in establishing future priorities for water in plans.

Decision sought – include the following additional definition:

Essential drinking water and sanitation – The amount and quality of water needed to adequately provide for people's hygiene, sanitary and domestic requirements but does not include water used outside or by industry (Greater Wellington)

Dust – The definition as proposed captures sprays and vapours. It is assumed that this is an unintended consequence. The focus should be on 'solid' particulate matter

Decision sought – means all non-combusted solid particulate matter...

Earthworks – This is an urban focused definition for earthworks associated with urban activities and is unworkable for the rural environment. As drafted this definition would capture cultivation and land preparation. Cultivation is a key activity for horticulture, particularly for vegetable growers. Cultivation involves working the soil to create a seed bed for planting a crop and usually occurs on flat to gently sloping land. A range of equipment may be used as part of cultivation including discs and power harrows. For some crops, such as potatoes, a mound of soil needs to be made for planting. Wheel tracks are usually left between a number of rows to provide access for machinery to apply agrichemicals and fertiliser and also for harvesting the crop.

Decision sought – exclude land preparation from the definition of earthworks and introduce a new definition of cultivation as above.

Educational facilities – it is unclear whether this definition captures childcare facilities or not.

It should be clear if childcare facilities are included. Education facilities in rural environments are sensitive activities and often require setbacks to avoid reverse sensitivity impacts.

Decision sought – clarify that childcare facilities are educational facilities.

Footprint – Environmental footprint is a commonly used term and this provides no explanation as to what this means. Using the term ‘structure’ within the definition captures crop protection structures. Again, this is an urban focused definition with unintended consequences for rural activities.

Decision sought – Delete definition.

Functional need – This is an infrastructure focused definition that has unintended consequences for rural activities. ‘Can only occur’ is too strong. This definition needs to be related to the practicality of locating an activity somewhere else, i.e. the cost of buying land to locate an ancillary activity or the practicality of having an activity located in another zone or on another property.

Decision sought – amend definition as follows:

Means the locational, operational, practical or technical needs for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.

Green Infrastructure – Delete this term. Again, this urban definition will have unintended consequences in the rural zone. It is not a commonly used term in plans so uncertain why included in the Planning Standard. The definition uses the term ‘natural waterbodies’ which would be confusing in implementation. If not deleted it should be replaced with a suitable definition of ‘water sensitive urban design’ to allow district plans to address this through rules.

Decision sought – Delete definition of green infrastructure.

Ground level – Again, this urban definition will have unintended consequences in the rural zone, in particular, clause (c) due to the use of the term ‘structure’.

Decision sought – Amend definition of ‘structure’ as sought below.

Height – Again, this urban definition will have unintended consequences in the rural zone, in particular, clause (c) due to the use of the term ‘structure’.

Decision sought – Amend definition of ‘structure’ as sought below.

Height (in relation to regional policy...) – Again, this urban definition will have unintended consequences in the rural zone, in particular, clause (c) due to the use of the term ‘structure’.

Decision sought – Amend definition of ‘structure’ as sought below.

Height in relation to boundary – Again, this urban definition will have unintended consequences in the rural zone, in particular, clause (c) due to the use of the term ‘structure’.

Decision sought – Amend definition of ‘structure’ as sought below.

Industrial activity – This is different to RMA definition of industrial and trade premise. It is unclear why a different definition is sought. Given the large number of plans that are currently in place based in the RMA definition it does not seem efficient to amend the definition as proposed. . This definition is linked to rural industry and rural production zone. However, rural industry is not an Industrial activity. HortNZ seeks the uncoupling of rural industry from an industrial activity. See comments on Rural Industry below. Delete research laboratories.

Decision sought – delete research laboratories from this definition and have a separate definition for research laboratories.

Land disturbance – see comments regarding earthworks and cultivation above.

Decision sought – Include definition of cultivation as above.

Minor residential unit – This definition has unintended consequences for workers accommodation in rural areas.

Decision sought – Include definition of ‘workers accommodation’ as above.

Net site area – see comments in relation to coverage definition.

Notional Boundary – this needs to be consistent with noise standards.

Decision sought – ensure that the definition is consistent with the noise standards.

Primary production – support in part the definition. The definition is similar to the definition of production land in the RMA. While the definition excludes ‘processing’ it should be clear that there may be some washing and packing as part of preparing product for market

Decision sought:

Add to b) includes any land and auxiliary buildings used for the production of the products, including storing, washing and packing of product for market, that result from the listed activities

c) does not include processing of those products into a different product

Residential unit – This definition has unintended consequences for workers accommodation in rural areas.

Decision sought – Include definition of ‘workers accommodation’ as above.

Rural Industry – HortNZ seeks the uncoupling of rural industry from an industrial activity. There are a number of activities which are undertaken within the rural area that support primary production and are appropriately located within rural areas. It would be clearer to refer to rural services and industry and list the types of activities that are anticipated.

Decision sought: Delete definition of rural industry and include a definition for rural services and industry as follows:

Rural services and industry means an activity undertaken within a rural area where the activity is directly related to rural production activities and includes:

- facilities for processing, packing, and storing primary products and
- activities which service rural production
- rural contractors depots
- postharvest facilities
- Research facilities

Rural production activities: HortNZ seeks that there is a definition for rural production activities which is wider than primary production and encompasses the range of activities that occur within a rural environment associated with primary production.

Decision sought: Include a definition for rural production activities:

Rural production activities means rural land use activities that rely on the productive capacity of land or have a functional need for a rural location such as agriculture, pastoral farming, dairying, poultry farming, pig farming, horticulture, forestry, quarrying and mining.

Also included in this definition are processing and research facilities that directly service or support those rural land use activities.

Setback – This definition will have unintended consequences in the rural zone, in particular, clause (c) due to the use of the term ‘structure’.

Decision sought – Amend definition of ‘structure’ as sought below.

Special audible characteristic – This definition is not suitably clear and its interpretation is opinion based.

Decision sought – Amend definition as follows:

means sound that has a distinctive characteristic such as tonality or impulsiveness which affects its subjective acceptability.

Structure – This definition has unintended consequences for rural activities. As discussed above under the definition of building, ‘artificial crop protection’ structures and ‘crop support’ structures will be caught by this definition and every other definition in the Definition Standard that uses the term ‘Structure’. HortNZ is also concerned that the definition is inconsistent with the current interpretation under Part 1 of the RMA and that the proposed definition will now cover structures not fixed to land.

Decision sought – Delete the definition of Structure or limit the scope of the definition to urban activities only.

Visitor Accommodation – This definition has unintended consequences for workers accommodation in rural areas.

Decision sought – Include definition of ‘seasonal workers accommodation’ as above.

Water sensitive design – Support this definition, but include groundwater recharging effects.

Decision sought – Amend definition as follows:

Means an interdisciplinary approach to land use and development planning, design and implementation which integrates land use and water management, to minimise adverse effects on freshwater systems (surface and groundwater) and coastal environments, particularly from stormwater runoff.

Wetland – This is a very broad definition that has been subject to many contentious hearings, mediations and other debates. This definition should be removed from the Definition Standard and wetlands should be defined spatially (i.e. mapped), rather than with a narrative definition.

Decision sought – Delete definition of wetland from standard and require spatial definition of wetlands.

SCHEDULE THREE: COMPLETED SUBMISSION FORM

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*	Rachel McClung		
Organisation (if applicable)	Horticulture New Zealand		
Address			
Phone			
Email*			
Submitter type*	Individual	☐	
	NGO	☒	
	Business / Industry	☐	
	Local government	☐	
	Central government	☐	
	Iwi	☐	
	Other (please specify)	☐	Click here to enter text.

* 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 ([subject to requested amendments](#))
- ☐ No

Please refer to the cover letter that also informs this submission and includes general submission points.

2. S-RPS: Regional policy statement structure standard

HortNZ support the proposed S-RPS with the following amendments sought:

- **Part 1** - HortNZ consider that there is great value in an Integrated Management chapters to provide overarching guidance about how a Regional Policy Statement relates to regional and district plans. It is recommended that this sits within Part 1 – Introduction and General Provision

Decision sought – Include Integrated management chapter within Part 1 – Introduction and General Provisions.

- Part 2 – HortNZ seeks inclusion of spatial identification (maps) of mana whenua status to ensure clarity for consultation with iwi.

Decision sought – include instruction under Part 2 that local authorities must include maps of mana whenua status.

a. Parts 3 and 4 – Core policy statement provisions

- The Strategic Direction theme should be compulsory in the RPS at a minimum to ensure consistency of direction for urban and rural growth/future development. Currently this is only included in the S-SD standard.

Decision sought – Include Strategic Direction Chapter within Part 3 – Significant Resource Management Issues for the Region

- The term ‘Landforms’ does not align with s6 of the RMA and will cause unnecessary confusion.

Decision sought – replace landscapes, landforms and natural character with RMA terminology ‘natural features, landscapes and character’

- HortNZ oppose the option to combine the Land and Water chapters in an RPS as the RPS includes directions to both regional and district councils who have different functions and authorities with respect to land and water. Therefore, direction in an RPS should be separated and very clear on the themes of water and land.

Decision sought – remove instruction that states ‘*Local authorities must consider whether to combine this chapter with Water/ Land Chapter*’.

b. Part 5 – Evaluation and Monitoring

No comment

3. S-RP: Regional plan structure standard

HortNZ support the proposed S-RP with the following amendments sought:

- Part 2 – HortNZ seeks inclusion of spatial identification (maps) of mana whenua status to ensure clarity for consultation with iwi.

Decision sought – include instruction under Part 2 that local authorities must include maps of mana whenua status.

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

- The term ‘Landforms’ does not align with s6 of the RMA and will cause unnecessary confusion.

Decision sought – replace landscapes, landforms and natural character with RMA terminology ‘natural features, landscapes and character’.

- Spatial identification of wetlands would remove unnecessary confusion and debate as to what areas meet criteria to be classed as wetlands.

Decision sought – include an instruction under ‘Water’ theme to map wetlands within the region.

b. Part 6 – Evaluation and Monitoring

No comment

4. S-DP: District plan structure standard

HortNZ support the proposed S-DP with the following amendments sought:

- Part 2 – HortNZ seeks inclusion of spatial identification (maps) of mana whenua status to ensure clarity for consultation with iwi.

Decision sought – include instruction under Part 2 that local authorities must include maps of mana whenua status.

- Part 3 – The Strategic Direction theme should be compulsory in a district Plan to ensure consistency of direction for urban and rural growth development. Currently this is only required *if a local authority is including provisions on significant resource management matters...*

Decision sought – Strategic Direction within Part 3 is a ‘must’, not an ‘if’.

- Part 3 - The term ‘Landforms’ does not align with s6 of the RMA and will cause unnecessary confusion.

Decision sought – replace landscapes, landforms and natural character with RMA terminology ‘natural features, landscapes and character’

- Zones:

- Part 6 – HortNZ generally support the proposed Zones, including the naming and number of zones, with the expectation of Special Purpose Zone. It is important that Post-Harvest Facilities and Research Facilities can be identified a Special Purpose Zone in Part 6. These facilities are not subsets of other zone types as they can be established within a range of zones including; Industrial Zones or Rural Zones. For this reason, a precinct approach would not work as these activities are not a subset of just one zone type. They are of importance to a District or Region due to their contribution to the economy, employment, food security and the horticulture industry. Furthermore, HortNZ consider that horticultural research is not a subset of ‘Education Zone’. Research facilities face a number of resource management issues which are specific to the nature of their activities so do not fit neatly within other zones. There are different objectives for each of these zones and different environmental impacts. They must be identified separately.

Decision sought – include ‘Post-Harvest Zone’ and ‘Research Zone’ are included in the list of Special Purpose Zones within Part 6

- Part 6 - A number of plans currently contain a 'Coastal Environment Zone' or equivalent. HortNZ have assume that this will be identified and managed through a precinct overlay and consider that this approach can work.

5. S-CP: Combined plan structure standard

HortNZ support the proposed S-CP and seeks the same decisions as sought above for the following:

- o Integrated Management
- o Mana Whenua status
- o Landforms
- o Strategic Direction; and
- o Special Purpose Zones.

What is not clear to HortNZ is whether the Combined Plan Structure is also intended to cover Unitary Plans. If not then a separate plan structure standard should be provided.

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

- Definitions need to be identified in the plan and hyperlinked (put this here or in definitions)- check this in form standards?
- **HortNZ support the proposed S-IGP.**
 - a. Introduction chapter
Support - No further comment
 - b. How plan works chapter
Support - No further comment
 - c. Interpretation
Support - No further comment
 - d. Plan integration
Support - No further comment
 - e. Formation of standards with tangata whenua
Support - No further comment
 - f. National direction
Support - No further comment

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

HortNZ support the proposed S-TW with the following amendments sought:

a. Recognition of iwi/hapū chapter

Support – No further comment

b. Tangata whenua local-authority relationships chapter

Support – No further comment

c. Iwi and hapū planning documents chapter

- HortNZ support the recognition of iwi and hapu planning documents as proposed in Part 5. It is important to include a description of how the local authority has taken the iwi/hapu planning documents into account in the plan.

d. Consultation chapter

- HortNZ seeks inclusion of spatial identification (maps) of mana whenua status to ensure clarity for consultation with iwi.

Decision sought – include mandatory direction under 6 Consultation Chapter that maps of mana whenua status are to be included in policy statements and plans.

- HortNZ recommends that a guidance document is as prepared by MfE to assist Council's and Tangata Whenua to identify how they will work together to identify engagement requirements for resource consent processes. Currently, the approach is unclear and ad hoc in many Districts. This causes confusion and unnecessary tension which could be avoided with clear guidance. It can also add considerably to the cost of a consent if consultation with multiple iwi is required and the iwi do not always agree on what is sought.

e. Use of te reo Māori

Support – Te reo Māori is an official language of New Zealand and planning documents should reflect this.

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

HortNZ support the proposed S-SD.

In particular, HortNZ support this as a mandatory standard, as Strategic Direction is of critical importance to regional policy statements, regional and district plans.

Strategic direction is important for managing urban and rural growth, resource pressures, integrated management and cross-boundary issues and ensuring section 6 matters are addressed consistently.

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

HortNZ generally support the proposed S-DWS and questions why there is not an equivalent Region Wide Matters Standard.

Decision sought – provide a Region Wide Matters Standard.

a. Natural Environment Values Chapter

HortNZ support the use of RMA terms and consider that 'natural resource values' or 'natural and physical values' are more appropriate terms.

Decision Sought – amend title to either 'natural resource values' or 'natural and physical values'.

The term 'Landforms' does not align with s6 of the RMA and will cause unnecessary confusion.

Decision sought – replace landscapes, landforms and natural character with RMA terminology 'natural features, landscapes and character'.

The Coastal environment must be by mapping, not identification by narrative, as mapping is the clearest method to avoid confusion and ensure clarity.

Decision sought – remove

b. Environmental Risks Chapter

It is unclear to HortNZ if matters such as drainage, flood protection and climate change will be addressed under 12 – Natural Hazards or 23 vii -other network utilities not listed. Climate Change in particular should be explicitly mentioned as to where this is to be covered.

If trivial matters such as street furniture are to be listed, then critical matters such as those identified above should be explicitly listed.

Decision sought – explicit list.

c. Community Values Chapter

No comment

d. Infrastructure and Energy Chapter

Network utilities should be explicitly addressed here and this should include everything that is defined as infrastructure in the definition in the RMA. Flood protection and drainage and irrigation infrastructure are critical to rural communities. It is noted that the Infrastructure chapter is in the district plan provisions but not the regional plan. Infrastructure is also a regional plan consideration.

e. Subdivisions Chapter

No comment

f. General District Wide Matters Chapter

No comment

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

a. Zone framework (individual and range)

HortNZ generally support the proposed Zones, including the naming and number of zones, with the expectation of Special Purpose Zone. It is important that Post-

Harvest Facilities and Research Facilities are identified a Special Purpose Zone in Part 6. These facilities are not subsets of other zone types as they can be established within a range of zones including; Industrial Zones or Rural Zones. For this reason, a precinct approach would not work as these activities are not a subset of just one zone type. They are of importance to a District or Region due to their contribution to the economy, employment, food security and the horticulture industry. Furthermore, HortNZ consider that horticultural research is not a subset of 'Education Zone'. There are different objectives for each of these zones and different environmental impacts. They must be identified separately

b. Purpose statements

Rural and Rural Production Zones - It is unclear how the Rural and Rural Production Zones are that different. These zone statements need to include indoor production.

Decision sought – Include indoor production within the purpose statement for Rural Zone and Rural Production Zone.

c. Additional special purpose zones and criteria

Post-harvest facilities such as processing and packing plants, cool stores and storage generally and research facilities, need to be acknowledged within a zone statement as they are significant activities. It is the strong view of HortNZ that these activities are best addressed through Special Purpose Zone.

Suggested purpose statements:

Post-Harvest Zone: The purpose of the Post-Harvest Zone is to provide specifically for post-harvest facilities that process and packing produce with associated cool stores and storage. Such facilities may be located in a number of areas so special purpose zones recognise the unique standalone nature of these facilities.

Research Zone: The purpose of the Research Zone is to provide specifically for research facilities including laboratories and associate field research which have unique requirements and may be located in a number of areas such as rural or industrial.

Decision sought – 'Post-Harvest Zone' and 'Research Zone' are included in the list of Special Purpose Zones with the above purpose statements.

Precincts chapter

A precinct is an urban planning tool. Is this fit for purpose in the rural environment?

d. Development areas chapter

It should be made explicit in the description that this tool can be used to manage rural production growth also. For example – future expansion of post-harvest facilities, research facilities, indoor production, etc.

e. Designations chapter

No Comment

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

12. F-1: Electronic accessibility and functionality standard

- Table 18, point 8 – specifically request that definitions are hyperlinked where they are referred to in plan provisions

a. Standard baseline requirements

Support all baseline requirements – Hyperlinks to definitions will be very helpful.

b. Level 5 requirements

Support Level 5 requirements as long as implementation support is provided by Government to Council's with a low rating base so that rate payers are not overburdened in poorer areas.

13. F-2: Mapping standard

a. Zone colour palette

Support

b. Symbology

Partly support – However, there should be symbols identified for Outstanding Natural Landscape, Outstanding Natural Feature and wetlands.

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

a. Range of tools

Partly support – precinct needs to be included in the list.

b. Zone

Support

c. Overlay

Support

d. Specific control

Support

e. FMU

Support

f. Airshed

Support

- g. Area

Support

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

Support

- a. Range of tools

Support

- b. Zone

Support

- c. Overlay

Support

- d. Precinct

Support

- e. Specific control

Support

- f. Development areas

Support

- g. Designation

Support

16. F-5: Chapter Form standard

- a. Chapter form

HortNZ support there being a standard that provides this direction. We acknowledge that it is similar to the Christchurch City and Waikato plans. Our experience is that this structure is workable, but can be complicated.

- b. Rules

An important factor in this standard is that it identifies what is a standard and what is a condition. There should always be a default rule to best understand what the default activity status is.

- c. Rule tables

Support

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

- Support having a standard
 - a. Status of rules and other text

Support

- b. Numbering

Support

18. CM-1: Definitions standard

See separate document for definition comments

- 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

- a. Technical support

Partly Support – Also include NZS6807 1994 – noise management and landuse planning for helicopter landing areas as this standard makes differentiation for intermittent use which is important for frost fighting in orchards.

20. Implementation

- a. ePlanning implementation

Support. Having all planning documents in a common electronic format in New Zealand will be more effective and efficient in the long term. It will assist ease of use by the general public and professionals. Under resourced Councils should be provided financial support and guidance by MfE to implement e-planning. The Government should also ensure that all regions and district have suitable internet capability before ePlanning is enforced in communities.

- b. Timing

It is important to ensure implementation timing and support works for all interested parties, not just Government and Council's. HortNZ takes an active role in resource management processes across the country, regularly submitting on plan changes and reviews and participating in Environment Court processes. There will be consequential errors in plans due to the fact that standard definitions and new structure are proposed. HortNZ will need to engage in every process to ensure such errors are identified and corrected.

It has been the experience of HortNZ that unintended consequences of new planning provisions frequently occur due to a lack of understanding of the complexities of the

rural environment by Planner's. However, once the consequences are explained appropriate solutions often appear. Therefore, HortNZ need to actively engage in all processes.

We have four full time staff dedicated to resource and environmental management matters, and cannot see how it will be possible for HortNZ to engage on every process given the timeframes proposed and the quantum of change directed by the Planning Standards.

We seek greater moderation in the timing. As proposed, there is no mechanism to ensure an even spread of Council's implementing the standards throughout the 5 to 7 years. On average there would be 11 district plan and 4 regional plan processes per year for seven years that HortNZ and other NGO's and sector groups would be expected to engage in. This number does not include RSP processes. This is a foreboding task for a team of four and for many other interested parties with limited resources.

It would assist HortNZ greatly if these processes could be undertaken region by region, reducing travel (and cost) to multiple locations across the country within short timeframes. Furthermore, if MfE should provide an anticipated timeline showing in which year each council anticipates public engagement on their planning documents over the 7 year period. This would allow HortNZ and others to plan budgets, staffing and consultancy support. This information should be collated by MfE as a matter of course to monitor implementation, regardless of the HortNZ request, therefore, it should not be additional work for MfE.

Decision sought –

- Ensure that the number of plans implementing the standards every year is moderated to evenly 'spread the load' across the 5 to 7 years.
- Implement planning standards region by region.
- Provide a public timeline of anticipated implementation for every Council planning document in New Zealand to ensure that NGO's and others who work across New Zealand have the opportunity to plan budget and staffing across the 5 to 7 year period.

c. Support

No comment

d. District plan structure guidance

No comment

Regional policy statement and regional plan structure guidance

No comment

District plan spatial planning tools and zone framework guidance

No comment

Regional plan and policy statement spatial tools guidance

No comment

Chapter form and status of rule and other text numbering guidance

No comment

Additional guidance materials required

No comment

Future content for standards

HortNZ seeks a future standard to address the use of versatile land and high class soils.

HortNZ understands that the Minister may progress an NPS for versatile land and high class land for production. This approach is supported to ensure that the most valuable land for food production is recognised through the planning framework. However if an NPS is not developed a planning standard could be developed to address the issue of protection of high class land.

e. Utilities provisions

HNZ has been working with the 'Infrastructure Group' on a draft Planning Standard. To date agreement has not been reached as to the nature of provisions. HortNZ seeks that a Planning Standard does not proceed until there has been adequate consultation and agreement between affected parties.

Other comments

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

Please refer to attached comments in the cover submission.

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.

16 August 2018

Ministry for the Environment
E-mailed to: planningstandards@mfe.govt.nz



Dear Sir/Madam

Submission from Hutt City Council on the draft National Planning Standards

Please find attached Hutt City Council's submission on the draft National Planning Standards.

Hutt City Council is generally supportive of National Planning Standards that ensure consistency across plans and policy statements and greater clarity for users of plans and policy statements.

However, Hutt City Council has some concerns with what is proposed by the draft National Planning Standards.

Our specific comments are generally aimed at ensuring that what is required by the standards is clear for councils and plan makers.

I highlight our comment on Direction 12 of *F-5: Chapter Form Standard*. We strongly support the ability for a plan to have rule requirements that immediately follow a rule, as opposed to rule requirements being in separate tables accessed by links.

If you have any questions about the points raised in this submission or any consequences of the National Planning Standards for Hutt City Council, please feel free to contact me on either



Yours sincerely

A handwritten signature in blue ink, appearing to read 'Nathan Geard'.

Nathan Geard
ENVIRONMENTAL POLICY ANALYST

HUTT CITY COUNCIL'S SUBMISSION ON THE DRAFT FIRST SET OF NATIONAL PLANNING STANDARDS

S-DP – District Plan Structure Standard		
Standard	Comment	Request
General	In general, HCC supports the structure of the Parts, Chapters and Sections that would be required by the <i>S-DP: District Plan Structure Standard</i>. However, our preference is for all schedules and appendices to be located at the back of the section to which they relate rather than in a separate section at the back of the plan. While we accept that there are two schools of thought on where schedules and appendices should be located, in our opinion, having the schedules and appendices near relevant plan provisions results in a plan that is more accessible for plan users as they don't need to navigate to a completely separate part of the plan to locate the schedules and appendices that they need to view, particularly for large plans where Part 6 could be in a completely separate volume.	Remove the requirement to have Schedules and Appendices in Part 6 of a district plan. Rename Part 6 of the <i>S-DP: District Plan Structure Standard</i> to <i>Part 6 – Maps</i>. Make the necessary consequential amendments to <i>S-DWM: Draft District Wide Matters Standard</i>, <i>S-ASM: Area Specific Matters Standard</i> and <i>S-SAM Schedules, Appendices & Maps Standard</i> to require schedules and appendices to be located at the end of relevant chapters, rather than in Part 6.

S-CP – Combined Plan Structure Standard		
Standard	Comment	Request
General	In general, HCC supports the structure of the Parts, Chapters and Sections that would be required by the <i>S-CP: Combined Plan Structure Standard</i>. However, our preference is for all schedules and appendices to be located at the back of the section to which they relate rather than in a separate section at the back of the plan. While we accept that there are two schools of thought on where schedules and appendices should be located, in our opinion, having the schedules and appendices near relevant plan provisions results	Remove the requirement to have Schedules and Appendices in Part 8 of a combined plan. Rename Part 8 of the <i>S-CP: District Plan Structure Standard</i> to <i>Part 8 – Maps</i>. Make the necessary consequential amendments to <i>S-DWM: Draft District Wide Matters Standard</i>, <i>S-ASM: Area Specific Matters Standard</i> and <i>S-SAM Schedules, Appendices & Maps Standard</i> to require

	in a plan that is more accessible for plan users as they don't need to navigate to a completely separate part of the plan to locate the schedules and appendices that they need to view, particularly for large plans where Part 8 could be in a completely separate volume.	schedules and appendices to be located at the end of relevant chapters, rather than in Part 6.

S-DWM – District Wide Matters Standard		
Standard	Comment	Request
<i>Natural Environment Values</i> chapter	Direction 6a would require maps of the coastal environment to be included in the <i>Coastal Environment</i> section of the <i>Natural Environment Values</i> chapter. However, it would be more appropriate for all maps to be included in the <i>Maps</i> chapter. Direction 6b requires any objectives, policies, rules and other methods that give effect to the NZCPS to be included in the <i>Coastal Environment</i> section of the <i>Natural Environment Values</i> chapter. However, some plan provisions that give effect to the NZCPS would be better located elsewhere in a district plan. <u>Examples:</u> Provisions to give effect to Policy 9 of the NZCPS (regarding development of ports) would be better located in the <i>Port Zone</i> chapter. Provisions to give effect to Policy 24 of the NZCPS (regarding identification of coastal hazards) would be better located in the <i>Natural Hazards</i> section of the <i>Environmental Risks</i> chapter. Direction 6 should be amended so that councils have discretion over which provisions should be included in the <i>Coastal Environment</i> section and which are better located in other parts of the plan.	Replace Directions 5 and 6 with the following: <i>If a district has coastal environment:</i> <i>The relevant district plan or combined plan must include a Coastal Environment section in the Natural Environment Values chapter.</i> <i>The coastal environment must either be described in the Coastal Environment section or mapped in the Maps chapter.</i> <i>Unless included elsewhere in the plan, plan provisions to address the coastal environment must be included in the Coastal Environment section of the Natural Environment Values chapter.</i>
<i>Natural Environment</i>	Direction 7a requires identification of landscapes, landforms and	Remove the requirement for a <i>Schedules</i> chapter

Values chapter	natural character in the <i>Landscape, Landforms & Natural Character</i> section of the <i>Natural Environment Values</i> chapter. Our preference is for all schedules to be located in the chapters to which they relate, and for the <i>Schedules</i> chapter to be removed from the standards. However, if the National Planning Standards retain a <i>Schedules</i> chapter, it would be preferable for all schedules in a plan to be in the <i>Schedule</i> chapter, rather than their being some schedules in the <i>Schedules</i> chapter and other <i>Schedules</i> being located in other parts of the plan. In addition, Direction 7 could give clearer instructions on where the schedules, maps and plan provisions should be located, and the standards with which they need to comply.	from the National Planning Standards, and replace Direction 7 with the following: a. <i>If a plan identifies landscapes, landforms and areas of natural character that are outstanding, significant or valued by the community, they must be:</i> i. <i>Identified in schedule at the end of the Landscape, Landforms & Natural Character section of the Natural Environment Values chapter; and</i> ii. <i>Mapped on maps in the Maps chapter.</i> b. <i>The schedules and maps described by Direction 7a must meet the requirements of National Planning Standard S-SAM.</i> c. <i>If objectives, policies, rules and other methods are included in a plan to address landscapes, landforms and areas of natural character (as identified under Direction 7a), they must be included in the Landscape, Landforms & Natural Character section of the Natural Environment Values chapter.</i> d. <i>The objectives, policies and other methods described by Direction 7a must meet the requirements of National Planning Standards F-5 and F-6.</i> However, if the National Planning Standards retain the requirement for a <i>Schedules</i> chapter, amend Direction 7 so that any schedule of landscapes, landforms and natural character must be included in the <i>Schedules</i> chapter.
Community Values chapter	Direction 17 requires identification of heritage resources in the <i>Historic Heritage</i> section of the <i>Community Values</i> chapter, and for the chapter to cross reference to a schedule in the <i>Schedules</i> chapter. However, this would result in heritage resources being identified twice: once in the <i>Historic Heritage</i> section and once in	Replace Direction 17 with the following: a. <i>If heritage resources are identified in a plan, they must be:</i> i. <i>Identified in a schedule at the end of the</i>

	the <i>Schedules</i> chapter. It would be simpler to require heritage resources to be identified once. Our preference is for all schedules to be located in the chapters to which they relate, and for the <i>Schedules</i> chapter to be removed from the standards. However, if the National Planning Standards retain a <i>Schedules</i> chapter, it would be preferable for all schedules in a plan to be in the <i>Schedule</i> chapter, rather than their being some schedules in the <i>Schedules</i> chapter and other <i>Schedules</i> being located in other parts of the plan. In addition, Direction 17 could give clearer instructions on where the schedules, maps and plan provisions should be located, and the standards with which they need to comply.	<i>Historic Heritage</i> section of the <i>Community Values</i> chapter. ii. <i>Mapped on a map in the Maps chapter.</i> b. <i>The schedule and map described by Direction 17a must meet the requirements of National Planning Standard S-SAM.</i> c. <i>If objectives, policies, rules and other methods are included in a plan to address heritage resources and the effects on the heritage values of these resources, they must be included in the Historic Heritage section of the Community Values chapter.</i> d. <i>The objectives, policies and other methods described by Direction 17c must meet the requirements of National Planning Standards F-5 and F-6.</i> However, if the National Planning Standards retain the requirement for a <i>Schedules</i> chapter, amend Direction 17 so that any schedule of heritage resources must be included in the <i>Schedules</i> chapter.
Community Values chapter	Direction 18b refers specifically to Māori Cultural Landscapes in addition to sites of significance to Māori. However, there is no indication in the standards as to what constitutes a Māori Cultural Landscape. Presumably, it refers to an area of significance rather than a single site. The term “landscape” should be avoided, to avoid confusion with established definitions and methodologies around outstanding natural landscapes. The term “landscape” should not be used simply as a fancy way of saying “area”. Also, while it is common sense for sites, areas and landscapes of significance to Māori to be identified through a process that has been agreed with tangata whenua, it is not the role of the National Planning Standards to state how the sites and landscapes should be identified.	Amend Direction 18b as follows: <i>Sites and areas that have been identified as significant to Māori.</i>

<i>Infrastructure & Energy and Environmental Risks</i> chapters	It is unclear whether bulk storage facilities should be addressed through the <i>Infrastructure & Energy</i> chapter (as infrastructure) or the <i>Environmental Risks</i> chapter (as a hazardous facility). It may be that different aspects of bulk storage facilities need to be included in different chapters. The standards should either clarify which chapter should address bulk storage facilities or which aspects of bulk storage facilities should be addressed in each chapter.	Amend standard DWM to clarify how bulk storage facilities should be addressed in a district plan or combined plan.
<i>Infrastructure & Energy and Noise & Light</i> chapters	It is unclear whether reverse sensitivity effects on network utilities from noise sensitive activities should be addressed through the <i>Infrastructure & Energy</i> Chapter or the <i>Noise & Light</i> section of the <i>General District Wide Matters</i> chapter. <u>Example</u> The City of Lower Hutt District Plan includes provisions that address the reverse sensitivity effects of noise sensitive activities within 40m of state highways and railway corridors. The provisions include insulation standards that need to be met for noise sensitive activities to be undertaken as a permitted activity. If the standards are breached, resource consent is required as a restricted discretionary activity. Direction 23c states that provisions to manage reverse sensitivity effects between infrastructure and other activities must be addressed in the <i>Infrastructure and Energy</i> chapter. However, Direction 31d states that sound insulation requirements for sensitive activities or limits to the location of noise sensitive activities relative to noise generating activities must be located in the <i>Noise & Light</i> section of the <i>General District Wide Matters</i> chapter. A plan could comply with both of these directions by including the rules in the <i>Infrastructure and Energy</i> chapter and the standards in the <i>General District Wide Matters</i>. However, it would be better to keep the provisions together.	Amend standard DWM to clarify how reverse sensitivity effects on network utilities from noise sensitive activities should be addressed in a district plan or combined plan.

	Our preference would be for the provisions to be included in the <i>District Wide Matters</i> chapter. It is unreasonable to expect a plan user to think to look at the <i>Infrastructure & Energy</i> chapter if they are actually interested in a residential site that is just in the vicinity of infrastructure. An alternative would be to have a <i>Reverse Sensitivity</i> chapter that could include all provisions that are included in the plan to address reverse sensitivity effects, including effects on industrial and commercial areas.	
-	The standards should further control how district plans address the transport network, including: a. Whether roads should be designated, an overlay, a specific zone or none of the above; b. Whether district plans should provide zones under roads; c. What rules should apply for non-roading activities on roads, and what provisions apply when a road is uplifted (to avoid the situation of an area of former road having no zone and requiring a plan change to apply a zone); and d. Where different provisions relating to the design of the Transport Network should be located in District Plans (such as road design, access and carparking requirements). We assume that the standards do not address these matters to allow councils to decide what is appropriate for them. However, if the purpose of the National Planning Standards is to make plans and policy statements more consistent, this should extend to how plans address the transport network. Alternatively, MfE should provide guidance on how to address the transport network.	Amend the standards to specify how district plans and combined plans should address the transport network. Alternatively, provide guidance on the options for how the transport network can be addressed through the framework set by the National Planning Standards.

S-ASM – Area Specific Matters Standard		
Standard	Comment	Request

<i>Special purpose zone chapter</i>	Direction 7 lists three situations where an additional special purpose zone can be created. However, it is unclear whether just one or all three of these situations need to be present for an additional special purpose zone to be included in a plan. Our assumption is that the intention of the standard is for all three situations to be present for an additional special purpose zone to be included in a plan. Direction 7 should be amended to make this clear. Secondly, as councils usually have no control over whether a designation is included in their district plans (other than when the council is the requiring authority for a designation), Direction 7 should not refer to designations. Thirdly, if proposed land use activities and anticipated development cannot be enabled by any other zones, overlays, precincts, development area or specific controls, district plans should be able to use an additional special purpose zone, regardless of whether they are significant to the district or region. Otherwise, there would be no way for district plans to enable the proposed land use activities and anticipated developments.	Amend Direction 7 as follows: <i>An additional special purpose zone must only be created when the proposed land use activities and anticipated development within the defined area:</i> ~~a. are significant to the district or region;~~ ~~b-a.~~ <i>could not be enabled by any other zone; and</i> ~~c-b.~~ <i>could not be enabled by the introduction of an overlay, precinct, ~~designation,~~ development area, or specific control.</i>
Zone chapters – Purpose statements - General	The purpose statements usually say that the purpose of the zone is to provide <i>primarily</i> for a specific type of activity. While this leaves the types of activities that can provided within a zone open, it would be useful for the purpose statements to make it clear that other types of activities can be provided for within these zones if the effects are appropriate. This clarification has been included in the purpose statement for the Commercial Zone, and should be extended to all other zones. For example, the zone statement for the Residential Zone should be amended to say “<i>The purpose of the Residential Zone is to provide primarily for residential activities in areas of suburban character, <u>as well as other activities with effects that are compatible with residential activities.</u></i>”	Amend the purpose statements to clarify that the zones provide for more than just the activities that are primarily provided for, and in what situations.

Zone chapters – Purpose statements – Mixed Use Zone	The purpose statement of the Mixed-Use zone indicates that a Mixed Use Zone would have to provide for residential, commercial, light industrial, recreational and community activities. However, it should be up to councils to determine which mix of uses are provided for within a Mixed Use Zone. For example, the Seaview Marina provides for a mix of recreational, commercial, light industrial and community activities. However, due to risks from natural hazards and hazardous facilities in the surrounding area, the Seaview Marina does not provide for residential activities. As a result, the Marina would not meet the purpose statement for a Mixed Use Zone, despite being a location of a mix of uses.	Amend the purpose statement of the Mixed Use Zone so that a Mixed-Use Zone provides for a mix of residential, commercial, light industrial, recreational and community activities, but not necessarily all of them.
<i>Development Areas</i> chapter	It is unclear where the conceptual plans for development areas would be located. Our preference is for conceptual plans to be located at the end of the section for a Development Area.	Amend standard S-ASM to clarify where conceptual plans for developments areas would be located.
<i>Designations</i> chapter	Table 16 of Direction 18 requires a designation table to include the conditions of a designation. However, some designations can have several pages of conditions and associated attachments. For example, the City of Lower Hutt District Plan includes a designation for a state highway interchange that includes 38 conditions and an associated map. It would be more appropriate for conditions of a designation to be included in an appendix that is appended to the <i>Designations</i> chapter.	Following Table 16, add the following new direction: <u><i>If a designation is subject to conditions, the conditions must be included in an appendix that is appended to the Designations chapter, and the designation table must have a reference to this appendix.</i></u>
<i>Designations</i> chapter	Table 16 of Direction 18 requires the designation table to include the “Designation hierarchy”. While we assume this refers to which designation would take precedence under s177 of the RMA, it is unclear.	Amend the fifth row of Table 16 of Direction 18 as follows: <i>“Designation hierarchy <u>under s177 of the RMA</u> (primary or secondary)”</i>

S-SAM – Schedules, Appendices & Maps Standard

Standard	Comment	Request
Maps	Directions 10 and 11 state that if an electronic plan is used, that no separate map set is required, but that if a paper-based plan is produced, a separate map set must be produced. It is unclear what is meant by a “map set”. Our understanding is that all maps of a district plan are to be included in a <i>Maps</i> chapter in <i>Part 6 - Schedules, Appendices & Maps</i> . However, the term “map set” makes it sound like there is a set of maps that is separate from the district plan. Directions 10 and 11 should refer to the <i>Maps</i> chapter, and not a map set.	Replace Direction 10 with the following: <i>If an electronic plan is connected to an online GIS viewer, the electronic plan does not need to include a Maps chapter. The online GIS viewer must meet the requirements of F-2: Mapping Standard, F-3: Spatial Planning Tools (Regional) Standard and F-4: Spatial Planning Tools (District) Standard.</i> Replace Direction 11 with the following: <i>Maps of paper-based plans must be located in a Maps chapter. Maps must meet the requirements of standard F-2: Mapping Standard, F-3: Spatial Planning Tools (Regional) Standard and F-4: Spatial Planning Tools (District) Standard.</i>

F-1 – Electronic Accessibility and Functionality Standard		
Standard	Comment	Request
Instruction 4	Instruction 4 instructs plans to comply with Web Accessibility Standard 1.0. This is a complicated standard. Guidance from MfE on how electronic plans can comply with the standard would be helpful.	Provide guidance on how an electronic plan can meet the Web Accessibility Standard 1.0.
Instruction 5	Instruction 5 states: <i>“Local authorities must provide <u>hyperlinks</u> to their plans ... and inform the Ministry for the Environment if the <u>hyperlink</u> changes.”</i> Hyperlink is the incorrect term in this context. Local authorities would provide MfE with the <i>web address</i> of their plans. If MfE chose to link to the plans through an MfE website, MfE would	Amend Instruction 4 as follows: <i>Local authorities must provide <u>hyperlinks</u> to <u>web addresses</u> for their plans and regional policy statements to the Ministry for the Environment and inform the Ministry for the Environment if the <u>hyperlink</u> <u>web address</u> changes.</i>

	create a hyperlink on that website using the web address provided by the local authorities.	
Instruction 7	Instruction 7 would require rules in plans to include advice notes that advise plan users that their proposed activity may also require resource consent from another plan. The example given in the instruction would be for an advice note and link from a rule in a regional plan to a rule in the district plan. If it is necessary to include advice notes and links to resource consent requirements in other plans, it would also be necessary to include advice notes and links to resource consent requirements in the same plan, as well as relevant permitted activity rules. However, this would result in a plan needing a lot of links to other rules in the plan and rules in other plans, all of which will need updating with future plan changes, including plan changes of another council. In addition, it is unclear in which situations district plans would need these advice notes, as some activities technically could require consent under multiple rules in multiple plans. For example, a residential activity could technically require resource consent for the construction of a dwelling, earthworks (which could require links to rules in both a regional plan and district plan), the discharge of dust during construction (which could require links to rules in both a regional and district plan), the emission of noise during construction and onsite transport facilities (such as carparking and manoeuvring areas). It will be difficult for a plan to include links to all other rules that may be relevant in all situations, and if a link is ever missed, a plan user may assume that no other rules are relevant for their proposed activity as links to other relevant rules are usually provided. It could also be difficult to include a hyperlink to a specific rule in a plan because of the capabilities of electronic plans and the coordination that would be required between territorial and	Replace Instruction 7 with the following: <i>Where a rule addresses an activity that may also need to comply with another rule or rules of a district or regional plan, the council may include an advice note to advise plan users of the other relevant rules for the activity.</i>

	regional authorities. Our preference is for plans to advise plan users that they may need to comply with multiple rules, including rules of other plans, through the <i>How the plan works</i> chapter of <i>Part 1 – Introduction and General Provisions</i>. This could also include advice on approvals that may be required under other legislation, such as building consents and archaeological authorities. Councils should be given the option of including advice notes in their plans if they consider it necessary for a particular activity, rather than it being a mandatory requirement for all rules.	
Instruction 8	Instruction 8 requires links between “significant” planning provisions. However it is unclear what planning provisions are significant enough to require links. Instruction 8 should specify which links are required.	Reword Instruction 8 to clarify what links are required.
Instruction 9	HCC supports the requirement for plans and policy statements to include a word search function. However, Instruction 8 only requires this function where plans and policy statements are presented as PDFs. This function should be required in all electronic plans.	Amend Instruction 9 so that it applies to all electronic plans and policy statements. Replace Instruction 9 with the following: <u><i>Electronic plans and regional policy statements (including those in a PDF format) must include a word search function.</i></u>
Instructions 11 and 12	Instruction 11 requires a council to have all versions of the current plan that have existed since the plan became operative available on their website. Instruction 12 requires a council to have the first operative version and the final operative version of all plans available on the council website (as a PDF). This instruction has significant implications for HCC. The City of Lower Hutt District Plan was made operative in part in 2003 and operative in full in 2004. Since 2003, HCC has been reviewing its District Plan through a rolling review. This rolling	Remove Instruction 11. Alternatively, replace Instruction 11 with the following: <u><i>From [insert date National Planning Standards have effect], a copy of all operative versions of district and regional plans (including maps) must be retained and made available on the local authority’s website.</i></u>

	review has included 50 plan changes and 34 district plan updates. Instruction 11 would require HCC to have 36 versions of the City of Lower Hutt District Plan on the website. HCC does not have electronic versions of previous versions of the District Plan, and it would take a long time to reproduce them, particularly if we also need to reproduce previous versions of the District Plan maps. Complying with this instruction would require a lot of resources, with relatively little benefit. Currently, if someone is interested in what provisions applied for a property in the past, they are able to contact HCC and ask us to investigate it for them. If it is necessary to show all previous versions of a current operative plan on the website so that plan users can investigate what provisions previously applied to a property at a particular point in time, by the same logic it would also be necessary to show all previous versions of previous operative plans. In addition, having multiple, out of date, versions of a district plan on the council website could be confusing for inexperienced plan users. It would be preferable for them to contact the council rather than attempt to determine which parts of an out of date district plan were either operative or had legal effect at a specific point in time. With the introduction of electronic plans, it is a lot easier to retain electronic versions of plans that were created as an electronic plan. If we are required to retain an electronic copy of the District Plan whenever it changes in the future, it is easy enough to achieve and make available on the Council's website.	
Instruction 15	Instruction 15 is for plans and policy statements, between notification and becoming operative, to differentiate which provisions:	Amend Standard F-1: Electronic Accessibility & Functionality Standard to clarify how it applies to proposed plans and policy statements (including

	• Are proposed, • Have been decided on, • Have been appealed, and • Are operative. This suggests that plans and policy statements are meant to comply with the National Planning Standards, including the Electronic Accessibility and Functionality Standard, prior to becoming operative. At HCC, we only add provisions to our electronic district plan once they have become operative, with advice notes in the plan to advise plan users if a chapter they are viewing would be impacted by a proposed plan change. The standards need to make it clear whether proposed plan changes are required to meet the Electronic Accessibility & Functionality Standard, as well as how the standard applies to proposed changes to existing plans and policy statements (including maps).	maps) and proposed changes to existing plans and policy statements (including proposed changes to maps).
Instruction 16	Instruction 16 is for plans and policy statements to indicate whether provisions are regional policy statement provisions, regional plan provisions, regional coastal plan provisions or district plan provisions. It needs to be clear that this is for regional plans and combined Plans, and not for stand-alone district plans. Also, there seems to be little benefit in identifying which provisions are regional plan provisions vs regional coastal plan provisions. Instruction 16 also requires electronic plans to make these provisions <i>“searchable and able to be compiled”</i>. It is unclear what this means. Our assumption is that it means that plan users need to be able to: • Search the provisions for the type of planning document	Amend Instruction 16 so it does not apply to stand-alone district plans. Amend Instruction 16 to clarify what is meant by making provisions <i>“searchable and able to be compiled”</i>.

	in which they are interested (for example, search within provisions that are regional plan provisions without getting search results from regional coastal plan provisions); and • Display all the provisions from a specific type of planning document (we think this is what is meant by “compiled”, but it’s very unclear). If this is what is meant by searchable and able to be compiled, while HCC doesn’t oppose the requirement, it may be beyond the ability of current electronic planning tools.	
Tables 19 and 20 and Figure 1	While guidance from MfE on ePlanning is supported, the National Planning Standards should solely state what councils are required to provide for through an electronic plan. It would be better to include the Electronic Accessibility and Functionality Scale along with more detailed guidance on ePlanning, and not within the National Planning Standards. In addition, the information in <i>Table 20: Additional description of levels</i> on Levels 5 and 6 should be rewritten as the requirements for electronic plans, not as a description of levels.	Provide guidance on ePlanning outside the National Planning Standards Remove Figure 1 and Table 20, and replace Instruction 3 of Table 19 with the following: <i>Local authorities must provide an electronic version of their plans and regional policy statements (“an ePlan”) on their websites. An ePlan must include:</i> <i>a) Text of the plans/regional policy statements and a GIS viewer of associated maps;</i> <i>b) The ability to view both the full document or specific provisions;</i> <i>c) The ability to query the ePlan to display the provisions that apply to a specific property or for a specific activity;</i> <i>d) The ability to display the provisions that apply to a specific property by selecting that property in the GIS viewer;</i> <i>e) A service that enables electronic submissions on proposed plan changes, or integration with a similar service outside of the ePlan;</i> <i>f) The ability to download and print a paper-copy of the entire regional policy statement or plan, in</i>

		<i>part or for the entire plan;</i> <i>g) For the ePlan and any downloaded or printed copy from the ePlan, the seal of the local authority and an electronic signature verifying its authenticity;</i> <i>h) The GIS viewer must:</i> <i>i. Include all layers of the District Plan maps;</i> <i>ii. Enable plan users to search for a specific property;</i> <i>iii. Enable plan users determine which layers are displayed.</i>
Table 20	The second bullet of the Level 5 description refers to being able to view just the results of a user query and gives the examples of property and/or activity queries. This bullet point should be amended to make it clearer which types of queries must be provided for in an electronic plan, rather than just giving a couple of examples of queries. While HCC's electronic plan currently provides for activity queries, we have only provided for seven activities (accessory building, childcare facility, dwelling, earthworks, home occupation, subdivision and additions). Each new activity query requires additional work from council staff to set-up, and ongoing maintenance is required due to take account of plan changes.	Amend the requirements for electronic plans to clarify which types of queries must be provided for in an electronic plan.
Table 20	The fourth bullet of the Level 5 description refers to including the ability to download and print a copy of the plan, including maps. It needs to be clear whether this needs to be through the electronic plan or whether it can be elsewhere on the website. While you can download and print any chapter or section of the HCC District Plan through the HCC ePlan, it is a bit awkward to download and print the entire plan. For the District Plan to be downloaded or printed through the ePlan, the ePlan needs to	Amend standard F-1: <i>Electronic Accessibility & Functionality Standard</i> to enable printing of a full version of a district plan to be done through a council's website, but not necessarily directly through a council's electronic plan.

	create a PDF of the entire District Plan, and this can be constrained by computing power and network speeds. This is only a problem when printing the entire plan or large chapters, and is not a problem when printing smaller sub-chapters or specific provisions. It is also awkward to try to download or print the District Plan maps through our District Plan GIS viewer. Our current solution is that council staff create '<i>cached</i>' PDFs (that is, pre-prepared PDFs) and put them on the Council website separately from the ePlan. Then if someone needs to print the entire plan or maps, we can direct them to those PDFs. It would be preferable to be able to provide continue to enable the full District Plan (including maps) to be downloaded or printed on the Council website but not from within the ePlan.	

F-2 Draft Mapping Standard		
Standard	Comment	Request
Tables 21 and 22	Some of the colours for zones are too similar, particularly the colours for the Low-density and Medium-density zones. There may also be issues for the rural and open space/recreation/conservation zones. In addition, the Hazard and Statutory Acknowledgement symbols in the Symbology Table require layers that would have a partially transparent fill. The transparent fills would cause the underlying zoning to have a different colour. For example an area in the High-Density Residential Zone would appear as a lighter shade of yellow if it were in a Statutory Acknowledgement Area, or a more green colour if it was in a Hazard Area. No maps have been provided that use the zone colour palette of	Review the legibility of the proposed colours and symbols for zones and overlays by producing maps that use the proposed colours and symbols.

	the National Planning Standards. This makes it difficult for us to comment on the legibility of maps that use the palette. Before settling on a zone colour palette in the National Planning Standards, maps should be produced that use real world situations to assess whether the zone colour palette will result in legibility issues for users of both electronic maps and paper maps. If these maps are produced, they should include both zones and overlays.	
Table 22 - Descriptions	In general, the Descriptions of the symbology for overlays could be stated more simply and clearly. In addition, the Descriptions are not always consistent. <u>Examples</u> Designations, Heritage Areas and Statutory Acknowledgement Areas would all be displayed with polygons. However, the level of information given to describe these polygons is different. For example, the Designation description gives information on the fill but the Heritage area description does not. This should be kept consistent. Noise contours are described as a Geometry polygon and the Coastal environment are described as a Line fill symbol. As these are similar types of overlays, the description in the standards should be more consistent, including the level of information included in the description. The descriptions refer to features as <i>geometry</i> points, <i>geometry</i> lines and <i>geometry</i> polygons. It would be simpler to call them points, lines and polygons. When specifying outline and line widths, the standards should specify that the units used are points. For example, the <i>Line width</i> for the Coastal Environment overlay should be <i>1pt</i>, and the <i>Outline width</i> for the Coastal Environment overlay should be <i>2pt</i>.	Review the Descriptions in Table 22 to make the descriptions simpler, clearer and more consistent throughout the table.

	The description for the Designation symbology doesn't need to specify that it is the Designation identifier.	
Table 22 – Noise contours	The Name for the Noise contours shouldn't specify that the noise contours are for airports and ports. While these are examples of when noise contours would be used in a plan, it should be left to councils to determine when noise contours are used.	In Table 22 , change the Name of the noise contours entry to “Noise contours (<u>for example, ports, airports and quarries</u>)”
Table 22 - Hazards	Table 22 indicates that all hazard areas are to be shown using the same symbology. Lower Hutt has some areas that will be impacted by multiple hazards. For example, some parts of Petone are potentially impacted by fault hazards (fault rupture and liquefaction) and coastal hazards (sea-level rise, tsunami and storm surges). Using the same symbology to show all of these layers may make it difficult to determine which hazard(s) apply.	In Table 22, amend the symbology for hazards so that different hazards have different symbology.
Table 22 - Hazards	Table 22 lists Coastal hazards, Flood hazards Volcanic hazards and Fault hazards. Where the table refers to Fault hazards, it should be clearer whether Fault hazards include areas that are susceptible to liquefaction. Where the table refers to Coastal hazards, it should be clearer whether Coastal hazards include areas at risk from sea-level rise.	In Table 22, amend the Names of the hazard overlays to clarify whether Coastal hazards include areas at risk from sea-level rise and whether Fault hazards include areas that are susceptible to liquefaction.
Table 22 - Faultline Hazard	Table 22 gives two symbols that relate to fault hazards: • The <i>Fault Hazard</i>, which is a blue polygon that is used to map several different hazards; and • The <i>Faultline Hazard</i>, which is a blue line. Our assumption is that the <i>Faultline Hazard</i> layer is meant to show the specific location of a fault, while the <i>Fault Hazard</i> is meant to show a hazard area, such as an area where specific provisions apply due to its proximity to the fault. However, this could be made clearer by referring to the <i>Faultline Hazard</i> layer as the <i>Faultline</i>.	In Table 22, amend the Description of Faultline Hazard to allow both polygons and lines to be used.

	In addition, the City of Lower Hutt District Plan includes maps that show where we believe the Wellington Fault is located. However, as it is difficult to locate the exact position of the fault, we have mapped the fault as an area (the <i>Wellington Fault Special Study Area</i>). Councils should be able to map faults with a polygon rather than a line. This could be achieved with similar symbology.	

F-4: Spatial Planning Tools (District) Standard		
Standard	Comment	Request
Direction 3 – Overlays	The description of the function of an Overlay (in Table 24) does more than describe the function. It also states that the overlay would be the result of a district-wide assessment. However, a council may want to introduce an overlay that as the result of an assessment that only covers part of a district. The description of the function of the overlay should only describe the function, not how the overlay is identified.	Replace the description in Table 24 of the function of Overlays with the following: <i><u>An overlay identifies area(s) and/or feature(s) that, due to their common characteristics, require different management from that of the underlying zone(s).</u></i>
Direction 3 - Overlays	Table 24 states that overlays would only be able to be identified through polygon or point data. It is unclear why the National Planning Standards would restrict overlays to only being polygon or point data. While it may be uncommon for overlays to be represented by lines, there are situations where a council may want to address linear features through an overlay, and it may be more appropriate to identify these as lines. While most linear features would be able to be identified as polygons instead of lines, there is no benefit in preventing a council from using lines if it wishes to do so.	Amend the description in Table 24 of the types of data that can represent an Overlay as follows: <i>Polygon, <u>line</u> or point data [cc cross reference Mapping Standard]</i>
Direction 3 - Precincts	The description of the function of a Precinct (in Table 24) states that a precinct is for situations where “two or more additional provisions apply which modify the policy approach of the underlying zone(s) or refine or modify land use outcomes.”	Replace the description in Table 24 of the function of Overlays with the following: <i>A Precinct identifies a specific location where additional provisions apply that manage the land use in a different</i>

	While most precincts would be used in situations where there are multiple additional provisions for an area, it is unclear why the National Planning Standards would prevent precincts from being used when a single additional provision applies. Our assumption is that the intention is that a Specific Control would be used if there is a single additional provision. However, this could be awkward if the single additional provision was intended for multiple properties that cross multiple zones. It would be clearer in some situations to use a precinct. In addition, the description of the function could be clearer and more concise.	<i>manner from the what is provided for by the provisions for the underlying zone.</i>

F-5: Chapter Form Standard		
Standard	Comment	Request
Direction 6 - Issues	Direction 6 states that “ <i>Local authorities must consider whether issues need to be addressed in each chapter.</i> ” There is always an issue that needs to be addressed by a chapter. If there are no issues, then there is no need for the chapter.	Reword Direction 6 as follows: <i>Local authorities must consider whether issues need to be <u>explicitly stated</u> ~~addressed~~ in each chapter.</i>
Directions 8 and 10 - Objectives and Policies	Directions 8 and 10 of standard F-5 make it look like the objectives and policies should just be numbered O1, O2, O3 ... and P1, P2, P3 ... However, Direction 12 of Standard F-6 states that the reference for an objective or policy needs to include the chapter reference. This is misleading. The purpose of Directions 8 and 10 is to state that objectives need to be grouped together and policies need to be grouped together, and this is clear enough without the examples.	Delete the examples from Directions 8 and 10. Alternatively, reword Directions 8 and 10 as follows: <i>Where provided, objectives must be grouped together.</i> <i>For example,</i> <i>Number for first objective (from standard F-6) <u>O1 and its “short title”</u></i> <i>Text for first objective ~~Text objective 1~~</i> <i>Number for second objective (from standard F-6) <u>O2 and its “short title”</u></i> <i>Text for second objective ~~Text objective 2~~</i>

		<i>Where provided, policies must be grouped together.</i> <i>For example,</i> <i>Number for first policy (from standard F-6) ~~O1 and its “short title”~~</i> <i>Text for first policy ~~Text policy 1~~</i> <i>Number for second policy (from standard F-6) ~~O2 and its “short title”~~</i> <i>Text for second policy ~~Text policy 2~~</i>
Directions 8 and 10 - Objectives and Policies	When giving an example of objectives and policies, Directions 8 and 10 refer to “short titles”. However, short titles are not referred to anywhere else in the standards. It is unclear whether objectives and policies are required to have short titles under the standards, or whether they are even allowed. Our preference would be for these titles to be optional. At HCC we endeavour to have concise objectives and policies. As a result, our objectives and policies are often very short. In some cases, if we were to give an objective or policy a title, the title would repeat the objective or policy.	Either delete the examples from Directions 8 and 10 or reword the directions as follows: Where provided, objectives must be grouped together. For example, O1 ~~and its “short title”~~ Text objective 1 O2 ~~and its “short title”~~ Text objective 2 Where provided, policies must be grouped together. For example, O1 ~~and its “short title”~~ Text policy 1 O2 ~~and its “short title”~~ Text policy 2 In addition, amend standard F-6 to clarify which plan

		provisions are required to have, sites are allowed to have titles or are prohibited from having titles.
Direction 11 - Methods	It is unusual to have the methods section above the rules section. It is more common to have other methods other than rules in a section titled “Other Methods”, below the rules section.	Move the Methods section below the Rules section, and rename it “Other Methods”.
Direction 12 - Rules	It is difficult to follow how the rules table would work. Examples should be given of how these tables are to be implemented in different scenarios.	Amend Standard F-5 to include examples of the Rules Overview, Rules and Rule Requirements tables will work in practice for a range of scenarios.
Direction 12 - Rules	Our interpretation of Direction 12 is that a <i>Rules</i> section would only be required to have a Rules table that includes all the rules of that section while the Rules Overview table and the Rule Requirement tables are optional. Our strong preference is for each rule to have its own table that includes the relevant rule requirements. This is easier for plan users as they don’t need to flip to a separate part of the plan and search through a separate table to find the relevant requirements. We also think that there should be clear separation between activities (for example, childcare facilities) and building or development standards (for example, building height) and both should be assigned their distinct rule requirements (for example, up to 5 children = permitted or up to 8m = permitted). We have attached a copy of HCC’s proposed Chapter 4A (which is part of Proposed District Plan Change 43) as an example. We agree that the Rules Overview table should be optional.	Amend Direction 12 to allow plans to have a Rule table for each rule, immediately followed by a Rule Requirements table that has just the requirements that are specific to that rule.

F-6: Status of Rules and Other Text and Numbering Form Standard		
Standard	Comment	Request
Status of Rules and	Instruction 1 requires shading of certain types of text between	Amend the National Planning Standards to clarify

other text – Instruction 1	when a plan or policy statement is notified and becomes operative. However, it was never made clear that the standards apply to proposed plans and policy statements and proposed changes to existing plans and policy statements. If this is the intent, it is unclear how this would be implemented for plans that are developed through a rolling review (particularly standards F-1 and F-2). The National Planning Standards need to make it clear whether the standards apply to proposed plans and policy statements and proposed changes to existing plans and policy statements, and guidance in addition to the standards may be required.	whether they apply to proposed plans and policy statements. Amend the National Planning Standards to clarify whether they apply to plan changes.

CM-1: Draft Definitions Standards		
Defined Term	Comments	Requested Amendments
General	Some definitions could be improved with diagrams, such as the definition for <i>maximum height</i> , <i>height in relation to boundary/recession plane</i> and <i>setback</i> . While Direction 3f enables definitions in district plans to include diagrams, it would be preferable for diagrams to be consistent.	Review which definitions in the <i>CM-1: Definitions Standard</i> should include diagrams, particularly the definitions of <i>maximum height</i>, <i>height in relation to boundary/recession plane</i> and <i>setback</i>.
Building	It is unclear why a building only becomes a building if it is enclosed by 2 or more walls and a roof. It is also unclear what is meant by “any structure that is similarly enclosed”. It would be clearer to class all enclosed structures as buildings.	Amend the definition of <i>building</i> as follows: ~~means any~~ <i>An enclosed structure, whether temporary or permanent, moveable or fixed, that is enclosed, with 2 or more walls and a roof, or any structure that is similarly enclosed.</i>
Commercial activity	The definition of commercial activity refers specially to activities that have the <i>primary</i> purpose of trading goods, equipment and services. However, district plans need to be able to address the effects of an activity that involve the trading of goods, equipment and services, regardless of whether this is the primary purpose of the activity or not.	Amend the definition of <i>commercial activity</i> as follows: ~~means an activity with the primary purpose of~~ <i>The trading in of goods, equipment or services.</i>

Community facility	The definition of community facility states that it is a facility that is primarily for community purposes. However, district plans need to be able to address the effects of facilities that are used for these purposes regardless of whether these purposes are the primary use of the facility or a secondary use of the facility.	Amend the definition of <i>community facility</i> as follows: ~~means a~~ <u>A non-profit facility primarily for recreational, sporting, cultural, safety and welfare, religious or similar community purposes.</u>
Educational facility	The definition of education facility indicates that a facility is only an educational facility if the facility's primary purpose is regular teaching and training. However, district plans need the ability to address the effects of facilities where the teaching and training is not necessarily the facility's primary purpose. Also, an education facility is a location, where the definition defines the use of a location.	Amend the definition of <i>education facility</i> as follows: ~~(a) means the use of~~ <u>Land or building(s) used for the primary purpose of regular teaching or training in accordance with a pre-set syllabus by suitably qualified or experienced instructors, ; but</u> ~~(b) does not include~~ <u>excluding any industrial activity.</u>
Footprint	It would be better to have a term that refers to the footprint of an individual footprint. That would enable councils to refer to either the footprint of an individual building as well as the footprints of all buildings on a site.	Replace the definition of <i>footprint</i> with the following: <i>The area of the ground floor of a structure and any area above the ground floor that protrudes beyond the ground floor of the structure.</i>
Functional need	Definition could be simplified. It doesn't need to refer to a proposal, because it is always the activity that would be proposed by the proposal that actually has the functional need, not the proposal itself.	Amend the definition of <i>functional need</i> as follows: ~~means~~ <u>t The need for a proposal or an activity to traverse, be located or operate in a particular environment location because the activity can only occur in that environment location.</u>
Hazardous substances	The definition of hazardous substances refers to the RMA definition, then displays the RMA definition in a box. However, the RMA definition just refers to the definition in the Hazardous Substances and New Organisms Act (HSNOA). It would be better to either refer directly to the definition in the HSNOA or to also include a box with the HSNOA definition. Our preference is for the definition to refer to the RMA definition, then include both the RMA and HSNOA in the box.	Amend the definition of <i>hazardous substances</i> as follows: ~~has the same meaning as in~~ <u>As defined in section 2 of the RMA; (as set out in the box below)</u> <u>Section 2 of the RMA</u> <i>"includes, but is not limited to, any substance defined</i>

		in section 2 of the Hazardous Substances and New Organisms Act 1996 as a hazardous substance.” <u>Section 2 of the Hazardous Substances and New Organisms Act 1996</u> <u>“means, unless expressly provided otherwise by regulations or an EPA notice, any substance—</u> <u>(a) with 1 or more of the following intrinsic properties:</u> <u>(i) explosiveness;</u> <u>(ii) flammability;</u> <u>(iii) a capacity to oxidise;</u> <u>(iv) corrosiveness;</u> <u>(v) toxicity (including chronic toxicity);</u> <u>(vi) ecotoxicity, with or without bioaccumulation; or</u> <u>(b) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any 1 or more of the properties specified in paragraph (a)”</u>
Height in relation to boundary	It is unclear how the term <i>height in relation to boundary</i> could be expressed as a development standard without using the concept of a recession plane. Our preference is for the <i>CM-1: Definitions Standard</i> to adopt and define the term <i>recession plane</i>. The Auckland Unitary Plan uses a very similar definition for <i>height in relation to boundary</i> to that of the draft <i>CM-1: Definitions Standard</i>. However, when that plane applies the height in relation to boundary, it is often only as a heading to a standard. The standard itself falls back on the term and concept of recession planes and provides a diagram to explain the concept of a recession plane in the chapter (for example, <i>Chapter H3: Residential - Single Housing Zone</i>).	Replace the definition of <i>height in relation to boundary</i> with the following definition of <i>recession plane</i>: <i>A plane that slopes away from the boundary of a site from a specific height at the boundary and at a specific angle. This plane sets the maximum height of a structure in relation to the boundary.</i> Alternatively, amend the definition of <i>height in relation to boundary</i> as follows: ~~means~~ <u>The maximum height of a structure relative to its distance from either the boundary of a site or from</u>

	In addition, the definition of <i>height in relation to boundary</i> states that it is the height in relation to the boundary of a site or other specified location. This can be read in two ways: a. The height in relation to the boundary of a site and the height in relation <i>to any other specified location</i>; or b. The height in relation to the boundary of a site and the height in relation <i>to the boundary of any other specified location</i>. If the definition of <i>height in relation to boundary</i> is retained, it should be amended to clarify that it is referring to some other specified location (which may be a boundary). Alternatively, this term should only refer to site boundaries, and plans should use other terms for other height controls.	<u>some other specified location.</u>
Home business	The proposed definition would include any craft as a home business, even if it is a hobby. Crafts that are not hobbies would be classed as occupations.	Amend the definition of <i>home business</i> as follows: ~~means a~~ <u>An occupation, craft, service or profession that is secondary to the use of the site for a residential activity.</u>
Industrial activity	The definition of industrial activity refers to an activity's "primary" purpose. However, the definition should include industrial activities regardless of whether it is the activity's primary purpose or secondary purpose.	Amend the definition of <i>industrial activity</i> as follows: ~~means an activity for the primary purpose of~~—Any (a) manufacturing, fabricating, processing, packing, storing, maintaining, or repairing goods; ~~or~~ (b) research laboratories used for scientific, industrial or medical research; ~~or~~ (c) yard-based storage, distribution and logistics activities; ~~or and~~ (d) any training facilities for any of the above activities.
L_{Aeq} , $L_{AF(max)}$, L_{A90} , L_{peak} , L_{dn}	It is inappropriate for the definitions in a plan to refer to NZS 6801:2008 rather than stating the definitions, as a plan user would need to either purchase the NZS document to view the	Investigate making NZS 6801:2008 freely accessible to the public.

	definitions or request the definitions from the council. In general, there's a fundamental natural justice issue in requiring district plan users to meet standards which are then made difficult to access and are hidden behind copyright and pricing walls. The Government could purchase/resolve the copyright of key standards so that direct links from district plans can be given to the standards, enabling plan users to readily access the standards they are required to meet, including the associated definitions. The issue is akin to making legislation freely available. However, even if NZS 6801:2008 is made freely accessible to users of plans and policy statements, the definitions from NZS 6801:2008 that are to be adopted in plans and policy statements should be repeated in the plans and policy statements, rather than just being referred to. <i>Note: The issue of impeded access to key standards that are often referred to in district plans is not limited to the NZS 6801:2008. This is also a problem for NZS and AS/NZS standards that relate to transport and subdivision. Hutt City Council would support any investigation that is made into making these standards, or similar standards, freely available to plan makers and users.</i>	For the definitions of L_{Aeq}, $L_{AF(max)}$, L_{A90}, L_{peak}, L_{dn}, replace the references to NZS 6801:2008 with the definitions given in that standard.
Landfill	A landfill is the location where waste is disposed. However, the definition defines the use of the location. Either the term that is defined should be altered to match the definition or the definition should be altered to match the defined term. In addition, a site that is used for the disposal of waste should meet the definition of landfill regardless of whether it is the location's primary or secondary purpose. Otherwise, rules that	Amend the definition of <i>landfill</i> as follows: ~~means A location that is used, or has been used, the use, or the previous use, of land for the primary purpose of the disposal of waste.~~

	address the effects of the disposal of waste may not apply to sites where the disposal of waste is secondary to another activity on the site (such as a small landfill on an otherwise agricultural property).	
Minor residential unit	The definition of minor residential unit requires the unit to be ancillary to the principal residential unit of the site and to be held in common ownership. However, a small scale residential unit should be able to be referred to as a minor residential regardless of whether it is associated with another residential unit on the site or whether it is in common ownership. HCC is currently proposing a change to its district plan that would enable minor residential units, referred to in the proposed plan change as “minor additional dwellings”. As part of that proposed plan change, a minor additional dwelling does not need to be ancillary to, or held in common ownership with, a principal residential unit as the effects of the minor additional dwelling would be the same. If a council wishes to restrict minor residential units to being ancillary to, and in common ownership with, the principal residential unit on the site, they should do this through conditions on the relevant rule, not through the definition.	Amend the definition of <i>minor residential unit</i> as follows: ~~means a self-contained~~ <u>A residential unit that is ancillary secondary to a the principal residential unit on the same site and is held in common ownership with the principal residential unit on the same site, which can be attached to the principal building or be a detached stand-alone building.</u>
Notional boundary	If a term is needed to refer to a buffer from a building that contains a noise sensitive activity, it should be a clearer term than <i>notional boundary</i>, like “noise sensitive activity buffer”. In addition, the definition shouldn’t define the specific distance of a boundary from the noise sensitive boundary as a Council may determine that a distance other than 20m is more appropriate.	Replace the term “<i>notional boundary</i>” with “<i>noise sensitive activity buffer</i>” and amend the definition as follows: ~~means a~~ <u>Either a line 20 metres that is a specified distance from any side of a building that contains an activity that is sensitive to noise, or the legal boundary of the site of the building, whichever is closer to the building. if it is closer to that building</u>
Outdoor living space	The definition of <i>outdoor living space</i> should include the requirement for the space to be unoccupied and unobstructed by	Amend the definition of <i>outdoor living space</i> as follows:

	buildings, accessways and parking or manoeuvring areas.	~~means—an area of open space for the use of the occupants of the residential unit or units to which the space is allocated which is required to be unoccupied and unobstructed by buildings, pedestrian accessways and parking or manoeuvring areas~~
Reverse sensitivity	Instead of defining the concept of reverse sensitivity, it would be clearer to define the term “reverse sensitivity effect”.	Replace the term “reverse sensitivity” with “reverse sensitivity effect” and amend the definition as follows: ~~means—~~ <i>The potential for effect on the operation 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</i> <u>the</u> <i>existing activity.</i>
Root protection area	Given the standards do not show the final diagram that would be included, we can't comment on whether the image would be appropriate. However, the diagram that is shown as an example adds confusion rather than clarity as it suggests that the type of tree has an impact on how the root protection area is calculated. In addition, the definition is clear enough without a diagram.	Do not add a diagram to the definition of root protection area.
Rural industry	The term that is defined is for an industry, where the definition is for an activity within that industry. Either the term that is defined should be changed to an activity or the definition should define the industry (our preference is for the term to change to “rural industrial activity”).	Replace the term “rural industry” with “rural industrial activity”
Sign	The definition of a sign states that a sign is only a sign if it is visible beyond the site boundary. There are situations where a district plan may need to address the potential effects of a sign when the sign is only visible within a site, particularly if it is a public site. For example, the Seaview Marina is a single site that	Amend the definition of sign as follows: ~~(a) means a~~ <i>Any device, character, graphic or electronic display, whether temporary or permanent, that is visible from beyond the site</i>

	is owned by a council owned organisation. It is a mix of public and private recreation space and commercial and industrial businesses. The Council may wish to address the effects of a sign that is visible within the Marina on the amenity values of users of Marina users. In general, the National Planning Standards shouldn't be <i>distorting</i> a common term away from its everyday meaning. Most people wouldn't imagine that a sign is not technically a sign under a district plan because it is not visible beyond a site boundary. In addition, the definition of sign is trying to explicitly state too many different types of signs, most which is redundant. For example, there is no need to state that a sign may be illuminated by an internal or external light source. No one is going to argue that something isn't a sign because it's illuminated.	~~boundary, for the purposes of—~~ ~~(i) identification of and providing~~ ~~information about any activity, site or structure;~~ ~~(ii) providing directions;~~ ~~(iii) promoting goods, services or forthcoming events; and~~ (b) includes the frame, supporting device and any associated ancillary equipment ~~that whose principal function is to support~~ the message or notice; ~~and~~ ~~(c) may be two or three dimensional, and manufactured, painted, written, printed, carved, embossed, inflated, projected onto, or fixed or attached to, any structure or natural object; and~~ ~~(d) may be illuminated by an internal or external light source.~~
Special audible characteristics	The term "special audible characteristics" refers to the characteristics of a sound, not the sound itself. As this is the case, the definition should define the characteristics, not the sound that has those characteristics. In addition, use of the term "special" should be avoided as it is a meaningless term that is too often used in planning to fill a perceived gap. It would be better to use a more meaningful descriptor.	Amend the definition of <i>special audible characteristics</i> as follows: ~~means sound that has a~~ <u>Distinctive characteristics of a sound, such as tonality or impulsiveness, which affects its the sound's subjective acceptability.</u>
Visitor accommodation	The definition of visitor accommodation only refers to land and buildings that are <i>primarily</i> for accommodating non-residents. It could be interpreted that if land or buildings are used for accommodating residents as a secondary activity (such as a commercial or residential property that provides visitor accommodation on the side), that it wouldn't meet the definition of visitor accommodation. If land or buildings are used to accommodate visitors, district plans still need to be able to	Amend the definition of <i>visitor accommodation</i> as follows: ~~Means~~ <u>Land and/or buildings used primarily for accommodating non-residents, subject to payment of a tariff, being paid</u>

	address their effects, regardless of whether the land or buildings are <i>primarily</i> used for this purpose.	
Water sensitive design	The definition of water sensitive design includes a lot of redundant information that, while often part of water sensitive design, should not be included in a definition of water sensitive design. For example, the definition states that water sensitive design is “an interdisciplinary approach”. This implies that if multiple disciplines are not involved in the design of a development, that it can’t be a water sensitive design. This definition should be simplified.	Replace the definition of <i>water sensitive design</i> with the following: <u><i>Design that minimises adverse effects on freshwater, coastal water and the associated ecology.</i></u>

Your submission to Draft first set of National Planning Standards

Ivana Parri, **IVANA PARRI**



Reference no: 54

Clause

Overarching comment

Notes

It Is Necessary to distinguish between Environmental Noise, measured in dB Leq (Continuous steady sound) applicable to roadways, factory, city, aircon, birds,.... noise and Impulse Noise measured in dB Lpeak (Short Impulsive Noise from Gunfire and blasting). RMA1991 requires to use BEST PRACTICE. The best practice for the Gun Fire and Blast Noise measurement represents the most sophisticated model ISO 17201-1 Accoustics Standards widely used around the world (Canada, Australia, Europe...) Impulsive Shooting noise causes health damages from 5dB at 4 kHz audiometric frequency. 45dB Laeq is not equivalent to 45dBpeak impulse noise (from health view). It is important to incorporated the proper Accoustics Standards (ISO 17201) into Legislation. Gunfire and blasts from shooting ranges are heard 6km far. Thats why it is not the best practice to establish shooting ranges in close proximity to people houses!!! The health damages caused by listening to the gunfire are SEVERE. Civil people CAN'T be exposed to gunfire noise! Regarding the Zoning, Rural productive zone is not industrial zone. Shooting business should be classified as an industry business and has nothing to do with occasional shooting while hunting. (Auckland Shooting Club trying to establish itself, shooting 365 days/year from 6am - 6pm causes severe health problems to more than 100 families badly affected by the noise in radius of 6Km).

Clause

Technical support

Notes

Shooting noise is more complex and being exposed to such noise on a daily bases causes major heath problems, and consequently financial loses to all. For shooting ranges the ISO has 5 published standards, and one standard under development. - ISO 17201-1:2005 Acoustics -- Noise from shooting ranges -- Part 1: Determination of muzzle blast by measurement - ISO 17201-2:2006 Acoustics -- Noise from shooting ranges -- Part 2: Estimation of muzzle blast and projectile sound by calculation - ISO 17201-3:2010 Acoustics -- Noise from shooting ranges -- Part 3: Guidelines for sound propagation calculations - ISO 17201-4:2006 Acoustics -- Noise from shooting ranges -- Part 4: Prediction of projectile sound - ISO 17201-5:2010 Acoustics -- Noise from shooting ranges -- Part 5: Noise management - Under development ISO/WD 17201-6 Acoustics -- Noise from shooting ranges -- Part 6: Measurement of noise exposure of shooter, observer or instructor for hearing protection There is some evidence that the hazards from impulse noise are more severe than that from other types of noise (Dunn et al. 1991; Thiery and Meyer-Bisch 1988). There is noise perception: a change of three decibels is noticeable, five is clearly noticeable and 10 is perceived as twice as loud (BS 8233:1999 Environmental Noise).

Your submission to Draft first set of National Planning Standards

Treecology Tree Consultancy (Jez Partridge)



Reference no: 55

Clause

Overarching comment

Notes

My submission relates to the definition of protected trees, and specifically the definition of a 'Root Protection Area' (RPA), and the absence of any definition for the 'trimming or pruning of trees'. Section 76 of the RMA gives Councils the ability to restrict the felling or trimming of trees, and so a definition of 'trimming' should be included in the definitions section of the National Planning Standards. Not having this term defined is currently causing disagreement and lack of consistency across District Plans. This would provide an opportunity to ensure that there is a consistent understanding of the term trimming nationally as currently each District Plan interprets this differently and this is confusing for arborists and tree owners. It should be made clear that tree roots are also protected from trimming and the RPA defines the area of roots where consent would be required to trim a tree, if such a rule is included within a plan. I am a Consulting Arborist and I frequently represent both Councils and clients in understanding and sometimes disagreeing on the definition or extent of protected roots and what may be allowed or not by terms such as the term minor trimming which is often found in District Plans. I would be happy to meet with MfE to discuss these matters further and help to develop more consistent definitions of the terms Root Protection Area and Trimming.

Clause

Individual definition

Notes

The proposed definition of the Root Protection Area is currently - The root protection area means the circular area surrounding a tree, which is the greater of the radius, measured from the base of the trunk to: a) the outer extent of the branch spread; or b) half the height of the tree. If this definition is included in the final standard, a diagram similar to the CCC Replacement District Plan dripline definition will be included, eg.: The above proposed definition essentially references the pre 2005 British Standard 5837 RPA recommendations. The updated and improved 2005 & 2012 BS5837 (section 4.6) now uses the 10 or 12 multiplied by the trunk diameter formula to calculate the RPA. This formula would be better to have in the National Planning Standard to calculate the RPA as it is improved best practice, and better estimates the actual likely rooting area for a typical tree.

QLDC Final Submission on the draft first set of National Planning Standards

Questions considered for the submission (in accordance with the MfE consultation document)	Answers / Supporting Reasons
Q1: What are your thoughts on this proposed package of planning standards? If you consider changes necessary, how would these affect the anticipated outcomes?	• QLDC is generally supportive of standardising plan structure and numbering. • QLDC has concerns at the risk for unintended consequences arising from standardised definitions. For example the proposed definition of 'addition' would mean changes to heritage buildings that do not increase the GFA of that building would not trigger the need for consent, but which could significantly affect the heritage building, i.e. the addition of another storey or a dormer window.
Q2: What topics or matters should be investigated for future planning standards?	• MfE should also consider standardising report structure layout, in particular, section 32, 42A, right of reply and decision reporting structure.
Q3: Do you agree with the level of standardisation proposed in the plan structure standards?	• National Direction Instruments Chapter (S-NDI) would provide a useful commentary in regard to the relevant national documents (which are frequently missed) and would assist plan users in understanding the hierarchy of planning documents which need to be considered as part of the plan making process and when considering proposals for subdivision and development. • Table 22 of the Draft National Standards setting out symbology has excluded the symbol relating to sites of significance to Maori, stating that Council is to consult with tangata whenua in regard to this specific symbol. MfE is encourage to identify an appropriate symbol for this feature. There is concern with the use of solid outlines for polygons of Designations, Heritage area and Hazards, it is encouraged that a dashed outline is more appropriate. Using a fill of hazards and noise contour polygons will increase the complexity of planning maps as in some areas there will be considerable overlap between these types of features. • Table 25 of the Draft National Standards sets out a rule overview table. It is not clear what value this provides to the structure of plans and could add considerable length to planning documents. This appears superfluous given that the proceeding table identifies the rules that apply to the zone. MfE should consider removing this rule overview table.
Q4: Are there other topics that would benefit from a chapter structure standard?	
Q5: Does the <i>tangata whenua part structure standard</i> help meet RMA requirements for iwi authorities and tangata whenua input into RMA	• The national standards place <i>Sites of Significance to Māori</i> in a different part of plans (Community Values Chapter) to the Tangata Whenua Structure Standard. MfE should consider if this is the most effective and efficient way to manage these matters. It is considered that these matters should be contained within the same part of the plan to ensure they are assessed together.

plans? Will this help tangata whenua and councils to work together?	
Q6: Should we have a standard set of zones? Would this make plans across New Zealand easier to use?	• QLDC accept that a standard set of zones would make plans across New Zealand easier to use. However, it is considered that this would come at significant cost in terms of the transition to that framework for discretionary standards, due to having to use the First Schedule process of the RMA. • At page 18 of the consultation document¹ it is outlined that <i>‘Councils can create other ‘special purpose’ zones, but only in unique circumstances for specific, one-off purposes that do not overlap with the purposes of the other zones’</i>. QLDC note that a limited number of special purpose zones are identified and include airport, port, hospital, education, stadium, future urban, Māori cultural. QLDC would question if the purpose of some of these land uses are more efficiently and effectively provided for through the use of designations, in particular, airport, port, hospital and education uses are already frequently designated at present. If zones are used instead of designations, this may have significant cost implications for requiring authorities such as the Minister of Education who designate rather than seeking a zoning. MfE should describe how the use of a zone for these unique uses is better suited than that of a designation. Further, it is not clear if these zones would need to replace designations in due course. • The consultation document then appears to introduce a contradiction in terms of ‘unique zones’ which are described as problematic <i>‘as it does not focus on overall environmental effects and area characteristics, does not provide well for changes in markets, technology and community preferences, and risks being seen as protectionism for a particular land use or industry’</i>.² QLDC would dispute that unique zones are not efficient or effective in terms of overall environmental effects or area characteristics. The Queenstown Lakes operative District Plan has 17 special zones, each of which have a geographically unique set of values which are specifically identified and provided for through objectives, policies and rules contained within the respective special zone chapter. Previous plan monitoring programmes have shown that these unique zones have resulted in better environmental outcomes than would have been possible if a unique zone had not been identified, e.g. a bespoke special zone versus if they had just been zoned Low Density Residential. While special zones contribute to RMA plan length and complexity, they do often result in better environmental outcomes than standard zones. • MfE should also explain in more detail its statement about how these unique zones result in protectionism for specific land uses. There seems to be tension in this particular statement with the function of zone based planning frameworks, i.e. it is the function of a zone to favour particular types of land uses over others, and it is not clear how this is not the case with any of those standard set of zone proposed by the standards (i.e. the residential zones protect residential uses and the industrial zones protect industrial uses etc.). QLDC would also ask MfE to consider the tension in this position with the requirements of the National Policy Statement on Urban Development Capacity, particularly in regard to those Districts and regions which are identified as high growth.
Q7: Are some zones missing, or are some zones not needed?	• The Draft National Standards³ set out the range of zones that may be applied to District Plans. Four residential zones are identified, three relating to a specific type of residential density (i.e. low, medium and high). An additional unspecified Residential zone is also identified. It is not clear how this additional unspecified Residential zone adds value to the intent of the National Standards in terms of consistency. The Council does not consider that this zone is needed. Each residential zone should direct the application of provisions based on its existing density or a desired type

¹ Draft National Planning Standards, Consultation Document, June 2018

² Page 17 of the Consultation Document

³ Page 43 – 45 of the Draft National Planning Standards, June 2018

	of density. It is acknowledged that some Regions or Districts may not be able to make density based distinctions within their residential areas, however, it is possible to specify the overall density an urban area has taken on over time or is seeking to achieve in order to meet capacity needs or to maintain the desired level of residential amenity in the locality. In some instances, a Low Density Residential Zone may be the most appropriate zone type across the entire residential area of a low growth Region or District.
Q8: Is the inclusion of purpose statements for zones useful for guiding how they may be used?	• The zone purpose statements are very brief and do not provide any comment on the nature of the zone or the issues it faces. Can MfE please confirm if this is deliberate? Is it noted that a section on issues is located within the draft chapter form⁴. MfE should consider if some context around issues should be provided within the purpose statement. • The purpose statement for the '<i>Low-density residential zone</i>' appears to rely on areas where there are '<i>constraints on urban density</i>'. It is not clear how such constraints necessarily determine if a zone should be low density. All residential zones have constraints on density. • The purpose statement for the '<i>Residential zone</i>' suggests that it relates to areas which are '<i>suburban in character</i>'. In comparison, the purpose statement for the '<i>Medium density residential zone</i>' relates to areas with an '<i>urban character</i>'. It is not clear what the distinction is between these terms and it is also noted that they are not defined by the National Planning Standards. This ambiguity does not achieve the intent of the National Standards. • The zone purpose statements appear to rely heavily on the use of the word '<i>primarily</i>'. This introduces unnecessary ambiguity and does not achieve the intent of the National Standards. The word primary should be removed where possible and replaced with additional explanation in terms of the type, nature and scale of activities that might be anticipated within the zone. • There appears to be a tension between the '<i>Town centre zone</i>' and the '<i>City centre zone</i>' purpose statements. The difference appears to be related to the size of the urban area being '<i>small urban areas</i>' for Town centre zones while there is no scale mentioned for a City centre zone. This introduces unnecessary ambiguity and it is not clear when and to what area each zone should be applied. MfE should either remove one of these zones or expand and clarify these purpose statements to provide more guidance on when and how they should be applied. • It is unclear what the difference is between the Special Zone option and a Development Areas Chapter. Every one of the existing 17 special zones in QLDC's Operative District Plan has a structure plan. When an area is suitable for a Special Zone or a Development Area Chapter could be clarified. • In regard to the '<i>Open space zone</i>', the purpose statement incorporates the phrase '<i>relaxing and socialising</i>'. These words are not defined and do not provide sufficient certainty in terms of what type of activity might be anticipated within the zone. They could imply that the operation of licenced premises etc are anticipated within the zone. These words should be removed from the purpose statement and replaced with the type, nature and scale of activities which might occur in the zone. • There are potential overlaps between the '<i>Open space zone</i>' and the '<i>Sport and active recreation zone</i>' – both refer to active recreation.

⁴ Page 63 of the Draft National Standards

	MfE should provide more detail on the extent to which these purpose statements can be amended, when amendments would become consequential changes that need to be notified, and what parameters exist when writing a purpose statement for a special zone which may not otherwise be provided for.
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?	Yes at a high level although many of our special zones are mixed use and have characteristics that could be geographically split to fit into several of the proposed zones, or the proposed mixed use zone.
Q10: Is 'Level 5' of the Electronic Accessibility and Functionality Scale an appropriate standard for council ePlans? Should it be more or less ambitious? What would you include/exclude?	- Level 5 would provide a high degree of functionality but will have significant cost implications for smaller Councils who typically use PDFs (Level 2 or 3) at present. MfE should consider providing funding for these costs. - MfE could consider staging the requirements over a longer period of time, i.e. maps first, followed by provisions etc.
Q11: For councils: what type of support would be useful to help you implement the ePlan standard?	Financial support to achieve Level 5. Smaller councils would need financial support for establishing level 5 and possibly ongoing support to maintain and improve past level 5.
Q12: Does the mix of map colours and symbols function well for your plan(s)?	MfE should carefully consider the type of colours used for each zone. Colours that look too similar to one another (i.e. those identified for the residential zones as well as the open space, sport and active recreation, and conservation zones) could result in uncertainty for plan users and inefficient plan administration. MfE should take into account how often these similar colours may appear against one another and apply more distinct mapping colours where possible.
Q13: Should other symbols or mapping instructions be included in the first set or future sets of planning standards?	- Surface of Water could be a useful mapping instruction. - MfE should consider introducing a symbol for Outstanding Natural Landscapes and Features, a polygon with dashed lines and no fill is suggested. Further, it is noted that a standardised way of denoting areas under appeal on maps may be useful, it is suggested that this could be a dashed line with some form of dotted fill with a number in the middle.
Q14: Can these spatial planning tools be used to address the planning issues in your community?	Generally yes.
Q15: Should additional spatial planning tools be included?	

Q16: Do you agree with the level of prescription in the <i>chapter form standard</i>?	QLDC comment as follows: a) The Draft Chapter Form Standard includes reference to ‘Issues’, ‘Methods’, ‘Anticipated Environmental Results’ and ‘Monitoring’. In this regard, the standard goes beyond section 75(1) of the RMA which only requires district plans to state objectives, policies and rules. QLDC’s Proposed District Plan is generally limited to objectives, policies rules and assessment matters. The Draft Chapter Form Standard could have the unwanted effect of encouraging plan content from s75(2), rather than keeping plans concise as anticipated under s75(1). MfE should provide clarity in regard to this matter. b) The Draft Chapter Form Standard is a mandatory requirement, but throughout it, it states ‘local authorities must consider <i>whether</i> ...xyz... is required’, suggesting it is not in fact mandatory. MfE should provide clarity in regard to this matter. c) The Draft Chapter Form Standard⁵ identifies a requirement for monitoring. It is not clear what this monitoring specifically relates to i.e. is this state of the environment monitoring or resource consent monitoring. Either way, monitoring is better set out in a separate document rather than being included with the RMA plan. MfE should provide clarity in regard to this matter. d) QLDC find assessment matters a useful tool, these have been set extensively through our Operative District Plan by the Environment Court. The Draft Chapter Form Standard does not refer to assessment matters. MfE should clarify if assessment matters can be provided for.
Q17: Would the acronym and alphanumeric code approach work well for your plans? If not, what changes would work better?	• While this standard will introduce consistency between District Plans, it could increase complexity for new plan users/lay people who will be required to constantly cross reference codes. MfE should explain how these acronyms could work efficiently in practice.
Q18: Are these drafting principles suitable for definitions? Should they be changed or expanded?	• One of the drafting principles is that ‘definitions should be clear and concise, and avoid using subjective language, such as ‘high quality’, ‘appropriate’ or ‘approximate’’.⁶ The proposed definitions of Community Facility, Green Infrastructure, Net Site Area and Visitor Accommodation then go on to use the word ‘primarily’. As noted above, the zone purpose statements also continually use the term ‘primarily’. MfE should consider removing the word ‘primarily’ to avoid unnecessary ambiguity.
Q19: What other definitions should be standardised in future sets of planning standards?	
Q20: Is it appropriate to use NZ Standards as the basis for noise metric and vibration standards?	• Yes – QLDC had to deal with Environment Court appeals when it simply sought to update to the latest NZS for noise matters (Plan Change 27A).

⁵ Page 63 of the Draft National Standards

⁶ Page 23 of the Draft National Standards

Q21: Should the planning standards set noise limits for certain zones?	• If it is accepted that the environments are sufficiently similar to have the same zoning then a standardised set of noise standards would also be useful.
Q22: How will these implementation timeframes affect your council?	• While an extended timeframe for Council's currently engaged in a plan review process is supported, it is not considered that a seven year deadline would provide sufficient time for a number of authorities to implement the standards. Given the litigious nature of the plan making process in the Queenstown Lakes District, and the staged review approach being adopted, it is unlikely that all appeals will be resolved prior to the standards needing to be implemented. QLDC would then have to embark on a District Plan Review almost immediately after completing one. MfE should amend these timeframes so that the standards are required to be implemented as part of the next plan review process. This would enable a more efficient transition, particularly for Council's which are undertaking a staged or rolling plan review. • Council's should be able to change their plans to address the National Planning Standards without having to go through a First Schedule process. Due to the full legal process and de novo hearings in the Environment Court, and the ease of lodging an appeal, the First Schedule process adds considerable time delays and cost implications for local government, and will slow the transition down by many years. If the Government seeks to have an appeal process for how plans are converted to meet the National Planning Standards, the 'plaster needs to be ripped off quickly' to enable the transition, and this should not be a Court based system with legal representation but rather a less legal more 'planning tribunal' based approach.
Q23: What sort of guidance and support would be useful to plan users and councils? What guidance should we prioritise?	• Page 27 of the consultation document¹ briefly describes possible implementation guidance and support. MfE should provide an initial package of options for comment based on their past experience of national policy guidance. • MfE should issue a range of legal opinions concerning implementation of the prescribed standards alongside guidance concerning issues that may arise from consequential amendments and where a Council may need to depart from the standards. It would be more efficient and effective to have a centralised set of opinions on these matters than a wide range of conflicting opinions. Councils are also likely to incur significant costs in obtaining legal opinions where necessary. • At page 10, the consultation document¹ states that planning standards can be applied to specific regions or districts or to other areas of New Zealand. MfE should provide guidance as soon as practicable in regard to the application of regional or district specific standards and how this would achieve the intent of the National Standards. • MfE should provide guidance as soon as practicable on any intent to standardise objectives, policies, methods or rules and how they intend to consult on this aspect of the proposed national standards.
Q24: Should MfE target its implementation support to smaller councils with fewer resources?	• MfE implementation support does not usually involve undertaking the required work. Financial support to engage consultants to complete the work as a direct result of the National Planning Standards is the most effective way of assisting councils complete the work required on top of day to day RMA activities, particularly consent processing. • MfE could establish a criteria to assist in channelling their implementation support. This criteria might be based on a measure of planning and legal resources against growth rates and development capacity requirements under the National Policy Statement on Urban Development Capacity.

Additional comments	a) Has MfE considered how new National Environmental Standard and National Policy Statement documents might be incorporated into the National Standards? b) At page 13 of the consultation document⁷, it is outlined that Council’s need to publicly notify the standard structure, format, text etc, along with any consequential changes. MfE might want to clarify that this means notifying that the changes have been made, not publicly notifying them for submissions. c) The consultation document⁷ outlines that planning standards can be prepared for objectives, policies, methods or rules. In the absence of additional information, the Council would not support the development of nationally standardised objectives, policies methods or rules. The RMA was developed as a method of devolving the management of natural and physical resources to local communities and this degree of standardisation would comprise the intent of the RMA. Although an ‘optional’ set of standardised objectives, policies or rules would be more desirable, it is not considered that this approach would fulfil the intent of the National Standards and should therefore be avoided. d) Regarding <u>Table 16</u> - the table includes a row for designation conditions but then the S-ASM goes on to state under 21 that conditions should be included as a schedule. It is preferable for ease of plan use that the conditions for designations be part of the designation, rather than in a separate schedule. It is recommended paragraph 21 be deleted. e) Regarding <u>Table 16</u> - rightly or wrongly, many conditions on designations now include plans. MfE should consider whether Table 16 should include provision for these plans to be shown. f) <u>Definition: Addition:</u> as noted above, typically district plans require resource consent for additions to heritage buildings. The proposed definition of ‘addition’ would mean changes to heritage buildings that do not increase the GFA of that building would not be counted as an addition, and would not trigger the need for consent. This could significantly affect the heritage building, for example the addition of another storey or a dormer window on a heritage building. g) <u>Definitions: Building and Structure,</u> the definitions are very broad and would capture every small garden shed or dog kennel (for example), which might suddenly need consent for being in a setback. The QLDC definition provides an exemption for buildings less than 5m² <u>and</u> 2m in height. It is recommended an exemption for small buildings and structure be provided for in the definition. h) <u>Definition: Visitor accommodation:</u> the proposed definition is wholly unsatisfactory as it uses subjective terms such as “primarily” which would make enforcement impossible. There needs to be a ‘bright line’ test in the definition for when a residential property is used for visitor accommodation. The loss of residential housing stock to visitor accommodation is a massive issue in the Queenstown Lakes district and the Visitor Accommodation definition proposed would be impossible to monitor or enforce.

⁷ Page 10 of the Consultation Document

16 August 2018

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

Submission: Draft National Planning Standards

Overall Horowhenua District Council is supportive of the general intent of the National Planning Standards, to make Plans and Policy Statements prepared under the Resource Management Act 1991 simpler to prepare, more consistent, and easier to use.

The first set of Draft National Planning Standards have now been released for public comment and Horowhenua District Council appreciates the opportunity to provide feedback on these draft standards. Horowhenua District Council's below submission focuses on the key parts of the draft standards that it would either like to seek further clarification or guidance on, or that it would like to see amended or removed.

Any queries about matters covered in this submission can be directed to Tiffany Gower (please refer to the end of the submission for contact details).

1. General Comments

1.1. Consequential Amendments

Provision has been made across all of the standards for 'consequential amendments' to be able to be made to a plan to without using the Schedule 1 process in the Resource Management Act 1991.

In accordance with the National Planning Standards if a consequential amendment goes beyond the scope of amendments authorised by section 58l(3)(d) for mandatory directions or section 58l(4)(d) for discretionary directions then the Schedule 1 process is required. Section 58l(3)(d) refers to amendments necessary to "*avoid duplication or conflict*" and section 58l(4)(d) refers to amendments needed to "*avoid duplication or inconsistency*".

The inclusion of the consequential amendments provision is important and its intent is supported by Horowhenua District Council. However, the scope of what could be considered as necessary to 'avoid duplication or conflict/inconsistency' could be interpreted quite differently across local authorities. Therefore, greater clarification/guidance is sought around the interpretive parameters of this provision.

The Schedule 1 process is a costly, and often lengthy, process and without providing greater clarity/guidance for local authorities there is real potential that some may be overly cautious and revert to using this process when they might not actually need to and other councils may do the opposite.

There is benefit in making it clearer around how/when the consequential amendments provision should be used to not only ensure the efficient implementation of this set of National Planning Standards but to also avoid undermining the Schedule 1 process. If the Schedule 1 process is undertaken when it is not necessary (or is not undertaken when it should be) then there is a cost to the public not only in terms of money but also in regards to their perception of this process and the value they see in participating in it.

1.2. Assistance with ePlan development

Although the benefits of an ePlan for plan users (especially non-professional users) are acknowledged there are major costs associated with developing, implementing and maintaining an ePlan. The cost is greater for smaller local authorities that generally do not have resources available to oversee the development and then ongoing maintenance of an ePlan but which also have a lower number of users likely to benefit from an ePlan.

Any assistance that the Government is able to provide for the development, implementation and maintenance of ePlans would be supported. The provision of funding for smaller local authorities, like Horowhenua District Council, would be most useful and would reduce the burden on our ratepayers (many of whom will never utilise an ePlan).

Horowhenua District Council is supportive of working with other local authorities including looking at a shared provider. This would reduce costs and would also ensure a level of consistency between local authorities in terms of the look and feel of ePlans across the councils involved.

2. S-IGP: Draft Introduction and General Provisions Standard

2.1. Table 13: National Direction Instruments

2.1.1. Instruction 2

Clarification is sought in regards to what process councils would be expected to follow to update this table (i.e. will the Schedule 1 process apply).

3. S-ASM: Draft Area Specific Matters Standard

3.1. Zone chapters (S-ZONES)

3.1.1. Instruction 8

Instruction 8 requires that, *“The local authority must choose at least one of the following zones to use in their Plans. Each zone option contains a purpose statement which the zone provisions must fulfil.”*

Instruction 8 is a ‘discretionary direction’, and therefore, councils would be required to use the Schedule 1 process to choose the zones for their district plans. However, the use of the Schedule 1 process to select zones would be a relatively pointless and overly burdensome exercise for some councils.

The Horowhenua District Plan, for example, currently uses standard zones which are Residential; Commercial; Industrial; Greenbelt Residential (the equivalent of Rural Resident); Rural; and Open Space. Essentially Horowhenua District Council would be

replacing like-for-like when choosing zones in accordance with instruction 8, and as such the use of the Schedule 1 process has the potential to frustrate our residents and ratepayers given that it's an unnecessary expense that would not provide a genuine opportunity for them to meaningfully contribute as part the consultation process.

Therefore, it is requested that allowance be made in this standard that if a council will be replacing like-for-like then this would be a mandatory direction, and therefore, the Schedule 1 process would not be required.

Also it is noted that 'local authority' means "...a regional council or territorial authority" under the Local Government Act 2002. As such, perhaps this instruction should be amended to allow for the fact that regional councils may choose not include any zones in their plans.

4. F-1: Draft Electronic Accessibility and Functionality Standard

4.1. Table 18: Standard for baseline accessibility and functionality requirements

Overall some of the baseline requirements have the potential to be quite time consuming and expensive, especially for smaller local authorities that have less resources and where fewer people would actually benefit from the proposed requirements.

4.1.1. Instruction 7

Instruction 7 states *"Provide 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 (eg, note and hyperlink from a regional plan rule relating to earthworks to relevant district plan chapters relating to earthworks)."*

Depending on the degree of plan complexity and cross referencing there could be substantial time and cost implications associated with implementing this instruction. Horowhenua District Council has limited resources and is currently experiencing a higher level of growth than in recent history which is prompting a series of plan changes.

Ensuring that the Horowhenua District Plan is agile enough to effectively cope with, and provide for, growth is presently considered to be the best use of our available resources. Having to re-direct officers to implement instruction 7 would be an inefficient use of their time and energy. Furthermore the benefit of this instruction is questionable given that councils will all be working towards the development and implementation of ePlans within the five year timeframe; so it's a lot of time and expense for a temporary requirement.

Furthermore the addition of notes and hyperlinks would result in electronic district plans being much larger and untidy documents, potentially reducing the readability of these plans.

4.1.2. Instructions 11 and 12

Instructions 11 and 12 require versions of current and previous district plans to be available on councils' websites. This not only has potential to create some confusion for people about which version of the District Plan is the one people need to use but it is also not considered to be necessary for some local authorities.

Horowhenua District Council's current practice is to display a copy of the current version of the operative District Plan as well as information on any plan variations or plan changes that

have been undertaken. We also have a substantial amount information on our website relating to the District Plan Review. Copies of versions of the current and previous District Plans are available as references at Council's main office. Horowhenua District Council receives a small number of enquires associated with the historic use of properties, trying to establish existing use rights. Our current system has worked well to date and there does not appear to be a need to make versions of the previous District Plan available on the website.

It is conceivable that many other councils would be in a similar situation to Horowhenua District Council, where it is just not necessary to display all versions of the current plan and copies of all previous plans developed under the Resource Management Act on their websites. No doubt there are councils that receive regular enquires that relate to previous versions of their current or a former district plans. For these councils it would be in their best interest to make copies of these available on their website as it would reduce officer time spent on enquiries, and therefore, it should not be required as part of this set of National Planning Standards. Subsequently it is requested that instructions 11 and 12 are removed from Table 18 of the Draft Electronic Accessibility and Functionality Standard.

5. *F-2: Draft Mapping Standard*

5.1. Table 21: Zone colour palette table

It is noted that some of the colours in Table 21 appear to be quite similar and that it would be hard for someone to differentiate between them at a glance. An example are the colours proposed for low-density residential and medium-density residential which are shown next to each other below:

Low-Density  Medium-density

It is conceivable that these two zones would both be represented in a district plan and it is important that someone can easily tell them apart to avoid potential confusion. Therefore, it is suggested that the colour palette for zones is amended to include a greater range of colours.

5.2. Table 22: Symbology table

In regards to the hazard symbol, there is no clear distinction between the hazard classes to which this symbol is proposed to apply. Given that there is likely to be variance in the management approach applied to each of these hazards in district plans it would be useful to differentiate between them by way of colour or alphanumeric code.

6. *F-6: Draft Status of rules and Other Text and Numbering Form Standard*

6.1. Instruction 8: Matters associated with designations

Given that the range of requiring authorities will generally be consistent across plans it would be useful for a national list of alpha based identifiers to be developed for application in plans.

7. CM-1: Draft Definitions standard

7.1. Table 29: Definitions Table

Horowhenua District Council seeks either amendments to, or further clarification on, the following definitions proposed in the first set of Draft National Planning Standards:

Proposed NPS Term	Proposed NPS Definition	Amendment/clarification sought
Building	Means any structure, whether temporary or permanent, moveable or fixed, that is enclosed, with 2 or more walls and a roof, or any structure that is similarly enclosed.	Amend this definition to remove reference to 2 or more walls. Specifying that a building must have 2 or more walls would mean that carports, awnings or uncovered decks (especially on elevated sites) are not considered to be buildings, and therefore, could be constructed on/near boundaries resulting in adverse visual effects as a minimum. Carports, awnings or uncovered decks would instead be considered to be 'structures'. It is not practicable to apply yard setback requirements to 'structures' to ensure that carports or awnings would be setback from boundaries as this would mean that other structures (e.g. fences) would also need to comply with setback requirements. Amending this definition to include exemptions for very small buildings (based on height and floor area) should also be considered. This would allow a dog house, children's playhouse or other similar small buildings to be exempt from coverage and yard requirements. Any adverse effects associated with these 'buildings' would be nominal and there would be no need (or benefit) to assess them as part of a consent process, therefore, it makes sense that they be exempt.
Cleanfill	Means an area used for the disposal of exclusively inert, non-decomposing material.	This definition should be amended to make it clearer that any substance that poses a risk to human/animal life is not considered cleanfill. The definition as it currently stands would not exclude plastic or other similar (potentially hazardous) matter from being considered cleanfill.
Coverage	Means the percentage of the net site area covered by the footprint of structures as identified in the relevant rule.	Given that 'building' and 'structure' are separately defined they should both be referenced in this definition instead of just structures. Also by specifying that coverage is calculated

Proposed NPS Term	Proposed NPS Definition	Amendment/clarification sought
		based on building footprint it exempts eaves and potentially patios. In some cases eaves and patios can be quite large and do have a visual impacts on the surrounding environment. As such the definition could be amended to exempt eaves or overhangs of a certain width which would mean if they were over a certain width they would be included in the coverage calculation.
Earthworks	Means any land disturbance that changes the existing ground contour or ground level.	As it is currently written this definition is too broad and would require permitted activity standards to ensure that unnecessary consents are not triggered (e.g. digging post holes, offal pits or small scale earthworks associated with gardening etc). It would be beneficial to amend the definition to build in exemptions and avoid councils needing to introduce permitted activity standards across zones. It should also be made clear in the definition that quarrying activities are considered separate to general earthworks.
Education Facility	a) means the use of land or building for the primary purpose of regular teaching or training in accordance with a pre-set syllabus by suitably qualified or experienced instructors; but b) does not include any industrial activity.	Amend this definition to remove 'b) does not include any industrial activity' and instead allow local authorities to control the effects from education based industrial activities through plan provisions. The nature and scale of education based industrial activities are likely to be less than standard industrial activities (i.e. training facilities are likely to operate during business hours only and would have limited pieces of machinery operating at one time etc). Therefore, the effects are likely to be more compatible with non-industrial activities. Also education based industrial activities would be an inefficient use of industrial land resource/infrastructure, given the scale of the activity it would not necessitate their location in these areas. Furthermore, many education facilities that offer industrial based education also offer non-industrial training. There is benefit in such facilities being located close to urban centres, where they are on public transport

Proposed NPS Term	Proposed NPS Definition	Amendment/clarification sought
		routes and near to services such as libraries.
Ground Level	Means - a) the actual finished surface level of the ground after the most recent subdivision that created at least one additional allotment was completed (at the issue of the section 224c Certificate or the previous legislative equivalent), but excludes any excavation or filling associated with the construction or alteration of a building: b) if the ground level cannot be identified under paragraph (a), the existing surface level of the ground, excluding areas of cut or fill associated with the construction or alteration of a building: c) if, in any case under paragraph (a) or (b), a retaining wall or retaining structure is located on the boundary, the level on front of the retaining wall or retaining structure where it intersects the boundary.	It is unclear what is meant by point c) if, in any case under paragraph (a) or (b), a retaining wall or retaining structure is located on the boundary, the level on front of the retaining wall or retaining structure where it intersects the boundary.
Habitable Room	Means any room in a residential unit, visitor accommodation, educational facility, commercial activity or healthcare facility used for the purposes of teaching or respite care or used as a living room, dining room, sitting room, bedroom, or similarly occupied room.	This definition should be broadened to provide scope for habitable rooms associated with other activities such as sporting activities (e.g. clubrooms) or industrial activities (e.g. staffrooms).
Height (District Plan)	Means the vertical distance between ground level at any point and the highest part of the structure immediately above that point.	Given that 'building' and 'structure' are separately defined they should both be referenced in this definition instead of just structures. Also it would be beneficial to amend the definition to include exemptions for small scale features commonly attached to buildings that protrude above the roofline such as chimneys, television aerials or

Proposed NPS Term	Proposed NPS Definition	Amendment/clarification sought
		decorative features. It's impractical that these features be included in the general building height as any adverse effects associated with them would be nominal and making property owners get resource consent or amend their building design would be unreasonable. To ensure that any exemptions would only capture small scale features dimensions could be specified e.g. the maximum height of a building is 8 metres excluding a chimney, decorative features, aerials, or other similar structure/s measuring no more than 1.5 metres in a horizontal plane and projecting up to 1.5 metres above the maximum height for a building. It is noted that 'exemptions' could be introduced into zone standards, however, this will involve duplication and increase chance of unintended variation between zones as well as between local authorities.
Height In Relation to Boundary	Means the maximum height of a structure relative to its distance from the boundary of a site or other specified location.	Given that 'building' and 'structure' are separately defined they should both be referenced in this definition instead of just structures. Consider amending the definition to include exempting eaves and spouting up to a certain width or small scale common building features (e.g. chimneys, television aerials or decorative features) that protrude above the roofline. Any potential adverse effects associated with these features would be nominal and making property owners get resource consent or amend their building design would be unreasonable. To ensure that any exemptions would only capture small scale features dimensions could be included e.g. eaves up to 1 metre in width. These exemptions' could be introduced into zone standards, however, this will involve duplication and increase chance of unintended variation between zones as well as between local authorities.
Home Business	Means an occupation, craft, service or profession that is	This definition should be amended to specify that the activity must be carried out by a

Proposed NPS Term	Proposed NPS Definition	Amendment/clarification sought
	secondary to the use of the site for a residential activity.	resident of the household, to ensure there is a locational benefit/reason for the activity to occur on the site.
Intensive Primary Production	Means primary production activities that involve the production of fungi, livestock or poultry that principally occur within buildings.	This definition should be broadened to include 'fenced enclosures where the stock density precludes the maintenance of pasture or ground cover'. Not all intensive primary production activities occur within buildings. Also consider amending the definition to include exemptions for small scale activities such as the keeping, rearing or breeding of poultry of 20 or fewer birds – this would exempt property owners that keep hens and sell a small number of eggs locally.
Structure	Means any building, equipment, device or other facility made by people and which is fixed to or located on land; and includes any raft, but excludes motorized vehicles that can be moved under their own power.	This definition should be amended to remove reference to 'building'. The use of the term 'building' (which is defined separately) could be confusing and will create potential for circular arguments. The definition could be amended to refer to '...any built form , equipment, device...." This would ensure that the definition of structure covers things that have an element of construction involved but also makes it clear that there is a difference between a building and a structure.
Visitor Accommodation	Means land and/or buildings used primarily for accommodating non-residents, subject to a tariff being paid.	This definition should be amended to specify that visitor accommodation is short-term accommodation to help differentiate it from longer-term rental accommodation.

Thank you for considering this submission.

Contact Information:

Organisation: Horowhenua District Council

Email: [REDACTED]

Address for service: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

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*		
Organisation (if applicable)	Upper Hutt City Council	
Address		
Phone		
Email*		
Submitter type*	Individual NGO Business / Industry Local government Central government Iwi Other (please specify) ☐ ☐ ☐ ☒ ☐ ☐ ☐ Click here to enter text.	

* 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

While UHCC is supportive of the broad overall objectives of the National planning standards, these are likely to come at a significant cost – at least in the short term. UHCC is a small-medium sized council. The UHCC planning department has been resourced in staffing and operational budget to maintain the UHDP on a rolling review cycle over a ten year period. The reality of the national planning standards is that the only way for these to be implemented without significantly compromising the integrity of the District Plan is to switch to a full plan review. However, the additional operational budget and staffing levels which would be required to resource a full plan review are, for us, unaffordable and unacceptable for our community. UHCC does not believe it is alone in this challenge.

Given the significant costs and resourcing issues associated with a full plan review, UHCC will, if

necessary, proceed with a rolling review of the UHDP even as the National Planning Standards are implemented. However, while this allows us to manage the financial costs of the implementation largely within UHCC's existing resourcing, it creates other issues with the UHDP. The specific issues are touched on more in the details of our submission, but the reality is that implementing the definitions standard in a plan under a rolling review leads to the risk of broken rules that no longer achieve the outcomes sought by the plan (and the Upper Hutt community), as UHCC will not be able to review all our existing rules to ensure they function with the new set of definitions that are being introduced. UHCC has taken a pragmatic approach to mitigate these risks as best we can by focusing on reviewing the residential and rural chapters of our plan within the prescribed timeframes – as these are the most frequently used sections of our plan. However, that will still leave rules within large sections of our plan which will be out of line with the definitions that will need to be applied. The community will then have to contend with a plan that makes less sense and is less able to achieve the desired outcomes until these issues are resolved through the rolling review cycle. The exercise will result, at least in the short to medium term, in a plan that has significant sections that are less fit for purpose until the full plan has been reviewed within its ten year cycle.

There is a question as to whether the costs for our community and UHCC would truly be outweighed by the benefits of the National Planning Standards. While the benefits of plan clarity and consistency are laudable, and something UHCC certainly strive for throughout our work on the District Plan, those benefits are likely to accrue to a relatively select group of developers and/or infrastructure providers who work on a regional or national basis. However, our ratepayers in general are infrequent users of our District Plan – and even less likely to have to refer to any other District Plans. Many will never need to refer to our plan, and more still may only look to it once or twice while building or renovating their home. As such there is next to no benefit to the vast majority of our community of having consistency across plans in New Zealand. Yet it is UHCC ratepayers who will bear the cost of these changes, whether those costs are financial or in terms of plan quality and our ability to achieve outcomes. This is not an acceptable situation for UHCC. That said, the key area where UHCC does see value for our community is in the shift to e-planning, which is likely to enhance the accessibility of plans even for the infrequent user, and as such this is a part of the package that UHCC supports.

UHCC accepts that in the long term there may be internal benefits that reduce the cost of plan changes through providing a level of plan content that is not able to be further contested or appealed at the local level, however, this benefit seems small and distant when compared to the large up-front costs of implementation. And with the prospect of large-scale RMA reform on the horizon (as proposed by the 2017 Better Urban Planning report by the Productivity Commission), these benefits may never eventuate.

2. S-RPS: Regional policy statement structure standard

[Click here to enter text.](#)

- 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

[Click here to enter text.](#)

- 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

The Upper Hutt City Council (UHCC) generally supports the proposed District Plan Structure Standard, with the following minor amendments.

Location of definitions: The proposal to locate the definitions within the Interpretation chapter could make interpreting the plan more difficult. While an e-plan format will make definitions easy to link to within the document, there may be instances where definitions need to be accessed independent of a hyperlink and a stand-alone chapter would make this easier.

Relief Sought: Amend position of Definitions to form a stand-alone chapter in Part 1.

Order of District-Wide Matters: While UHCC support the grouping of topics (e.g. Natural Environment Values and Community Values), it would be more logical to have the values chapters located together, rather than separated by the Environmental Risk chapter.

Relief sought: Amend the order of the chapters so that the Environmental Risk chapter is located either before the Natural Environment Values chapter or after the Community Values chapter.

5. S-CP: Combined plan structure standard

[Click here to enter text.](#)

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

[Click here to enter text.](#)

- 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**

[Click here to enter text.](#)

- 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

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

UHCC generally supports the overall proposed structure of the District Wide Matters standard, with the following amendment that the Natural Environment Values and the Community Values chapters are located together.

Relief Sought: Reorder chapter positions so that Natural Environment Values chapter and the Community Values chapter are located sequentially.

- a. Natural Environment Values Chapter

There is no requirement within the S-NEV to cross reference to the schedules chapter, where there is a list of the specific location of areas and sites of significance. There are similar cross-referencing requirements in the Community Values chapter. It seems like a similar requirement would be useful for the S-NEV and would be a consistent approach across chapters.

Relief Sought: Insert a requirement into the Natural Environment Values Chapter (S-NEV) that where a schedule is used then there is an appropriate cross reference to the schedules chapter.

- 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

[Click here to enter text.](#)

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

UHCC supports the flexibility to include Special Purposes Zones. However, it is not clear whether all or only one of the three criteria (7a-c) must be met. The Upper Hutt District Plan (UHDP) has a number of special purpose zones. It is important that there are clear requirements to assist UHCC in determining whether additional special purpose zones can be utilised, or whether an alternative method needs to be considered.

Relief sought: Clarify the requirements for the establishment of Special Purposes Zones.

d. Precincts chapter

[Click here to enter text.](#)

e. Development areas chapter

[Click here to enter text.](#)

f. Designations chapter

The proposed Designations Table 16 includes a row for conditions. However, there is also a requirement to include designation conditions as a schedule. This would result in duplication of content.

Relief Sought: Amend the proposed Designations chapter (S-DES) requirements to specify designations conditions are required to be laid out either in the table or in the schedule, not both.

11. S-SAM: Schedules, appendices and maps standard – Part 6 – Regional policy statements, Part 7 – Regional plans, Part 8 – District plans, Part 9 – Combined plans

UHCC supports the standardisation of schedules, but suggests that an additional column identifying the related Planning Map number would help with plan navigation, noting that this would be particularly useful in an e-plan format. The UHDP contains map reference information in schedules. Examples are the schedules for Notable Trees and Urban Tree

Groups. Flexibility to add additional columns to allow relevant information to be included in an easy to read way could also avoid a lot of information potentially being combined into the Site Type/Description of Values column, which could make it harder to interpret.

Relief Sought: Include an additional 'Related maps' column, and increase flexibility to add additional columns where required.

12. F-1: Electronic accessibility and functionality standard

[Click here to enter text.](#)

a. Standard baseline requirements

Standards 11 & 12: The compiling of historic District Plan documentation is anticipated to be a time-consuming and resource-intensive exercise, with no real benefit to the plan user. For those councils conducting a rolling review of District Plan content, like UHCC, it will be difficult to resource given the already high workload of District Plan review and National Planning Standards implementation. Any historical information is able to be provided to individual users, on request.

Relief Sought: Provide greater clarity in requirements to provide historical District Plan documentation, restricting the scope to not include every previous Plan or Scheme. The requirement should also be updated allow 5 years to implement.

b. Level 5 requirements

E-Plan Functionality Scale: The scale intervals accurately reflect the different types of plans currently in use and set an achievable level of functionality.

Relief Sought: None.

13. F-2: Mapping standard

[Click here to enter text.](#)

a. Zone colour palette

The tone of yellow between low, medium, and residential zoning is too similar and could easily be confused. The same could also be said for the Open Space/Sport and activity recreation/conservation zones.

Relief Sought: Either use a different colour, or use hatching over a colour to differentiate between low to medium density areas, for example.

b. Symbology

Overall, there are too many blue areas used across symbols - increasing the risk of areas being confused with one-another.

Relief Sought: Diversify the colours and fill of geometry polygons used.

Protected tree group symbol: This would be difficult to implement for District Plans with larger tree groups. UHCC undertook a Plan Change in 2016 which introduced

several hundred Urban Tree Groups to the District Plan, implemented as a polygon on District Plan Maps and Schedules (see Chapter 27A). This allowed for clear identification of protected areas. Proposed Standards provide no clear ability for Councils to choose otherwise. This could result in removal of some tree groups, by proxy, with individual symbols unable to correctly identify the complete extent of tree protection. This could re-litigate recently established planning provisions for UHCC and other councils.

Relief Sought: Symbol needs to be a polygon and a symbol to properly identify the complete extent. This could be a hatched overlay as not to confuse with zoning.

Heritage Area and heritage item symbols: The heritage area symbol is limiting in nature by not being able to distinguish between heritage areas and heritage orders. The colour used could also easily blend into any underlying aerial image. Similarly, the use of a single symbol only for a heritage item would limit the identification of the extent of a heritage item (and where relevant any identified heritage setting /surrounding to the heritage item).

Relief Sought: Add a hatched version of the polygon for heritage orders. Colour should be updated to be more vivid to stand out from any underlay, and once again could be hatched to avoid confusion. Provide for the use of a symbol and/or polygons for identifying heritage items and heritage settings.

Natural Hazard Polygon: The combination of four distinct natural hazards in one polygon does not allow communities, business, and/or insurers to evaluate the level of risks they may be exposed to. This combination could also result in the associated rule structure to be quite long and impractical. Hazards should be defined in line with GNS, MCDEM, and FENZ. RMA s6(h) & s106 require hazards to be evaluated, including the scale of the effect, therefore there should be an ability to map this graphically. Plan Change 42 to the UHDP recently introduced flood hazard extents and distinguished the various levels of hazard on hazard maps using different colours and/or treatments. The agglomeration of these levels of hazards would remove the ability to show hazard types and have significant implications on the planning policy tied to each hazard level and type. Proposed standards would therefore necessitate revisiting this plan change at a significant cost, based on the historic costs UHCC has already included for this plan change.

Relief Sought: Assign a different polygon type for each hazard, representative of standards set by GNS, MCDEM, and FENZ. Different colours/treatments should be available to denote the level of risk and show scale, and there should be a level of local discretion permissible to reflect localised hazard types.

Faultline Hazard: Faultlines are inherently difficult to define and have a tendency to influence a wide area either side of a faultline. Modern District Plans have responded to this by creating bands of varying widths, reflecting the level of certainty of location of the particular faultline. This is in line with practice standards from GNS and the recently-notified Kapiti Coast District Plan is an example of this. Using a single line does not allow for the nature of faultlines to be mapped in a manner which reflects the severity and extent of hazard.

Relief Sought: Change the line to a band with different colours to show how well

defined a fault may be. Should reflect best-practice standards from GNS.

Missing Mapping Tools: There is no description for how the likes of precincts or development areas would be mapped, or what symbology should be used.

Relief Sought: Extend mapping labels to provide direction on precincts and development areas.

Zoning names: Zones detailed in S-ASM do not align with those covered in F-2. Zones excluded are: Airport; Port; Hospital; Education; Stadium; Future urban; and, Maori Culture. The label used for 'Special Activity Zone' does not allow for multiple zones, being one colour.

Relief Sought: Extend labels to include missing zones and allow TA discretion for the labelling of Special Activity Zones.

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

[Click here to enter text.](#)

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

[Click here to enter text.](#)

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

Click here to enter text.

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

Click here to enter text.

a. Status of rules and other text

Click here to enter text.

b. Numbering

Click here to enter text.

18. CM-1: Definitions standard

The proposed National Planning Standards seeks to provide a standardised set of conditions for District Plans across the country. While the majority of these definitions appear to be

appropriate, several of the definitions would result in unintended consequences, including:

- a) triggering the need for unnecessary resource consents;
- b) the establishment of out of zone activities; and
- c) changes to established rule structures within District Plans.

Such outcomes would result in additional costs to the community (from triggering the need for resource consent applications), and costs to Council to have to undertake plan change reviews to stop the establishment of activities that are not appropriate in certain zones (but may become permitted activities as a result of some of the definition changes). The definitions that potentially create issues are identified below, along with a description of the issue and the relief sought.

Additionally, draft Standards are unclear on how resource consent applications should be evaluated once the final Standards have been released and District Plans have yet to give effect to Standards. It is likely that many councils in a rolling review cycle will be in this position and additional guidance from the Ministry should therefore be provided to assist decision making.

a. Individual definition

Accessory Building: The definition of accessory building requires the construction of the principal building first. However, it is not uncommon for accessory buildings such as garages to be constructed on vacant allotments to provide storage before the building of the principal building. Under this definition these garages would not be considered to be an accessory building, thereby triggering the need for consent.

Relief Sought: Amend the definition of an accessory building as follows: "means a detached building, the use of which is ancillary to the use of the principal buildings or activity on the same site, including any future principal building, but does not include any minor residential unit."

Building: The definition of building is very broad and captures structures such as dog kennels, play houses, and sheds from hardware stores. Most bulk and location rules in the District Plan relate to buildings, rather than structures. Given the broad definition of building, these bulk and location rules will now apply to structures that have no perceivable effect on the environment.

Relief Sought: Amend the definition so that there is a height and size requirement for structures to be considered buildings (for example they need to be greater than 10sq meters and over 2m in height to be considered a building). This limit should relate to a threshold where buildings have an effect on the environment.

Commercial Activity: The definition of commercial activities is very broad and includes the trading of goods. Traditionally, many District Plans limit commercial activities to the provision of services. The purpose of this limitation is to allow for commercial activities to establish in business/industrial areas, without unintentionally allowing for retail activities to be established, which may undermine the CBD, or detract from commercial areas. The proposed definition would allow for the establishment of retail activities in these business/industrial areas, thereby resulting in unintended planning outcomes.

Relief Sought: Remove the term trading of goods from the definition of commercial

activities, and/or add a new definition for retail activities which does not overlap with the definition of commercial activities.

Community Activity: The definition of a community activity is very broad, but is reliant on the activity being a 'non-profit facility'. Many councils provide a number of community venues through council owned enterprises (e.g. museums, swimming pools, community halls, etc.). These facilities are often commercial in nature, requiring a charge for use or services provided, but are heavily subsidised by councils themselves. While their main purpose is not profit-driven, there may be instances where a profit is made. The draft definition for Community Activity would therefore exclude such activities from being a community activity, resulting in adverse planning outcomes.

Relief Sought: Either remove the "non- profit" component from the definition of Community Activities, or provide a definition for community activities that do generate profits (for example using the term Places of Assembly).

Footprint: The definition of footprint links back to the definition of structures. Under many District Plans, the footprint of a building is used to determine the site coverage of a structure. However, District Plans often exclude eaves that are less than 0.6m in depth as they do not result in building bulk.

Under the proposed definition, eaves would not be excluded from the calculation of a building footprint (as the definition of structures includes roofs), thereby changing significantly how site coverage is calculated (and potentially resulting in an increase in consent applications as a result. Established practice for many councils would be changed and this would take time to move through the industry, thereby meaning that many dwellings would be designed to a site coverage based on the footprint of a building, excluding eaves).

Relief Sought: Either amend the definition of footprint so that eaves less than 0.6m in depth are excluded from the calculation, or amend the definition of structures so that eaves less than 0.6m deep are excluded.

Ground Level: The definition of ground level is broken up into three tests. In terms of the first test, it is common for the ground level of the site to be determined by the level of the ground at the time of subdivision. However, the first test takes this further and excludes any excavation or filling associated with the construction of dwellings. This component of the test overly complicates the definition, especially in relation to flood hazard areas. If a party was to apply for a subdivision and land use together, then ground level would be determined by what activity was undertaken first. For example, if the applicant was to undertake a subdivision first, and was to fill the site to ensure the ground level was above the flood level, then the ground level at the time of the title would be the filled level. However, if the applicant constructed a dwelling on a filled platform, and then subdivided the site, the fill level would not represent ground level (even though the outcome is the same and is related to the timing of the subdivision). This creates a difficulty with the definition and could result in unintended internal non-compliances and complications when trying to determine the ground level of a site.

Relief Sought: Simplify the first test of the definition by removing the following: "...but excludes any excavation or filling associated with the construction or

alteration of a building". This change would mean that the ground level would simply be the level of the site when section 224C approval is obtained. This would also make the determination of heights and recession planes simpler for future dwelling constructions.

Home Business: The proposed definition of home business is broad and allows for the establishment of a wide range of activities. Many District Plans require an occupant of the dwelling to be employed in the business, in order for the activity to fall under the definition of a home business (this requirement prevents the proliferation of non-residential activities in the residential zone). While it is acknowledged that this requirement could be a Permitted Activity Standard, it would be simpler if the definition of a home business included the requirement for the resident(s) of the dwelling to be the business operator.

Relief Sought: Amend the definition of home business to as follows: "means an occupation, craft, service or profession, which is secondary to the use of the site for a residential activity, where a resident of the dwelling is the business operator."

Minor Residential Unit: It seems the definition of Minor Residential Unit is intended to provide for housing extended families. The definition however is broad and would allow for additional houses to be established on a site under the pretence of it being a minor residential unit. If the intent is to provide this housing choice for family members, then the definition should reflect this.

Relief Sought: Amend the definition so that it directly references that this housing typology is intended to house family members on the same site.

Quarry: The definition of a quarry is overly broad and captures all areas of excavation. As a result, all earthworks that involve excavation could accidentally be considered to be a quarrying activity, thereby created unnecessary consents. This issue could be addressed through a small change to the definition.

Relief Sought: Amend the definition of quarrying as follows: "means an area of land where the excavation, with or without the processing of minerals and other solid natural substances, is intended to generate a profit."

Structure: The definition of a structure is broad and would capture items such as trailers, fences, low level retaining walls, boats, and caravans. As a result, if one of these items is located too close to the boundary, technically there would be a structure within a yard setback (such as the 1.5m side yard setback requirement that UHDP has). The resulting unintended outcome could be the need for resource consent applications to ensure that these activities meet yard setback requirements. Many District Plans specifically exclude items of this nature (or set height limits) to ensure that these items do not trigger the need for resource consent.

Relief Sought: Amend the definition to ensure that items that could reasonably be expected to be located on or close to a boundary are not captured by the proposed definition of a structure.

b. Additional definitions

[Click here to enter text.](#)

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

[Click here to enter text.](#)

a. Technical support

[Click here to enter text.](#)

20. Implementation

UHCC reviews its District Plan on a rolling review cycle. A shift to a full plan review is not feasible for UHCC as the costs and resourcing requirements would be prohibitive. However, the requirement to update all definitions as part of the initial roll-out of the National Planning Standards will create significant issues for our plan and the functioning of the rules in sections that have not yet been reviewed. While UHCC plan to review the most significant sections of our plan in time to accommodate these new definitions (e.g. our residential and rural chapters) we will still be left with significant sections of the plan that will either: a) have broken rules that will not function as intended as a result of changes to the definitions, or b) have to maintain the old definitions for these sections of our plan until such time as the outstanding chapters can be reviewed. Obviously neither of these situations is desirable and both outcomes reduce the usability of the District Plan by our community and have the potential to create significant confusions, complications and possible costs to the Council and the community.

Relief Sought: UHCC seek further direction from MFE on how the standards can best be implemented within a rolling review cycle. UHCC appreciate that a full plan review may be the simplest way to implement the National Planning Standards; however this is not a feasible option for us.

a. ePlanning implementation

[Click here to enter text.](#)

b. Timing

The National Planning Standards set a timeframe of 5 years for UHCC to implement the standards. This timeframe is going to put significant strain on the Council as the policy team is small and is in the process of undertaking a rolling review of the plan. Due to the changes proposed under the National Planning Standards, there is going to need to be a significant rewrite of existing objectives, policies and rules to make sure that the proposed changes do not result in unintended consequences. Such changes may be challenged by the public, thereby slowing the implementation process. Furthermore, UHCC has been undertaking its rolling review for several years. If UHCC was to implement the proposed National Planning Standards, it possibly would be reopening recent contentious plan changes to re-litigation before the ten year review period as stipulated in the Act (for example the recent Plan Change 42 for Flood Hazards). Such an outcome would result in undue costs on UHCC, and uncertainty for plan users and the community.

To address these issues, UHCC proposes the following split timeframe.

- For Chapters that have not been reviewed within the 3 years prior to the

National Planning Standards being gazetted, then the Council has 7 years to implement the standards

- For Chapters that have been reviewed within the 3 years prior to the National Planning Standards being gazetted, then the Council has 10 years to implement the standards

This timing would bring the implementation of the standards more in line with the RMA 10 year review cycle and would assist with addressing the costs of reopening recently completed plan changes.

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.

Draft National Planning Standards

NZ Wind Energy Association Submission

Grenville Gaskell, CE

August 2018



Introduction

1. The New Zealand Wind Energy Association (NZWEA) welcomes the opportunity to provide a submission on the Draft National Planning Standards (DNPS).
2. NZWEA's members develop and operate wind farms including the upgrading of existing assets. The ability to vary consents for operating wind farms to enable re-powering, and to plan for, consent and develop new generation capacity, is a key business activity.
3. The Association seeks to ensure that statutory planning documents recognise the resource use requirements of renewable electricity generation activities, and gives effect to the requirements of the National Policy Statement on Renewable Electricity Generation 2011 ("NPS-REG") in an integrated manner.
4. The importance of electricity as a source of energy in enhancing our quality of life is well understood. The further electrification of high carbon emitting sectors such as transport and industrial heat is central to transitioning to a low-emissions economy. The expansion of the use of electricity into other parts of the economy highlights the need for statutory planning documents to recognise the Government's renewable energy targets and climate change commitments.
5. The wider electrification of the New Zealand economy also represents a concentration of risk that needs to be managed to ensure the on-going reliability of supply and end-user affordability.
6. Changes to the Resource Management Act to improve the quality and effectiveness of plans is therefore of key importance to the wind industry and the achievement of the government's renewable electricity generation and carbon reduction targets.
7. In this submission NZWEA provides overarching comments in an executive summary, outlines the importance of addressing the current issues for renewable electricity generation and the wind industry and a more detailed response to the proposed CM-2 Draft Noise and Vibration Metrics Standard and support for the further development of planning standards.

Executive Summary

8. The Association is supportive of the DNPS and considers the Standards an important initiative towards improving the effectiveness of the Resource Management Act and enabling renewable electricity generation development.
9. While all the problems identified in the Consultation Document are supported the Association is most concerned with the uncertainty that comes from the inconsistent implementation of the national direction for renewable electricity generation, the level of guidance in current NPS's and the inefficiency that results from the unnecessary variation in plans for end-users that operate on a national scale.

10. The Association recognises the need to ensure local planning issues are addressed but considers the current RMA required plans have elevated these at the expense of matters of national importance.
11. That the minimum proposed standard for plans include references to relevant national policy and environmental standards is supported.
12. The inclusion of noise and vibration metric standards as a mandatory direction is also welcome. The New Zealand Standard 6808:2010 Acoustics Wind farm noise was developed to provide suitable methods for the prediction, measurement and assessment of sound from wind turbines. Notwithstanding the expert nature of the Committee that developed the Standard, Association members have experienced considerable resistance to the acceptance of the Standard when seeking resource consents.
13. In respect to future planning standards the Association notes that the 2016 NPS-REG Outcome Evaluation Report identified that the Statement had not achieved its intended objective.
14. The Association also notes that MfE is currently undertaking an Outcome Evaluation Review of the National Policy Statement for Electricity Transmission. We understand that the completion of the Review has been delayed but in submissions significant issues have also been identified.
15. An effective RMA decision making process for electricity generation and transmission is a pre-requisite to enable the development of renewables and the Association considers both NPS's do not provide appropriate direction and should be redrafted to provide more guidance on the relative importance of renewable energy compared to other matters of national importance under part 2 of the RMA.

Support for The Introduction of National Planning Standards to Address Current Issues

16. The Association supports the aim of the DNPS to make plans simpler to prepare and easier for plan users to understand, compare and comply with.
17. The Association agrees with the five main problems heightened by unnecessary variation in plans that are identified in the Consultation Document:
 - interpreting plans can be costly and time-consuming, particularly for plan users that regularly work across multiple plans
 - some plans are overly complex, making them difficult to use
 - national direction is implemented inconsistently
 - each council and many plan submitters have to spend time and resources developing the structure, form and common content of each plan
 - best planning practice is not able to be implemented efficiently across all plans because they are currently so different
18. In particular NZWEA is most concerned with the current inconsistent implementation of national direction and the inefficiencies that result from so many variations in interpretation and format.
19. In the Association's view the current planning process results in a significant cost and uncertainty for consent applicants. The narrow focus on the local effects of infrastructure without adequately considering the national benefits creates uncertainty and risk.
20. The Association references the 2016 Report on the effectiveness of The National Policy Statement for Renewable Electricity Generation (NPS-REG) which concluded that there had been no noticeable increase in the consistency of REG planning provisions across regional policy statements or regional or district plans. The Association supports the

Review findings and considers the introduction of national planning standards and a revision to the NPS-REG to provide more detailed direction and guidance are required to better support renewable energy generation.

21. A simplified and lower cost process would also be helpful to progress development of smaller wind farm sites, particularly those with a community structure that may have limited RMA expertise and financial resources.
22. The Productivity Commission in their Low-emissions Draft Report sought submissions on the effectiveness of the RMA and whether it unduly constrains investment in renewable electricity generation. An analysis of submissions confirms a consistent view that the RMA is not effective and that the NPS-REG needs to be strengthened.
23. The Association also note that MfE is currently undertaking an Outcome Evaluation Review of the National Policy Statement for Electricity Transmission. We understand that the completion of the review has been delayed but in submissions significant issues have also been identified.
24. An effective RMA decision making process for electricity generation and transmission is a pre-requisite to enable the development of renewables and the Association considers both NPS's do not provide appropriate direction and should be redrafted to provide more guidance on the relative importance of renewable energy compared to other matters of national importance under part 2 of the RMA.
25. In the Association's view New Zealand has lacked an integrated approach to developing a low carbon strategy and set of implementation actions and this has been a concern. The material level of emissions reduction required and potential cost to meet the 2030 Paris target and a longer-term net zero position warrant a specific focus.
26. The Inquiry by the Productivity Commission, the proposed Zero Carbon Bill and the refresh of the NZ Energy Efficiency and Conservation Strategy, the introduction of National Planning Standards and the recently announced consultation on proposed improvements to the Emissions Trading Scheme are important developments in ensuring the alignment of strategy and actions which the Association supports.

Specific Comments on the Draft Noise and Vibration Metrics Standard

27. New Zealand Standard 6808:2010 Acoustics Wind farm noise was developed to provide suitable methods for the prediction, measurement and assessment of sound from wind turbines. The Standard development included numerous acoustic experts to protect the health and amenity at nearby noise sensitive locations without unreasonably restricting the development of wind farms.
28. The Standard has been adopted by wind farm developers in seeking land use consents.
29. Notwithstanding the expert nature of the Committee that developed the Standard, Association members have experienced considerable opposition to the acceptance of the Standard when seeking resource consents.
30. In particular in a number of consent applications the adoption of recommended noise limits based on a defined physical distance from site boundaries has been proposed rather than adopting the noise limits based on notional boundaries contained in the NZ Standard. The implications of which place limits on development opportunities that reduce the commercial viability of wind farm developments.
31. Most recently in 2017 Association members considered it necessary to appeal to the Environment Court proposed changes to a District Plan which introduced physical setback limits from site boundaries which would have had a significant impact on the re-powering of existing wind farms and risked creating a precedent that might be adopted by other councils.

32. While the matter was resolved through mediation and subsequent negotiation there was a significant cost incurred by Association members in gaining acceptance to adopt NZS6808.
33. The Association is therefore supportive of the DNPS inclusion of a noise and vibration metrics standard which ensure consistency of application and provide clarity of requirements that wind farm developers must meet when seeking resource consents.
34. Table 30 references the acoustic standards included in the DNPS. NZS6808 incorporates measurement procedures and the methodology to undertake assessments and is therefore complete in its own right. It is our understanding that many of the specific acoustic Standards have been developed as they do not fit with the requirements of NZS6801 and NZS6802. The requirement in Direction 4 to require any plan rule to be consistent with the assessment method in section 6 of Standard 6802 therefore should be removed.

Future Planning Standards

35. The Consultation Document notes that future sets of planning standards could be content-based and useful to support the implementation of national direction in a consistent manner across plans and to standardise an area of technical dispute such as identifying outstanding natural features and landscapes.
36. The 2016 NPS-REG Outcome Evaluation Report clearly identified the NPS is not achieving its objective and Association members have had numerous issues with the current inconsistent implementation of national direction.
37. The recent Productivity Commissions Low-emissions Inquiry Draft Report and Transpower's Energy Futures White Paper both forecast the requirement for a significant increase in electricity generation through to 2050. If the government's emission reduction targets are to be met a large share of the forecast growth will need to be from renewable sources such as wind, solar and geothermal generation.
38. At a time when it is widely accepted that a significant increase in renewable electricity generation will be required to support the decarbonisation of the economy it is essential that the plans give appropriate relevance and direction to infrastructure development that contributes to the achievement of nationally important emission reduction targets.

About the NZ Wind Energy Association (NZWEA)

- The NZWEA is an industry association that promotes the development of wind as a reliable, sustainable, clean and commercially viable energy source.
- We aim to fairly represent wind energy to the public, Government and energy sector.
- Our members are involved in the wind energy sector and include electricity generators, wind farm developers, lines companies, turbine manufacturers, consulting organisations and other providers of services to the wind sector
- By being a member of NZWEA you are assisting the development of wind energy in New Zealand and helping to reduce our greenhouse gas emissions to meet climate change targets.

Contact details in relation to this submission:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



Planning Standards
Ministry for the Environment

By email: planningstandards@mfe.govt.nz

Rāhina, 13 Hereturikōkā, 2018

National Planning Standards

Tēnā koe,

1. Thank you for providing Te Korowai o Ngāruahine Trust (TKONT) the opportunity to provide a comment on the proposed National Planning Standards.
2. TKONT's interest in this proposal stems from Ngāruahine iwi having a special cultural, spiritual, historical and traditional association with the environs where resource management and planning practices take place. TKONT, as the post-settlement governance entity for Ngāruahine has a responsibility to ensure that the interests of Ngāruahine are safe-guarded. This includes considering the extent to which the proposed activities, may impact (potential or actual) on the environmental, cultural and spiritual interests of Ngāruahine within it rohe (tribal area); and those areas under statutory acknowledgement and/or Deed of Recognition (Ngāruahine Claims Settlement Act 2016); and the potential or actual risks to the physical, psychological, cultural and spiritual wellness of Ngāruahine (Te Korowai o Ngāruahine Trust Deed). Therefore, TKONT makes submissions to any policy matters that are relevant to the rohe. This does not prevent the Ngāruahine hapū submitting on their behalf, nor should it be in any way viewed as affecting the mana motuhake of the hapū.
3. Ngāruahine is an iwi of South Taranaki. Ngāruahine rohe extends from the Taungatara Stream in the north west (just south of Ōpunake) to the Waingongoro River in the South (just west of Hāwera), and up to the Kahouri Stream (in the central area of Taranaki just under Mounga Taranaki). The expanse of our tribal area means that the Ngāruahine boundary straddles the four Councils in Taranaki – South Taranaki, Stratford and New Plymouth District and the Taranaki Regional Council.
4. The planning standards direct a standard structure and form and some standard content for RMA plans and policy statements in New Zealand. With our area of interest spanning



four Council structures, some level of standardisation would be helpful. That said, we also want to ensure that the local planning documents are relevant to the needs of the local community.

5. TKONT has reviewed the various standards, but this submission relates only to the proposed tangata whenua standard (S-TW).
6. We agree that tangata whenua standards should apply to all of the Planning documents covered by the standards. In relation to the content we agree with the inclusion of the following:
 - a. Recognition of the Iwi;
 - b. Tangata whenua –local authority relationships;
 - c. Iwi and planning documents; and
 - d. Consultation.
7. What is less clear from the standards is how matter of interest, concern and relevance to Māori are to be included throughout the planning documents. It is also not clear how a standardised structure will help tangata whenua as our areas of interest and concern span across the entire planning and policy framework covered by the Resource Management Act.
8. In regards to the various planning documents, there is merit within each of the planning documents in requiring the Plan authors to identify how the specific theme area impacts specifically on Māori. Māori are perhaps the only stakeholder that is invested in every area of a council planning process and providing a mechanism to have our world view represented with equally weight to Te Ao Pākehā is very important. The development of these standards is a way to ensure this.
9. The purpose of the tangata whenua structure standard is “To provide a consistent way in which tangata whenua values, objectives, policies and methods including rules (if any), and issues of importance in resource management, are considered and presented in policy statements and plans.” The Part 2 (tangata whenua) section within each of the planning documents does not do that, it provides important contextual information, but not a response to our issues. And, as highlighted in the previous paragraph we do not see the plan structures providing for the weaving of our values etc. throughout the plans.



10. In conclusion there is some value in providing a standardised plan structure, but TKONT does not identify that this will provide substantive benefit, nor offer any assurances that the matters of interest and concern to Māori will be addressed sincerely and robustly in Council planning documents.
11. We trust that this comment is helpful and look forward to receiving notice about the outcome of this consultation. Should you wish to receive any matters of clarification regarding the perspective offered please contact me at policy@ngaruahine.iwi.nz

Naku iti noa nā,

Louise Tester (PhD)
Pourangahau Matua (Social Initiatives and Policy Manager)

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*	
Organisation (if applicable)	Synlait Milk Ltd
Address	
Phone	
Email*	

Submitter type*	Individual	☐
	NGO	☐
	Business / Industry	☒
	Local government	☐
	Central government	☐
	Iwi	☐
	Other (please specify)	☐

[Click here to enter text.](#)

* 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

[Click here to enter text.](#)

2. S-RPS: Regional policy statement structure standard

[Click here to enter text.](#)

- 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

[Click here to enter text.](#)

- 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

5. S-CP: Combined plan structure standard

[Click here to enter text.](#)

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

[Click here to enter text.](#)

- 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

[Click here to enter text.](#)

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

[Click here to enter text.](#)

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

[Click here to enter text.](#)

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

a. Zone framework (individual and range)

Rural Zones

Synlait Milk is concerned that the zone options identified in the Draft National

Planning Standards for the rural area are too broadly defined. In particular: There are only two options for rural zones. These are:

Rural Zone: The purpose of the Rural Zone is to provide primarily for primary production activities. The zone may also provide for a limited range of activities which support rural production.

The term “a limited range of activities which support rural production” is ambiguous. It is unclear what land uses would fall within a “limited range of activities” and if this may include rural industrial activities.

Rural industry is defined to mean “an industrial activity where the principal function supports primary production or aquaculture activities” and on this basis it is assumed that dairy processing activities would fall within the purpose of the Rural Zone as they support rural production. Dairy processing plants are however typically large-scaled industrial sites and the lack of guidance within the zone description creates uncertainty.

The Rural Production Zone is to prioritise primary production activities that rely on the productive nature of the soils, intensive primary production, and also providing for associated rural industry.

It is unclear how the Rural Production Zone is to be distinguished from the Rural Zone as all primary industry activities rely on the productive characteristics of the soil to some degree. The term “primary production” is used in both the Rural and Rural Production Zones and is defined as being:

- a) agricultural, pastoral, horticultural, forestry or aquaculture activities for the purpose of commercial gain or exchange.
- b) land and auxiliary buildings used for the production of products that result from the listed activities; but
- c) does not include processing of these products.

The definition of Rural Production Zone requires that the Zone prioritise primary production but may also provide for associated rural industry. It is unclear however if this Zone is intended to be used for rural industries which are often at a very large scale, highly industrial in appearance and occupy sites where there is no or limited primary production being undertaken.

Experience over a period of many decades has demonstrated that sites, such as dairy processing plants, require objectives, policies and rules which are distinctive from the general rural area to enable the scale and intensity of processing activity required for export, and to protect significant capital investment from reverse sensitivity effects. It is also appropriate to acknowledge that some rural industries require a rural location, due to the extent of land required (including for management of air and wastewater discharges), the need to be close to rural suppliers and to limit transportation costs and inefficiencies in any processing.

The appropriate level of environmental management for a dairy processing plant is therefore potentially ineffective without a higher level of specificity in the zone options.

For this reason, Synlait supports the creation of a Rural Industry Zone. This would link

to the definition of Rural Industry already provided for within the National Planning Standards. It also creates the opportunity for the development of provisions which are more effective at managing the scale and range of effects that are associated with large-scale rural activity, and which experience has demonstrated is of such significance that separate provisions from a general rural zone are required.

Synlait would like to suggest that a working group is set up, partnering MfE with nationally significant and large scaled rural industries to develop provisions for a Rural Industry Zone. Synlait would welcome the opportunity to contribute to this forum.

In summary, the Draft National Planning Standards only provide for two rural zone options, both of which lack specificity with respect to rural industry and potentially limit the effectiveness of planning provisions to effectively enable and manage rural processing industries across New Zealand.

Synlait seeks the addition of a Rural Industrial Zone to provide an appropriate method for identifying, managing and protecting the significant physical resources associated with dairying and other similar scaled rural industries.

b. Purpose statements

[Click here to enter text.](#)

c. Additional special purpose zones and criteria

Special Purpose Education Zones

The Special Purpose Education Zone provides for educational facilities. This is defined to mean:

- (a) the use of land or building for the primary purpose of regular teaching or training in accordance with a pre-set syllabus by suitably qualified or experienced instructors, but
- (b) but does not include any industrial activity.

The purpose of this zone is too narrow and fails to account for the much broader role and function of tertiary institutions who are involved in research and development. Synlait seeks that the Special Purpose Education Zone is amended to include the broad range of functions and activities associated with tertiary education providers, and in particular include research and development for industry and commercial purposes.

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

Synlait submits that it is administratively inefficient to locate all appendices in an Appendices Chapter and that appendices are more conveniently located at the end of each chapter to which they apply.

12. F-1: Electronic accessibility and functionality standard

[Click here to enter text.](#)

a. Standard baseline requirements

[Click here to enter text.](#)

b. Level 5 requirements

[Click here to enter text.](#)

13. F-2: Mapping standard

[Click here to enter text.](#)

a. Zone colour palette

[Click here to enter text.](#)

b. Symbology

[Click here to enter text.](#)

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

[Click here to enter text.](#)

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

The spatial planning tools available for district plans are too limited with respect to rural industrial activities as noted below:

Zones: As discussed above, there are only two options available for rural environments, being the Rural Zone and the Rural Production Zone, neither of which provide an appropriate level of recognition for rural industrial activities, such as dairy processing.

Overlays are more appropriate to district wide matters such as landscape or natural hazards, and not to rural industrial sites.

Precincts are an urban construct which do not “fit” a rural environment and large, scale rural industrial activities.

Specific controls are not intended to apply to a rural industrial activity which requires its own objectives, policies and rules.

Development areas appear to be intended for urban expansion.

Synlait submits that the lack of appropriate options for spatial planning tools for dairy processing activities within rural zones further supports the need to add a Rural Industrial Zone.

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

Click here to enter text.

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

Click here to enter text.

a. Status of rules and other text

Click here to enter text.

b. Numbering

Click here to enter text.

18. CM-1: Definitions standard

Synlait supports and/or seeks amendments to the following definitions.

a. Functional Need: Support

b. Habitable Room: Support

c. Notional Boundary: Support

d. Reverse Sensitivity: Support

e. Rural Industry: Support

f. Earthworks:

The definition of earthworks has minimal content and cross-references to the fuller definition of land disturbance. This cross-referencing to a less commonly used term is confusing and does not accord with the intent of the Draft Planning Standards to encourage easily navigated provisions. It would seem more appropriate to use the definition of Earthworks as the primary explanation of the activity, noting that the Draft Planning Standards require an Earthworks Chapter.

g. Educational Facility:

The proposed definition is limited and does not provide for the broad range of functions and activities associated with tertiary education providers, such as research and development.

- h. Primary production: Replace with word “auxillary” with “accessory”. It is unclear what “auxillary buildings” include and to what scale.
- i. Sewage : The definition of sewage includes water from industrial or commercial processes. Whilst technically correct, water from industrial or commercial processes is more commonly referred to throughout New Zealand as trade wastewater. This includes within district and regional plans, and in Local Government processes such as building consents. The reference to trade wastewater under sewage lacks easy identification and is not consistent with the intent of the Draft Planning Standards to have easily navigated provisions. The preference would be to include “trade wastewater” under the definition of wastewater.

j. Additional definitions

Sensitive Activity: Synlait seeks the addition of a definition for “sensitive activity” to provide certainty for all parties as to the types of activities that are vulnerable to noise, air discharge or other environmental effects. This definition would complement the definition of reverse sensitivity, providing more effective management of reverse sensitivity effects.

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

[Click here to enter text.](#)

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.

SUBMISSION - CM-2: DRAFT NOISE AND VIBRATION METRICS STANDARD

Name: Vipassana Foundation Charitable Trust Board and
Keep the Peace Makarau Valley Incorporated

Address: C/- Stuart Ryan, Barrister

Physical address:



Postal address:



Phone:



Email:



Submitter type: charitable trust/ incorporated society

SUBMISSION - CM-2: DRAFT NOISE AND VIBRATION METRICS STANDARD

1. This is a submission on the CM-2: Draft noise and vibration metrics standard (“the draft standard”).
2. The purpose of the submission is to address potential confusion in the draft standard (at para 4) concerning the measurement and assessment of impulsive sound such as gunfire and blasting, which are:
 - a) characterised as a peak sound level (with the descriptor L_{peak})
 - b) not assessed and measured by applying a rating level expressed in L_{eq} (for a continuous steady sound) or L_{max} in NZS 6802:2008 - as implied by para 4 of the draft standard.
3. The submitters are involved in proceedings with Auckland Council concerning the correct approach to the measurement and assessment of impulsive sound from gunfire.
4. Paragraph 3 of the draft standard states:

Any plan rule to manage an emission of noise must be consistent with noise measurement methods in the New Zealand Standards listed in table 30: Acoustic New Zealand Standards below.

5. Paragraph 4 of the draft standard states:

Any plan rule to manage an emission of noise must be consistent with the assessment methods in section 6 Rating Level and section 7 L_{MAX} in New Zealand Standard 6802:2008 Acoustics – Environment Noise.

6. The breadth of para 3 and 4 of the draft standard purports to relate to *any plan rule* to manage an emission of noise.
7. At least as it relates to impulsive sound, paras 3 and 4 of the draft standards appear potentially to be in conflict. This is because impulsive sound¹ such as gunfire or blasting should be described by the measurement of its peak level as indicated by the descriptor L_{peak} (refer clause 8.6, New Zealand Standard 6801:2008). In comparison, the descriptor for a continuous steady sound is the L_{eq} which is a time average level i.e. L_{eq} is ‘a different thing’ from the peak sound level.
8. The assessment and determination of the rating level (as expressed in L_{eq} with adjustments for duration and special audible characteristics) and L_{MAX} in New Zealand Standard 6802:2008 will only be applicable and relevant if the type of sound in question is generally within the scope of NZS 6801:2008 and NZS 6802:2008. Impulsive sound (gunfire and blasting) is generally outside the scope of NZS 6802:2008 (refer clause 1.2 NZS 6802:2008).
9. A potential (unintended) implication from the present drafting to the draft standard is a possible interpretation that gun clubs in New Zealand would become subject to assessment criteria requiring the calculation of a rating level (in L_{eq}) and the application of L_{max} - when these are not the correct descriptors for impulsive sound.
10. It would not be logical to have a plan rule or draft national standard implying the emission of impulsive sound is to be assessed in a manner consistent (per para 4 of the draft standards) with section 6 Rating Level and section 7 L_{MAX} in New Zealand Standard 6802:2008 Acoustics – Environment Noise – when L_{eq} and L_{max} are not applicable to the assessment of impulsive sound.
11. It is important to ensure its validity that the draft standard not “overreach” the application of a rating level to types of sounds (such as gunfire and blasting) not intended to be addressed by the descriptors L_{eq} or L_{max}.
12. In *Brooks v Western Bay of Plenty District Council*, the Environment Court expressly recognised (based on expert evidence) that general amenity noise standards in New Zealand Standard 6802:2008 were not applicable to impulsive noise.²

Outcome sought

13. Suggested drafting to resolve the potential conflict is to amend para 4 of the draft standard (CM-2: Draft noise and vibration metrics standard) to read (or to same or similar effect):

Any plan rule to manage an emission of noise must be consistent with the assessment methods in section 6 Rating Level and section 7 L_{max} in New Zealand

¹ Impulsive sound being transient sound having a peak level a very short duration, typically less than 100 milliseconds.

² *Brooks v Western Bay of Plenty District Council* [2011] NZEnvC 216 at [20].

Standard 6802:2008 Acoustics – Environment Noise, provided the emission of noise in question is generally within the scope New Zealand Standard 6802:2008.

14. The intended effect of the outcome sought (above) is to clearly exclude impulsive sound from para 4 of the draft standard, for the reason that impulsive sound is not generally within the scope New Zealand Standard 6802:2008 and requires special assessment.
15. The submitter requests to be heard in relation to this submission.

Date: 16 August 2018



Stuart Ryan

Counsel for Vipassana Foundation Charitable Trust Board and Keep the Peace Makarau Valley Incorporated

Your submission to Draft first set of National Planning Standards

Lucy Cooper, **Perception Planning Ltd (PPL) (Lucy Cooper)**



Reference no: 64

Clause

Overarching comment

Notes

Perception Planning Ltd (PPL) has assisted Manawātū District Council (MDC) in the preparation of its submission on the draft Standards, and supports the comments made in that response. PPL has also discussed the draft Standards with Mr Jez Partridge of Treecology, who has also made a submission on the Standards with specific regard to some tree-related definitions. PPL support the comments made in Mr Partridge's submission. Consequently, PPL does not repeat the matters raised by MDC and Mr Partridge in this submission but refers MfE to their submissions where necessary. In preparing this submission, we have also discussed the draft Standards with several planning practitioners and professionals, and observe there is some consistency in the concerns being raised about the Standards. In summary, the consensus would appear to be that there are both high level issues with the practicality of being able to implement the Standards within the required timeframes, and specific technical issues with most of the Standards themselves. PPL would very much welcome the opportunity to discuss the matters raised in this submission with MfE and other practitioners in order to identify solutions and craft Standards that achieve the Ministry's goals of enabling more effective and efficient plan-making and achieving greater consistency in planning documents across the country.

Clause

Overarching comment

Notes

PPL's comments regarding Parts 1 and 2 of S-RPS are similar to those made by Manawātū District Council (MDC) on similar sections for district planning documents.

Clause

Parts 3 and 4 - Core policy statement provisions

Notes

PPL welcomes the standardisation of the requirement to include a 'water' topic in regional planning documents. However, PPL considers that the Standards do not acknowledge or provide for the complexity of the topic, which is typically comprised of water quality and water quantity and within which can be a considerable number of sub-topics. Consequently, the draft Standards appear to provide for considerable variety within planning documents with regard to water provisions, which could undermine a number of the outcomes sought by the Standards, including enabling professionals working with multiple plans to transition from one plan to another more smoothly and making it more efficient to compare and contrast provisions across multiple plans. PPL acknowledges that achieving greater standardisation of water provisions across regional planning documents will be a difficult and challenging task, and may not even be desirable if standardisation risks Councils and communities achieving good environmental outcomes. However, PPL would welcome clarification from MfE as to the Ministry's future plans on this matter. PPL also considers that there is a significant overlap between the standard Water topic and Part 5 - Catchments and consequently a high possibility for variation in how Councils choose to address these matters. PPL welcomes clarification from MfE on how the two aspects of the regional planning documents are intended to interrelate.

Clause

Part 5 - Evaluation and monitoring

Notes

PPL notes that there is no outline structure or guidance included in S-RPS for Part 5 content. The purpose of monitoring is to evaluate the effectiveness of plans in achieving the objectives, policies, and rules (methods) included within it. The information obtained from monitoring assists review and development of plan provisions, provides information on environmental issues in a district or region, and identifies new issues that may not be currently addressed in a planning document. This contributes to the improved management of a district's or region's resources. The benefits of monitoring include improved provisions, informed decision making, increased awareness and public confidence, and improved information on adverse effects of activities. Monitoring outcomes completes the plan or policy statement development and implementation loop, and enables Councils to review the effectiveness of a planning document. Monitoring also places an obligation on Councils to act upon information relating to particular issues, or to carry out enforcement where required to ensure compliance, and to achieve the environmental objectives sought by a plan and the Resource Management Act. However, evaluation and monitoring is, in our experience, an area of planning practice at both the district and regional level that is frequently neglected or under-resourced. PPL considers Part 5 be revised to create a framework that helps to Councils improve evaluation, monitoring and reporting practice. As a minimum, the evaluation and monitoring sections throughout

the Standards could adapt s35 of the RMA to create the basic structure of this section.

Clause

Overarching comment

Notes

See earlier comments regarding Parts 1 and 2.

Clause

Parts 3, 4 and 5 - Core plan provisions

Notes

Please refer to PPL's comments above regarding the 'water' section.

Clause

Part 5 - Evaluation and monitoring

Notes

Please refer to PPL's comments on this element in the S-RPS Standard.

Clause

Overarching comment

Notes

Please refer to MDC's submission on this Standard.

Clause

Overarching comment

Notes

No specific comment, however PPL considers that many of the comments made on other Standards will be relevant here.

Clause

Overarching comment

Notes

PPL considers it is useful for Councils to have the opportunity to state a strategic direction in planning documents. We are aware that Palmerston North City Council, for example, have 'City Wide Objectives' at the head of its City Plan, and these are taken into consideration by decision makers during resource management processes. PPL welcomes that S-SD requires Councils to document how the Māori resource management provisions in Part 2 of the RMA 1991, and Treaty of Waitangi (Te Tiriti o Waitangi) principles as identified through consultation with tangata whenua will be implemented in planning documents. There are clear links between parts of this aspect of S-SD and the overarching direction and function of S-TW. PPL considers that care will need to be taken that there is not either unnecessary duplication between the two Standards, or that the implementation of Māori resource management provisions get 'lost' in less prominent parts of the Plan.

Clause

Overarching comment

Notes

In assisting in the development of MDC's submission on S-DWM, PPL became aware of the challenges of implementing S-DWM for Councils that have recently undertaken part or wholesale reviews and are not provided for in the 7-year implementation timeframe. PPL concurs with MDC's recommendations on this matter.

Clause

Natural environment values chapter

Notes

Please refer to MDC's submission and recommendations on this matter, particularly in respect of the issues that arise from conflating natural character with landscapes and landforms.

Clause

Environmental risks chapter

Notes

Please refer to MDC's submission and recommendations on this matter.

Clause

Community values chapter

Notes

Please refer to MDC's submission and recommendations on this matter.

Clause

Infrastructure and energy chapter

Notes

MDC has identified some challenges with this aspect of S-DWM, which PPL suspects are not confined to that Council. PPL requests that MDC's recommendations on this matter be considered.

Clause

Subdivisions chapter

Notes

Please refer to MDC's submission and recommendations on this matter.

Clause

General district wide matters chapter

Notes

Please refer to MDC's submission and recommendations on this matter.

Clause

Zone framework (individual and range)

Notes

MDC has made comments in its submission on the difficulties presented by the Zone framework for MDC's plan, and has highlighted matters MDC and its community may need to consider in order to resolve variance between the current Plan and the requirements of the Standards. PPL considers that the issues identified by MDC will not be unique to that Council and requests that MDC's recommendations on this matter be considered.

Clause

Purpose statements

Notes

PPL requests that MDC's recommendations on this matter be considered.

Clause

Additional special purpose zones and criteria

Notes

PPL requests that MDC's recommendations on this matter be considered.

Clause

Precincts chapter

Notes

PPL requests that MDC's recommendations on this matter be considered.

Clause

Development areas chapter

Notes

PPL requests that MDC's recommendations on this matter be considered.

Clause

Designations chapter

Notes

PPL requests that MDC's recommendations on this matter be considered.

Clause

Overarching comment

Notes

PPL questions whether it is necessary for the Schedules table to require reference to the study or material used for identification. The identification of values in planning documents is typically part of an ongoing process of research and consultation with iwi, landowners, special interest groups, and organisations such as Department of Conservation, Fish and Game and Heritage New Zealand. Section 32 evaluations are generally the key location in which the process of values identification is assessed and documented. Furthermore, in the case of sites of significance for tangata whenua, iwi and hapū may be reluctant to publicise such information for cultural or historical reasons, and this must be respected.

Clause

Overarching comment

Notes

In the course of assisting MDC in preparing its submission, PPL consulted with the Council's GIS team. PPL considers that the observations made by MDC on F-1 will be relevant to many Councils around New Zealand. PPL requests that MDC's recommendations on this matter be considered.

Clause

Standard baseline requirements

Notes

PPL requests that MDC's observations and recommendations on this matter be considered.

Clause

Level 5 requirements

Notes

PPL requests that MDC's observations and recommendations on this matter be considered.

Clause

Overarching comment

Notes

PPL requests that MDC's observations and recommendations on F-2 be considered.

Clause

Zone colour palette

Notes

PPL requests that MDC's observations and recommendations on F-2 be considered.

Clause

Symbology

Notes

PPL requests that MDC's observations and recommendations on F-2 be considered.

Clause

Overarching comment

Notes

In preparing submissions on and evidence in respect of the Wellington Proposed Natural Resources Plan, PPL has noted that the proposed Plan's scheduled sites or areas are used as spatial planning tools. For example, objectives, policies and methods, schedules (such as B: Nga Taonga Nui a Kiwi and F: Ecosystems and habitats with significant biodiversity values) are used to provide more area-specific planning responses and bring a consistent approach to incorporating local variation in the regional plan. However, the range of tools in F-3 does not provide for this, or appear to acknowledge that Schedules can and do function in this way. Overlay or area may be the closest spatial tool in the current range available. PPL recommends that MfE works with Regional Councils that use scheduled sites as spatial planning tools to understand the merits or challenges with this approach, and consider whether amendments to F-3 are appropriate.

Clause

Range of tools

Notes

Please see comments above.

Clause

Zone

Notes

Please see comments above.

Clause

Overlay

Notes

Please see comments above.

Clause

Specific control

Notes

Please see comments above.

Clause

FMU

Notes

PPL welcomes the standardisation of the FMU requirement in F-3. The definition for FMU in the NPSFM provides for variation of FMU scale within a region and between between regions, and therefore PPL considers the level of standardisation in F-3 is consistent with that.

Clause

Airshed

Notes

Please see comments above.

Clause

Area

Notes

Please see comments above.

Clause

Overarching comment

Notes

PPL requests that MDC's observations and recommendations on F-4 be considered.

Clause

Range of tools

Notes

PPL requests that MDC's observations and recommendations on F-4 be considered.

Clause

Zone

Notes

PPL requests that MDC's observations and recommendations on F-4 be considered.

Clause

Overlay

Notes

PPL requests that MDC's observations and recommendations on F-4 be considered.

Clause

Precinct

Notes

PPL requests that MDC's observations and recommendations on F-4 be considered.

Clause

Specific control

Notes

PPL requests that MDC's observations and recommendations on F-4 be considered.

Clause

Development areas

Notes

PPL requests that MDC's observations and recommendations on F-4 be considered.

Clause

Designation

Notes

PPL requests that MDC's observations and recommendations on F-4 be considered.

Clause

Overarching comment

Notes

PPL requests that MDC's observations and recommendations on F-5 be considered.

Clause

Chapter form

Notes

PPL requests that MDC's observations and recommendations on F-5 be considered.

Clause

Rules

Notes

PPL requests that MDC's observations and recommendations on F-5 be considered.

Clause

Rule tables

Notes

PPL requests that MDC's observations and recommendations on F-5 be considered.

Clause

Overarching comment

Notes

Understanding how rules are intended to function, being certain of the flow and interrelationship of rules within a plan, and being certain that the correct rules and suite of standards have been identified for an activity can often represent a significant challenge, even for experienced planners. PPL therefore welcomes the opportunity the Standards provide to rationalise and standardise the numbering of rules, and ensure this aspect of the development process can be handled as effectively and efficiently as possible. However, PPL considers the standardisation process will represent a significant challenge to many Councils in terms of time and cost. Throughout the MDC submission, recommendations are made to facilitate working groups for Councils on a regional basis to help local authorities implement standards, including F-6, as efficiently and effectively as possible, and so as to ensure regional consistency in implementation. PPL concurs with this recommendation.

Clause

Status of rules and other text

Notes

Please see comments above.

Clause

Numbering

Notes

Please see comments above.

Clause

Overarching comment

Notes

PPL requests that observations and recommendations of MDC and Mr Jez Partridge of Treecology on CM-1 be considered.

Clause

Individual definition

Notes

PPL requests that observations and recommendations of MDC and Mr Jez Partridge of Treecology on CM-1 be considered.

Clause

Additional definitions

Notes

PPL requests that observations and recommendations of MDC and Mr Jez Partridge of Treecology on CM-1 be considered.

Clause

Overarching comment

Notes

PPL requests that MDC's observations and recommendations on CM-2 be considered.

Clause

Technical support

Notes

PPL requests that MDC's observations and recommendations on CM-2 be considered.

Clause

Overarching comment

Notes

One of the intended outcomes identified in the Consultation Document is that National Direction will be consistently incorporated in plans, resulting in better implementation on the ground. PPL is not certain that this will be the outcome. The current suite of Standards allows for the implementation of National Direction to be consistently recorded in planning documents. However, this does not guarantee that the National Direction will be implemented in a way that is consistent with the intention or purpose of the National Direction. PPL is aware, for example, of considerable variation in New Zealand of the implementation of the NPSFM. The appropriate and consistent implementation of any specific National Direction requires focused training, guidance and effectiveness monitoring by MfE.

Clause

Utilities provisions

Notes

PPL requests that MDC's observations and recommendations future standards for utilities provisions be considered.

Clause

ePlanning implementation

Notes

PPL requests that MDC's observations and recommendations on Implementation be considered. In addition, PPL considers that the standardisation of ePlanning represents a significant and exciting area for innovation to help make plans and planning more accessible, engaging, interactive and dynamic.

Clause

Timing

Notes

PPL requests that MDC's observations and recommendations on timing be considered.

Clause

Support

Notes

PPL requests that MDC's observations and recommendations on support be considered.

Clause

District plan structure guidance

Notes

Please refer to MDC's submission in which several recommendations are made regarding guidance and support for the implementation of the Standards.

Clause

Regional plan and policy statement spatial tools guidance

Notes

Please refer to MDC's submission in which several recommendations are made regarding guidance and support for the implementation of the Standards. MDC's focus is district planning, however the observations and recommendations made by the Council are equally applicable to regional plans and RPS documents.

Clause

Chapter form and status of rule and the text numbering guidance

Notes

Please refer to MDC's submission in which several recommendations are made regarding guidance and support for the implementation of the Standards. MDC's focus is district planning, however the observations and recommendations made by the Council are equally applicable to regional plans and RPS documents.

Clause

Additional guidance materials required

Notes

Please refer to MDC's submission in which several recommendations are made regarding guidance and support for the implementation of the Standards. MDC's focus is district planning, however the observations and recommendations made by the Council are equally applicable to regional plans and RPS documents.

Clause

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

Notes

PPL request MfE clarify the relationship between the draft Standards and Councils' specific obligations under section 64 of the RMA to prepare to a regional coastal plan. These include the need to identify historic heritage in the coastal marine area and provide for the protection of historic heritage in rules. S-CP states that any combined plan must clearly identify which provisions relate to the regional coastal plan, regional plan or the district plan as the case may be, but there is not a specific Standard for regional coastal plans (as distinct from other types of regional plans).

Clause

Overarching comment

Notes

Please refer to MDC's submission on matters relating to S-IGP.

Clause

Introduction chapter

Notes

Please refer to MDC's submission on matters relating to S-IGP.

Clause

Plan integration

Notes

Please refer to MDC's submission on matters relating to S-IGP.

Clause

Formation of standards with tangata whenua

Notes

Please refer to MDC's submission on matters relating to S-IGP.

Clause

National direction

Notes

Please refer to MDC's submission on matters relating to S-IGP.

Clause

Overarching comment

Notes

PPL welcomes the opportunity S-TW provides to ensure that tangata whenua provisions are consistently located in planning documents, and that the location is prominent within plans. PPL considers the elements to be included in S-TW chapters are comprehensive. PPL agrees with the Consultation Document that councils will need to "work with tangata whenua on the local input under these headings, in partnership through planning processes" (p.17). However, the Treaty Settlement landscape can be extremely complex, and key iwi stakeholders can be at different stages in the Settlement process and have variable access to resources to facilitate engagement in plan making processes. PPL supports the purpose of the chapter and its sub-headings in principle, and we urge MfE to closely monitor the progress of implementing this Standard during the implementation timeframe and beyond.

Clause

Recognition of iwi/hapū chapter

Notes

PPL supports this aspect of S-TW.

Clause

Tangata whenua local-authority relationships chapter

Notes

PPL supports this aspect of S-TW.

Clause

Iwi and hapū planning documents chapter

Notes

PPL supports this aspect of S-TW.

Clause

Consultation chapter

Notes

PPL supports this aspect of S-TW.

Clause

Use of te reo Māori

Notes

PPL supports the use of te reo Māori in planning documents.



Wellington Electricity Lines Limited: Feedback on the Draft National Planning Standards

To The Ministry for the Environment

Sent via email to: planningstandards@MfE.govt.nz

From: Wellington Electricity Lines Limited (“WELL”)



Date 17 August 2018

Title	Draft National Planning Standards
Address for Service	[REDACTED] [REDACTED] [REDACTED]
Organisation name	Wellington Electricity Lines Limited

1 Introduction

About Wellington Electricity

- 1.1 Wellington Electricity Lines Limited ('WELL') owns and operates electricity distribution network assets within the Wellington Region (Wellington City, the Hutt Valley and Porirua Basin). This network has a system length of 4,600km and serves around 165,000 connected consumers.
- 1.2 In operating the electricity distribution network, WELL is obliged under the 1991 Resource Management Act (RMA) to provide consumers with a safe, effective and secure supply of electricity across the region under the principle of *Sustainable Management* of natural and physical resources.
- 1.3 As a Network Utility Operator, WELL owns and operates critical¹ high voltage linear networks in rural and urban environments of the Wellington Region. Consequently, WELL has particular interest in the development of National Planning Standards (NPS) that have the potential to impact their network's operation and development (particularly in regard to critical infrastructure).
- 1.4 WELL provided early feedback on the draft NPS consultation documents released by the Ministry for the Environment (MfE) in 2017. In summary of this feedback WELL submitted on the following points:
- *Stand-alone provisions for infrastructure should be provided in National Planning Standards are preferred.*
 - *Spatial recognition for critical infrastructure on NPS Planning Maps should be provided.*
 - *GIS functionality would assist plan users.*
 - *Removal of a zone by zone restriction for infrastructure provision is preferred.*
 - *Provision of Industry recognised definitions and terms to be provided in the NPS is preferred.*
 - *Providing appropriate references to the Electrical Supply Industry regulations and*

¹ Critical lines are high voltage lines that supply essential public services such as the hospital, civil defence facilities or Lifeline sites; or supply large industrial or commercial electricity consumers; or supply 1000 or more consumers; or are lines that are difficult to replace with an alternative electricity supply if they are compromised

guidelines.

- 1.5 Whilst the level of recognition by MfE regarding WELL's initial feedback is difficult to ascertain in the current NPS provisions (given that infrastructure specific provisions were removed at late notice from the first set of NPS)* – WELL is again appreciative of the opportunity to provide further feedback to MfE on matters that are now 'indirectly' applicable to the safe and efficient distribution of electricity to the communities and businesses of the Wellington region.

**Note: WELL acknowledge that matters specifically pertaining to infrastructure were removed from the current set of standards for reasons that will be addressed below. Notwithstanding the withdrawal of such provisions WELL contend that the provisions currently drafted for NPS release still have relevance to the electricity distribution network; and hence have been addressed within this draft NPS submission.*

- 1.6 This submission is structured as follows – firstly a context is provided whereby WELL's electricity operation is placed into the environment 'policy' setting of the current draft NPS documents.

The second part of this submission provides MfE notification from WELL regarding the desire for a NPS that is applicable to infrastructure providers such as electricity distribution network utility operators. This second component identifies WELL's advocacy for such stand-alone infrastructure provision – alongside with that of the Electricity Network Association (this being reflective of a collaborative approach with sector advisory groups).

The third component of this submission addresses specific elements of the draft NPS. In particular comments have been provided by WELL in regard to the proposed NPS Mapping Standards, Definition Standards and Designation Standards.

Matters pertaining to planning document templates and set out have not been submitted on.

2.0 Context

Wellington Electricity

- 2.1 WELL's interest in the draft NPS is to ensure that in operating (activities such as line maintenance, upgrading, repair) and developing (i.e., establishing new lines, or realigning existing sections of lines) the electricity distribution network, any national guidance on regional or district plan development are enabling from a regulatory perspective, when appropriate.
- 2.2 The feedback provided in this submission, whilst being provided by a Wellington Region based network utility operator, is aligned with industry group perspectives on NPS development through WELL's involvement with the *Electricity Networks Association* (ENA). WELL has been in discussions with other ENA members how the proposed standards impact electricity distribution networks, and on how best to collaboratively contribute to the draft standards in a way to obtain effective traction with MfE.
- 2.3 WELL note that the draft NPS provisions contain little in the way of specific environmental content (rather they more effectively represent model templates for setting out planning document consistency); however, the provisions relating to *Planning Maps*, *Designations* and *Definitions* are considered to represent more decisive proposals in which WELL can provide relevant input (each of these elements will be addressed individually below in this submission).
- 2.4 Infrastructure-specific content has been removed from the current draft NPS as a stand-alone planning standard for infrastructure has been conceptually agreed to by MfE (as confirmed in the s32 Reports for *Definitions*). Through participation with the ENA, and in collaboration with the applicable Infrastructure Working Group, WELL is contributing to the development of this 'standalone' National Standard for Infrastructure.
- 2.5 Whilst indications from the MfE are that they are *hopeful* in adopting such specific Infrastructure Standards, *if* it will be adopted, or *when* such standards could in fact be adopted are not confirmed or *committed* to by Central Government at this stage. It is within this non-committal context that this submission has been prepared.
- 2.6 This submission is at a level appropriate to meet the current standards' 'lessened' content expectation (particularly in regard to infrastructure provisions), whilst simultaneously advocating for appropriate amendments which will in effect 'reserve' consideration for future infrastructure – specific provisions.
- 2.7 Examples of these 'place holders' are in the *Mapping Standards* providing symbols for non-National Grid sub transmission lines; as well as in the *Definitions* applying appropriate references to the meaning of words and terms contained within corresponding legislation.
- 2.8 Having briefly outlined the context for this submission, the following section provides a general purpose submission point advocating for MfE adoption of a National Planning Standard for Infrastructure.

3.0 NPS Discussion Document Feedback

General Submission: Infrastructure Provisions

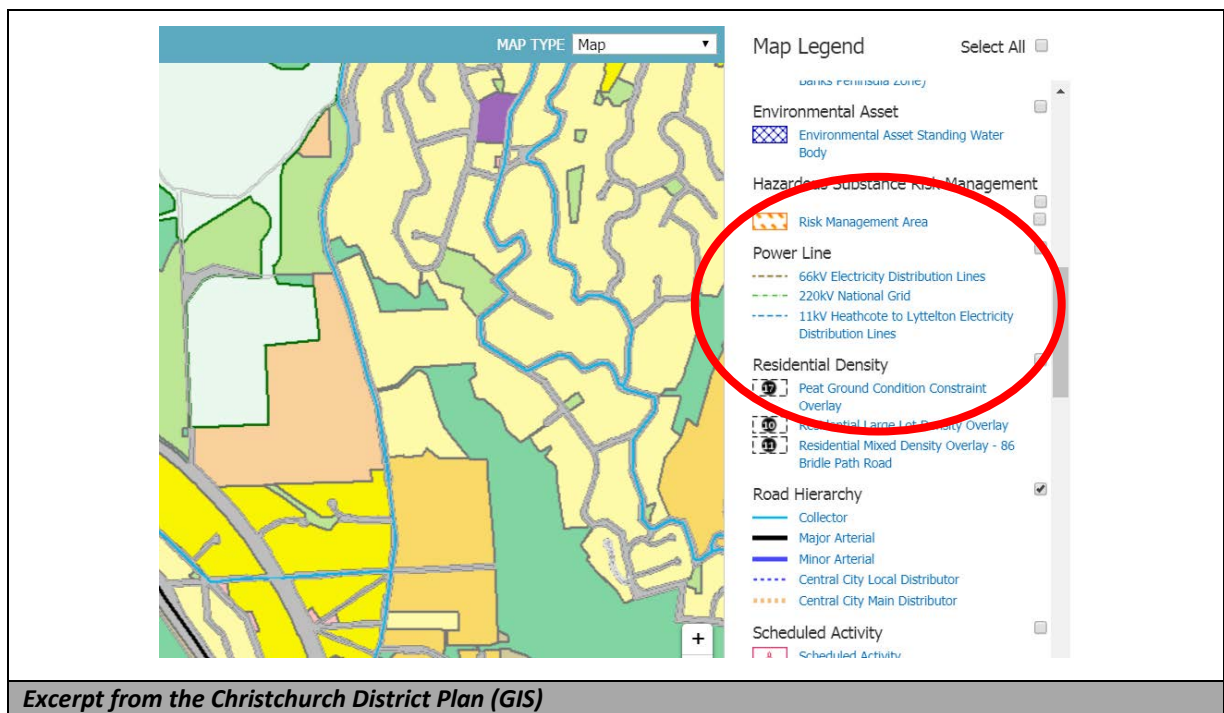
WELL wish to register their support for a National Standard for Infrastructure Providers

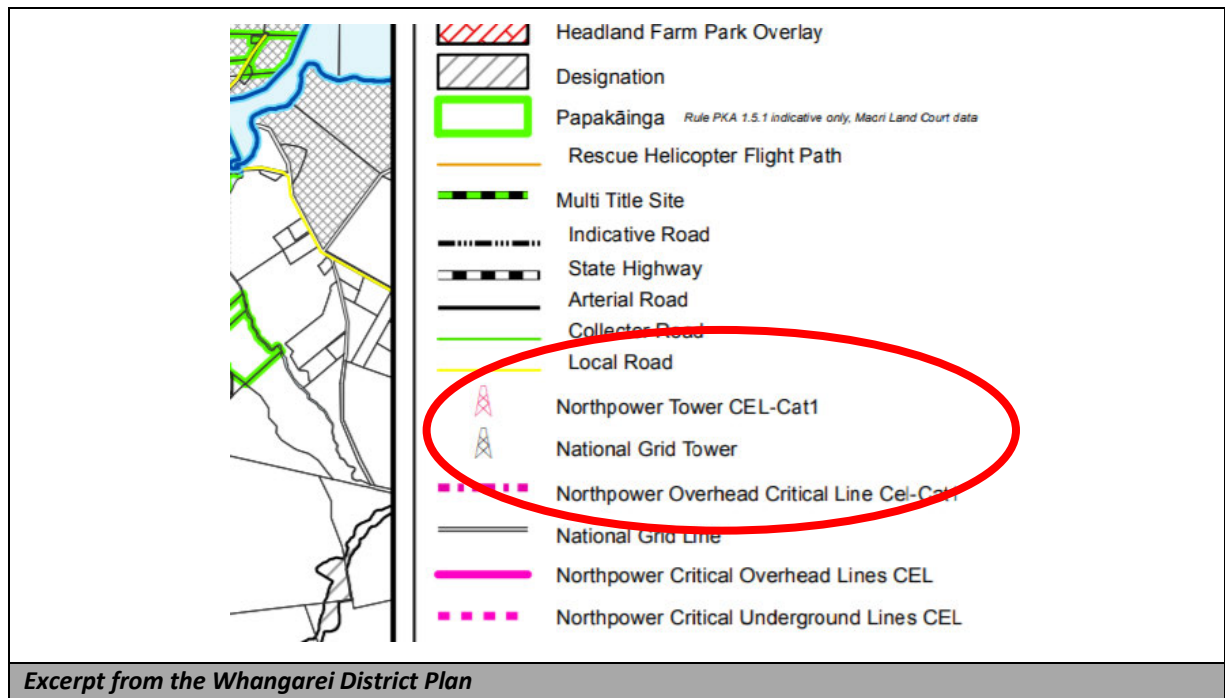
- 3.1 WELL wish to highlight to MfE that there is (and has been for some time now) significant Network Utility Operator support for the development and political agreement of a National Planning Standard specifically for infrastructure providers.
- 3.2 Many of the reasons behind a national direction on environmental planning matters are directly applicable to infrastructure providers such as WELL (i.e., consistency of terminology, cross boundary consistency). Consequently, WELL, in collaboration with other ENA member organisations, have been actively involved in providing input in to a comprehensive infrastructure planning template.
- 3.3 Such a template is a collaborative document that is currently being refined and “road tested” in a number of regulatory bodies and industry groups (as will be referred to within feedback to the NPS from other infrastructure groups).
- 3.4 Through providing this submission on the current draft NPS provisions, WELL wish to reiterate their support to MfE for such a National infrastructure planning template; and to notify the Minister for the Environment of the need for such a standard in the next round of national planning guidance.
- 3.5 WELL’s discussions to date with the Infrastructure Working Group managing the template’s development (as well as with MfE representatives themselves) has revealed that there is interest from the Minister regarding such a NPS; however, a firm commitment for such a standard cannot be forthcoming.
- 3.6 WELL will continue coordinating with the ENA and other infrastructure providers in refining the infrastructure planning template; and furthermore, from a more localised level will continue advocating for such a standardised approach through consistent messaging in regional and district plan submissions within the Wellington Region.
- 3.7 Further to the above, where appropriate key themes and messages already developed through the ENA - pertaining to the development and operation of electricity distribution networks - these will be applied to the submission points contained within this feedback.
- 3.8 Underpinning this general submission point why National direction is needed for Network Utility Operators is because electricity distribution operation and development is currently (in large) left to the discretion of piecemeal local level District Planning document formulation – and consequently such technical provisions are substantively proposed by regulators in an environment of competing land uses at the local level (i.e., residential land use and reverse sensitivity, subdivision and maintaining access rights, third party activities in close proximity to distribution assets that are not provided for under the NZECP:34).
- 3.9 WELL note that the other components of the country’s Electricity Supply Sector (namely Generation and Transmission) are currently enabled environmentally through National direction (i.e., NESETA and NPSREG) and consequently have explicit protections for their development and operation in District and Regional Plans.
- 3.10 The third integral element of the Electricity Supply Sector (Distribution) has no such mandated enabling provisions in local level planning documents – and hence is the reason behind the enthusiastic support from WELL for the development, and political adoption by MfE, for a robust infrastructure planning standard.

F2: Draft Mapping Standard

WELL seek that Critical Electricity Lines are provided for on District Planning Maps

- 4.1 WELL have reviewed the NPS s32 report relating to *Mapping Standards*, and agree that a more cohesive approach to basic elements on district planning maps is appropriate (in the context of this feedback such elements relate to the standardisation of infrastructure symbols on planning maps).
- 4.2 Notwithstanding WELL's support for standardising zones, colour pallets, and common symbols on planning maps etc. (as stated in the NPS discussion document feedback in 2017), WELL wish to yet again request that Infrastructure that is critical for the ongoing functioning of communities and businesses be provided for on planning maps; and furthermore, that such recognition is provided for in the current set of NPS provisions.
- 4.3 The provision of critical electricity lines - i.e., those lines which are not contained within the National Grid network – are examples of infrastructure that is simultaneously regionally significant and critical (as lifeline utilities; *see footnote 1*) and that should be standardised on district plan maps through the NPS.
- 4.4 Criticality was a determining factor in the development of the new Christchurch District Plan, as well as the Whangarei District Plan, whereby critical electricity distribution lines have been provided on the planning maps – thereby explicitly advising plan users of the infrastructure, and to be mindful of such infrastructure when considering proposed subdivision or land use activities. Such standardisation on all district plans via the NPS will mandate assurances that critical lines traversing through one TA area are subsequently afforded the same status in abutting TA areas (cross boundaries).





Symbols used in both examples above would be acceptable by WELL for use in the NPS.

- 4.5 As indicated above, WELL is working through the ENA to collaboratively develop infrastructure provisions with other infrastructure providers and MfE. Appropriate terminology and definitions are likewise being developed, which upon finalisation can be nestled or aligned with planning map provisions currently proposed in the draft NPS.

Note: Planning map recognition of non-linear elements of the distribution network (substations) will be provided for under the applicable designation notation on planning maps.

- 4.6 It is mentioned throughout this submission that a National Planning Standard applicable to infrastructure provision has been conceptually supported by the Ministry – however, the timeframe for such a standard is yet unspecified.
- 4.7 Regardless of *when* such a standard is to be released, WELL consider that the current NPS release provides the opportunity to enable such critical infrastructure to be provided for in a consistent way – as evidenced above from the excerpts from Christchurch and Whangarei District Plans.
- 4.8 By including symbols for critical electrical lines, Territorial Authorities will be required to identify such infrastructure on their respective planning maps, thereby notifying relevant parties (third parties) of their obligations to adhere to the current suite of industry regulations and guidelines (i.e., NZECP:34 and the Electricity (Hazards from Trees) Regulations 2003).
- 4.9 It is acknowledged through previous discussions with MfE, that National Planning Standards are not intended to replicate verbatim industry regulations or standards within District Plans. Upon this understanding the explicit provision of critical infrastructure on District Planning Maps, along with applicable **advice notes** within the District Plan text, represents a suitable means from which to highlight infrastructure provider concerns, whilst not imposing direct third party provisions that may emerge in future district planning documents.
- 4.10 Based on recent ENA discussions, WELL are aware that the Infrastructure Working Group is currently navigating through various sector groups (i.e., the Rural sector, Iwi etc.) and targeted testing

regimes regarding specific infrastructure provisions. Upon completion of the provisions, appropriate content for a future standard will be provided

- 4.11 WELL contend in this submission point that spatially indicating critical electricity lines, that are not part of the National Grid, on District Planning Maps will not compromise such future infrastructure planning standards currently in development – but rather will compliment such provisions, whilst not compromising the District Plan in the intervening time (and in the event such infrastructure provisions are delayed in eventuating).

CM-1: Draft Definitions Standard

WELL consider NPS Definitions should align where appropriate with legislative definitions

- 5.1 Upon review of CM-1 WELL acknowledge that definitions that are used in district plans vary in level of detail and ease of interpretation due to *ad hoc* district plan development and isolated development.
- 5.2 In particular, WELL note in the CM-1 section 32 Analysis ² that:
- “A variety of organisations, such as state-owned enterprises and infrastructure providers, regularly submit on plans across the country seeking standardised provisions to control their assets. In the absence of plan consistency or national environmental standards for many of these activities applicants need to comprehend a range of definitions”* .
- 5.3 Based on this acknowledgment WELL is pleased that MfE are continuing to work with infrastructure providers to develop model infrastructure provisions – which will include specific network utility terms and definitions.
- 5.4 However, as made explicitly clear by MfE there is no determined commitment or timeframe to release infrastructure provisions. With this being the case WELL will continue submitting to MfE of the need for, and importance of, standardised network utility provisions; additionally, WELL will continue to pursue (via the notified submission process) agreed definitions and terms in all regional and district level plan changes that are, or will be, notified until such provisions are mandated through national guidance.
- 5.5 Whilst MfE remains somewhat non-committal to standardised infrastructure terminology, there is an explicit commitment not to include infrastructure related definitions within the current NPS. Consequently, a selection criteria has been applied in the NPS evaluation process (s32 Report) to specifically exclude infrastructure terms and definitions in the draft NPS.
- 5.6 Strangely, this contrasts the definition selection criteria ‘Infrastructure related’ (criteria 3) : in the evaluation analysis:

“Many infrastructure and large service providers frequently submit on plans, seeking to include standardised provisions to manage their activities in response to the different planning frameworks in each council. Standardising infrastructure definitions at the national level will help create more equitable planning processes for infrastructure providers in all parts of New Zealand. Furthermore, certain types of infrastructure have standard designs and operational requirements that only have small variations to reflect local conditions.”

As mentioned throughout this feedback, WELL understand why MfE has determined not to include infrastructure definitions – however, given the level of uncertainty as to whether or not an infrastructure NPS will be forthcoming, prudence dictates that the following submission point on the proposed *Building* definition is necessary for MfE consideration.

- 5.7 It is drawn to the attention of MfE that in the exclusion criteria, where the definition comes from

² Proposed National Planning Standards Evaluation Report 2018: Part 2c - Definitions

legislation, it should be “*verbatim*” to mitigate against legislative amendments (as indicated in the s32 report).

- 5.8 WELL agree with this selection criteria – yet, the definition for ‘*building*’ as proposed does not draw upon the Building Act 2004.

As currently drafted in the NPS, ‘building’:

“means any structure, whether temporary or permanent, moveable or fixed, that is enclosed, with 2 or more walls and a roof, or any structure that is similarly enclosed.”

- 5.9 WELL is concerned that the current definition is too vague as much of their assets are not considered buildings under the Building Act (i.e., small unmanned structure housing plant and equipment). In fact many of their structures are explicitly excluded from the building definition.
- 5.10 As a consequence, unmanned structures that are restricted from public access will be captured by the draft NPS definition – and therefore will be put through an unnecessary planning process (*Note: substation control rooms or switch rooms are not buildings under the Building Act as they are unmanned and do not contain life safety systems/specified systems*).

- 5.11 MfE’s stated reasoning for not adopting the Building Act definition is, in part because:

“...the Building Acts definition is not suitable for a planning context, as demonstrated by the number of District Plans that have definitions that significantly differ from the Building Act”

WELL consider that the criteria to include “*verbatim*” definitions from legislation is appropriate (to ensure legislative amendments are realised). The reason not to refer to the Building Act in the NPS building definition is not considered to be an effective National direction given the level of uncertainty and inconsistency with legislation that will undoubtedly ensue.

- 5.12 The RMA and Building Act are complimentary legislation (i.e., Land Use consent is in many cases given effect to under certification from the Building Act). MfE comments in the s32 report that “It is considered that the Building Acts definition is not suitable for a planning context...” is curious in this regard, and furthermore is not a sound rationale excluding the robust and well considered definition for ‘building’ contained within the 2004 Building Act.
- 5.13 WELL request that the MfE reconsider the draft Building definition – and adopt the Ministry’s own reasoning in providing verbatim definitions contained in the relevant legislation.
- 5.14 As provided by WELL in their 2017 NPS discussion document feedback – the following definition for building is recommended.

<i>Building:</i>	Building has the same meaning as in sections 8 and 9 of the Building Act 2004.

Appropriate background information, and conditions, for designations are contained within District Plans for ease of use.

- 6.1 This submission point covers two aspects; support for overlapping designations, and ensuring the balance of information to be contained within District Plans is appropriate for designations.
- 6.2 WELL support identifying primary or secondary designations, as recognising such levels provide a clear understanding of ‘overlapping’ designations for plan users and regulators.
- 6.3 An example of an overlapping designation applicable to WELL is that of a Transpower Grid Exit Point (GXP) being shared within a cadastral boundary that also contains a Zone Substation that is owned and operated by an electricity distribution network.
- 6.4 Whilst each organisation can co-habitat a piece of land within the same certificate of title, the operations of the two entities are spatially discreet, and consequently need to be subject to their own designation operation, maintenance and future development arrangement. Operational issues (technical) can be agreed to by mutual arrangement between the two parties outside of the RMA.
- 6.5 WELL also agree with district plans having links to conditions that maybe attached to individual designations. Such conditions will enable clear assessment criteria to be assigned to designation upgrades made through the outline plan process. Furthermore, should site conditions change over the life of the designation (i.e., surrounding land use) designation conditions will be able to be changed to suit changes to the surrounding environment.
- 6.6 WELL, however, is uncertain of the practicalities of providing all designation conditions within a District Plan schedule. Such a schedule has the potential to be quite voluminous – and therefore difficult for lay-plan users (i.e., contractors undertaking physical works within the designation footprint). If the intention was to have an electronic link to the relative designation conditions, then this represents a much more user friendly and workable option.
- 6.7 Reference in the standard to ‘other information’ is assumed to be a ‘placeholder’ for other information that may be relevant to the designation. WELL would expect such ‘other information’ to be information pertaining to outline plans applicable to the designated site – however if this is not the intent, further clarification should be provided in the text support the standard.

7.0 Conclusion

- 7.1 WELL has prepared appropriate feedback to MfE relative to the draft National Planning Standards currently being consulted on.
- 7.2 As a Network Utility Operator with assets traversing multiple district and regional council boundaries – WELL supports appropriate National direction in the form of National Planning Standards.
- 7.3 In providing this feedback, WELL seek to have specific concepts integrated in to the proposed NPS.
- 7.4 WELL understand that MfE are currently consulting on a National standard that is less content descriptive, and more directive as a template for Regional and District planning documents.
- 7.5 The reason a reduced amount of content is being proposed in the first draft set of planning standards is, in-part, to allow for the more directive sets of planning standards to be developed – infrastructure specific are one of these future standards being developed.
- 7.6 In providing this feedback, WELL is in support of the development of National direction on infrastructure development and operations; WELL is also in support of the Ministry preparing such provisions in partnership with technical experts and industry representatives.
- 7.7 The underlying purpose in providing this feedback is to ensure appropriate and consistent provision is made in the current standards for the safe and efficient operation of electricity distribution infrastructure.

Signature for and on behalf of

Wellington Electricity Lines Limited:



Tim Lester



From: GlobePlanning
To: [Planning Standards Mailbox](#)
Subject: Consultation on NZ Planning Standards
Date: Thursday, 16 August 2018 7:33:24 PM

To whom this may concern,

Tena koe,

This is a private submission on behalf of Hamish Barrell in relation to one question concerning National Planning Standard definitions:

[Q18: Are these drafting principles suitable for definitions? Should they be changed or expanded?](#)

I accept that the aim of standardisation is admirable. As Boffa (2015) research report noted there are definitions across the country that are either similarly worded or which include minor/subtle differences in wording across a multitude of District Plans. The approach taken in the consultation NPS appears to take helpful with common elements taken out of the different Plans to create a simpler, plain English meaning.

In doing so the removal of 'uncommon aspects' will result in the introduction of ambiguity for those implementing plans for a time. The Waitaki District Plan (WDP) definition of '[accessory building](#)' helps to illustrate the point. Firstly it is broadly similar to that in the [NPS draft definitions](#), but the WDP's definition has been contextualised to our circumstances through additional wording. The need that the NPS will impose by changing this single definition has the following ramifications:

- It may confuse the user. The WDP definition includes a non-exclusive list of 'common usage' terms the 'average user' may use or be familiar with such as 'sleep out' garden shed, glasshouse and swimming pool which is helpful at the outset to avoid 'debate at the counter'.
- It will mean changes to what's permitted on the ground. In the case of the WDP the definition also clarifies that any garage or carport which is attached to a part of any building shall be deemed to be an accessory building. This would not be the case under the draft NPS definition. In the WDP there's an interrelationship with the setback rules that allow accessory buildings within a defined setback but this will change unless the relevant rules are 'updated' with the timing by which the mandatory changes come into effect, presumably through the cost of a First Schedule Process.
- It will also have unintended consequences as disputes taken to the Environment Court about the new NPS definition, which are often simpler and more open to interpretation, in one district (*based on that particular context*) can be expected to then have implications right across the Country in different contexts.

There could be similar points made about many other definitions. I'll mention just one more concerning the interrelationship between Residential activity and unit definitions.

Many District Plans are based on a residential activity being contained on a single site. For a start there is the definition of **residential activity** itself where the aim has been to 'keep

the definition as simple as possible.’ By doing so it immediately opens the term for debate. It should at least clarify if its temporary or permanent accommodation that’s being covered, otherwise its almost meaningless.

There is considered to be significant differences between whether a policy maker is aiming for a neighbourhood where social cohesion is a consideration, or whether quite different outcomes are intended e.g., visitor accommodation, detention or rehabilitation. The effects of second-homes, for instance, are well studied overseas. While they aren’t necessarily inherently bad they are recognised as bringing particular problems and tensions to specific areas, communities and regions.

My preference would be to exclude visitor accommodation, detention and rehabilitation from the definition of residential activity as these forms of accommodation are better addressed by other definitions.

As noted by the MfE report the **residential unit** definition is extremely important to the practical operation of a district plan’s policy framework about residential development. The proposed definition clarifies what aspects are necessary to be a self-contained unit (cooking, sleeping etc) but doesn’t assist further.

Unless there’s greater clarification it could result in single houses being constructed which are subsequently occupied by persons who do not form a single household without further consideration through a resource consent process. The issue there is that unless such accommodation is well designed and self-managing, then situations of internal overcrowding and external amenity effects (additional traffic, parking and potentially anti-social impacts) can result.

Ways to achieve this without defining ‘household’ in practical terms include stipulating that each principal residential unit would have only one kitchen and be limited to no more than 6 bedrooms. This aligns with the Building Code. I would also draw your attention to the Court cases around this definition in the previous Christchurch City Plan in relation to a student accommodation proposal (Unit Living Limited vs Christchurch City Council 2007). This case and its subsequent follow up in the High Court illustrates the scope for legal challenge associated with ‘simple definitions’. In this case what was deemed an inadequate (simple) definition was being stretched out of context under the then Christchurch City Plan by the ratio of bedrooms to kitchens, but could not be classed as a boarding house or retirement village.

In recognising the flaw in the definition in the Plan the Environment Court attempted a solution, which is useful to the consideration of how the term should be defined. Ultimately the High Court decided that the proposed solution by the Environment Court went beyond what the Plan set out which is exactly the danger than another Court may determine if the definition remains as is. In fact the definition proposed in the NPS is vaguer than the definition in that case where at least the CCC Plan which at least set a maximum of one kitchen!

Reference is also given to England's Use Class Order for [C3 Dwelling Houses](#) which may provide an alternative to stipulating bedroom numbers through reference to what constitutes a household. In England there's a separate category of 'houses in multiple occupation' which specifically provide a category whereupon such situations that aren't boarding or retirement homes can be considered.

My preference would be to reword the definition of Residential Unit as follows:

Means a self-contained building or unit (or group of buildings, including accessory buildings) used for a residential activity by one or more persons who form a single household. For the purposes of this definition:

- where there is more than one kitchen on a site there shall be deemed to be more than one residential unit;
- where there are more than six bedrooms on a site there shall be deemed to be more than one residential unit.

A definition for kitchen would also be of assistance:

means any space, facilities and surfaces for the storage, rinsing preparation and/or cooking of food, the washing of utensils and the disposal of waste water; including a food preparation bench, sink, oven, stove, hot-plate or separate hob, refrigerator, dish-washer and other kitchen appliances.

Finally a definition of a tree should also be included:

A woody perennial plant, typically having a single stem or trunk, capable of growing to a height of 3 or more metres, and bearing lateral branches at some distance from the ground.

Noho ora
Hamish Barrell

Your submission to Draft first set of National Planning Standards

As above, **Joseph Bryant Henley**



Reference no: 67

Clause

Overarching comment

Notes

I request that the envisaged Draft National Planning Standards adopt the appropriate measuring system for assessing instantaneous or spike noise such as that from gunfire and blasting. The presently used system of ISO 9613 is not appropriate, as it is a means of gauging continuous noise levels. The ISO standard 17,201 has been developed for measuring instantaneous and spike noise levels. As this endeavour is to improve the quality of life in New Zealand I would be very appreciative of those delegated to formulating the new Planning documents assessing the advantages of moving to this appropriate means of measurement. Thankyou.

Draft first set of National Planning Standards

SUBMISSION FORM from Morphem Environmental Ltd

Contact information

Name*		
Organisation (if applicable)	Morphum Environmental Ltd	
Address		
Phone		
Email*		

Submitter type*	Individual	☐
	NGO	☐
	Business / Industry	☒
	Local government	☐
	Central government	☐
	Iwi	☐
	Other (please specify)	☐

[Click here to enter text.](#)

* 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

Morphum Environmental Ltd is a medium sized engineering consultancy with offices in Auckland, Wellington, Hamilton, Warkworth and Nelson. We often assess local planning requirements and provide advice to councils with regard to plan requirements and achieving stormwater management outcomes within the New Zealand planning framework.

We prefer to make a few general comments/submissions rather than answer the set questions provided.

Our submission:

General submission points

- a) We strongly support the need for planning standards in general and this first set of National Planning Standards. From our work we have made the following observations supporting the need for National Planning Standards:
 - Existing plans are *difficult to access* and use many different structures.
 - Many topics in an RMA plan are ubiquitous and a standard approach would be more efficient. After almost 30 years of RMA experience best practice is increasingly well established.
 - There is a pattern of *relitigating or fighting the same fights repeatedly on (very) similar topics such as flooding and WSD in New Zealand*. It has been *frustrating* to see individual councils trying to manage effects related to flooding / sea level rise and the need for good practice stormwater management. Councils have to develop plan requirements in isolation and fight local fights over and over again to get new planning frameworks operational, often resulting in compromised outcomes. *This has significant and avoidable implications on council resources*, legal and processing costs and risks to people, property and the environment. Central government leadership is appreciated.
- b) In order to future proof the planning standards and not stifle innovation:
 - (i) continuous improvement should be provided for by including a departure process. This would enable innovation and continual improvement in the use of planning tools. Accepted innovation could then form a part of the national standard and lift governance practice across the country; and
 - (ii) exception clauses /discretionary standards could be utilised in the short term if there was uncertainty regarding the applicability of a standard nation-wide.
- c) Based on our experience “standard text” in a few topic areas is typical. These additional standards should also be prepared in the near future, or as a part of this workstream. They could initially be discretionary if there is inadequate support for them to be mandatory:
 - Standard text to avoid / mitigate flooding
 - Standard text to hard wire the need to implement (fit-for-purpose) Water Sensitive Design
 - Standard text with regard to addressing coastal inundation (in response to sea level rise / climate change)
 - Standard text to manage wastewater networks and discharges from these networks
- d) The use of many acronyms may cause confusion. Swapping out the acronym for the complete titles would be simpler to interpret.

e) Providing for Water Sensitive Design (integrated land and water management):

Water Sensitive Design is reliant on good integration between land and water management and a multi-disciplinary approach. There needs to be triggers in the plans that direct technical professionals to consider matters outside of their traditional design scope. We believe the following amendments would assist in achieving this:

- i. Freshwater Management Units are specifically mentioned but groundwater/aquifers or coastal water are omitted. This may inadvertently skew the prioritisation of water related provisions.
- ii. Table 4 page 13 of the Draft Regional Plan Structure Standard separates out land and water which may discourage integrated management of land and water.
- iii. Table 5 offers limited guidance for an “integrated land and water management” approach – it says *“Local authorities must consider whether to combine this chapter with the Land chapter”*. Separation of land use decisions from water quality outcomes has historically been a problem, and the standard could be more directive on this matter.
- iv. The selection of zones doesn’t provide for floodplains that are naturalised/stream corridors or other hydrological features that should remain free of development. This is problematic as case law indicates that where land is zoned for development owners can reasonably expect to be able to develop that land in accordance with the purpose of the zone; and open space zones suggest that land must be vested and maintained by councils. This leaves covenants as the only tool for private land that shouldn’t be developed, however there is no national register of covenants or geospatial tools to identify the extent of these.

This may result in land that should be set aside for hydrological and ecological purposes not protected as intended during the plan-making or structure planning phase.

- v. The Tangata Whenua standard could be more directive to better embed cultural outcomes into the environmental outcomes sought by the Plans. This would avoid limiting consideration of cultural matters to sites of significance and prompt a more integrated approach to consideration of water quality outcomes.
- vi. Precincts should include water quality outcomes to provide for bespoke stormwater solutions that include land use management and stormwater management approaches that should be implemented at the time of subdivision and individual lot development.

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.

17 August 2018

Ministry for the Environment
via email: planningstandards@mfe.govt.nz

Property Council New Zealand Submission: Draft National Planning Standards Consultation Document 2018

1. Recommendations

- 1.1. Property Council New Zealand (“Property Council”) supports an accessible, consistent, efficient and streamlined planning system. Our members are developing liveable and sustainable built environments. Property Council supports the planning standards focusing on reducing time and resources required to use plans, making plan consents easier to find and providing a consistent national direction.
- 1.2. To that end Property Council recommends:
- The Ministry for the Environment (MfE) engage with us on the effectiveness of the proposed national planning standards following implementation, to ensure that the intended outcomes of ease of access, use and consistent national direction are being achieved.
 - The regional policy statement is included in all planning standards. A separate policy statement is counterproductive to the objectives of having an efficient and streamlined planning system.
 - When considering what to include in the first set of planning standards, option 3 is adopted to best unlock the full potential of the draft planning standards, particularly regarding standardisation and ease of use across parties.
 - Prioritise facilitating councils to ensure that they are sufficiently resourced to implement the planning standards and determine whether any incentives could be established for councils who implement the standards within a three-year period.
 - Independent Hearings Panel findings are incorporated into the Draft National Planning Standards where appropriate, and that future versions of the standards incorporate any other panel’s views made in the interim.
 - A time extension of 10-years for implementation is provided for Auckland Council to align with the Unitary Plan review under the Resource Management Act 1991 (RMA).

2. Introduction

- 2.1. Property Council’s goal is the creation and retention of well-designed, functional and sustainable built environments which contribute to New Zealand’s overall prosperity. We support planning systems that provide a framework to enhance economic growth, development, liveability and growing communities.

NATIONAL OFFICE

Foyer Level
51 Shortland Street
PO Box 1033
Auckland 1140

P +64 9 373 3086
F +64 9 379 0781
E enquiries@propertynz.co.nz
propertynz.co.nz

Corporate Sponsors



McCONNELL PROPERTY



- 2.2. Property Council is a member-led, not-for-profit organisation offering a collective voice for the commercial property industry. The property industry is currently the largest industry in New Zealand with a direct contribution to GDP of \$29.8 billion or 13 per cent. In a sense the property sector is a foundation of New Zealand's economy and caters for growth by developing, building and owning the buildings that house businesses.
- 2.3. Our membership is broad and includes some of the largest commercial and residential property developers in New Zealand. These companies undertake a large-scale residential and commercial development projects, including large commercial buildings, industrial parks and retail precincts. They work in multiple jurisdictions dealing with variations between plans (especially subtle ones) which adds significant cost and inefficiency and results in lower quality outcomes for each development. Our members contribute to development of both greenfield and brownfield areas where people live, work and play across New Zealand.

3. Our approach

- 3.1. We have deliberately taken a high-level approach to responding to the discussion documents to reinforce our members' support for greater standardisation and to highlight the key principles that should be reflected in the national planning standards. Specific technical expertise is required to understand the detail of the structure and definitions and given the breadth and diversity of our membership, we think individual members, planning consultants and other end-users are better placed to comment on the detail of the proposals.
- 3.2. Our high-level approach looks at the four options regarding the scope of the planning standards as identified in MfE's Regulatory Impact Statement (RIS). The RIS identifies that future sets of planning standards may have a broader scope, for example around metrics, standards, priority zone objectives and policies. Our submission urges a more ambitious approach (option 3) due to the length of time that it will take to review planning standards. We urge MfE to be ambitious, as it will take less time in the long run to scale back standards, than to add ambition through additional iterations of the planning standards. This is further discussed in Section 6 of our submission.

4. Current plans have unnecessary variation

- 4.1. Property Council members are thoroughly engaged with the practical aspects of council resource consents, building consents and council planning standards. Since the adoption of the RMA, each regional and district council have developed their own policy statements and plans. This has resulted in hundreds of plans with various drafting styles, local interpretation of national direction and core structural differences.
- 4.2. Many of our members plan and develop residential and commercial buildings across New Zealand, having to engage with several different council plans and policies. These members have identified the difficulty of interpreting the variation that exists between council plans. The variety between plans is time-consuming, costly and causes significant flow on impacts for development. We support a more standardised approach to planning standards for ease of consistency and use across the sector.



- 4.3. In May 2017, Property Council provided feedback to MfE's set of discussion papers on national planning standards. Our submission sought national planning standards to guide the format and content of regional and district plans around New Zealand with the overall aim to reduce inconsistencies between regional and district plans. Consistent plans will eventually be cost and time effective for our members and has the potential to reduce the overall cost of development.
- 4.4. Property Council recommends:
 - MfE to continue to engage with us on the effectiveness of the proposed national planning standards following their implementation.

5. Outcomes and benefits from the planning standards

- 5.1. The Draft National Planning Standards Consultation Document 2018 (Draft Consultation Document) outlines multiple problems that the proposed planning standards seek to resolve. In particular, Property Council supports the standards focusing on the following outcomes:
 - A consistent national direction
 - A reduction of time and resources required to use plans
 - Plan contents easier to find and access.
- 5.2. These outcomes would best benefit our members who use a variety of council plans, due to the consistent national direction, as plans will be easier to use, find and access. A likely result of achieving these outcomes is a reduction in costs due to the reduction in time and resources required to interpret the current variety of council plans. We would encourage MfE to engage with us throughout the process to ensure that these intended outcomes are being achieved.
- 5.3. MfE's current proposed structure allows for a council to either incorporate or have a separate regional policy statement. We urge the integration of regional policy statements in the same document as regional plans. It is important that objectives, policies and rules are brought together in the same document from a user perspective of keeping all the rules within a standalone chapter. This will allow users to have in one place all the rules they need to meet.
- 5.4. The key system wide benefits of having a standardised plan include a more efficient plan-making process due to a pre-determined structure and format alongside a shared understanding of terminology and key planning techniques. For example, consistent zone colours, symbols and overlays between councils will be a huge help to our members who work with multiple councils across New Zealand. Our members continually tell us that the time that goes into rewording applications due to different terminology used at different councils is significantly resource intensive. This increases the overall cost of the development. Property Council supports the benefits that a consistent planning system will bring.
- 5.5. Although structure and standardisation are important, we cannot underestimate the importance 'plain English' has around the interpretation of plans. It is important that plans can be read and understood by a range of people from someone with no planning experiences to people with a wide range of various planning or development experiences. We support plans that are simply written and easy to understand.
- 5.6. We support planning standards that ensure councils have the flexibility to assess their local community needs, environmental issues and regional development specific to that council. The



Draft Consultation Document uses the example of a landlocked district not needing a chapter on the coastal environment. This is a good example when discussing the importance of flexibility in managing local planning issues. However, those councils that do have coastal areas should all remain consistent and not develop separate definitions, symbols or policy direction. We support the national planning standard being flexible but remaining consistent where it makes sense to do so.

5.7. Property Council strongly supports the move to greater e-functionality of plans. In particular, ePlan software that will enable easier navigation and interpretation of maps online. Planning documents are lengthy and require particular skills and expertise to navigate. We support the Draft Consultation Documents recommendation of a common plan form and structure to ensure that these documents are not only user-friendly but also accessible to the wider public.

5.8. Property Council recommends:

- MfE engage with Property Council and its members who use the new standardised plans to ensure that the intended outcomes of ease of access, use and consistent national direction are being achieved.
- MfE removes the provision for councils to have a separate regional policy statement as this is counterproductive to MfE's objectives of reducing time as plan users will be required to flick between multiple documents.

5.8 Property Council supports:

- The system-wide benefits of having a standardised plan.
- The move to greater e-functionality of plans.

6. Current and future sets of proposed planning standards

6.1. The Draft Consultation Document proposes some additional planning standards to the minimum requirements under s58G of the RMA. In particular: spatial planning tools; a zone framework; mapping; and some metrics, with the aim of achieving genuine standardisation. We think that the planning standards should go further.

6.2. The impact summary document discusses four options that were considered in determining what to include in the first set of planning standards as below:

- Option 1: Minimum RMA requirements: this option would only include the minimum requirements under s58 of the RMA.
- Option 2: Minimum requirements (to a greater level of detail) plus mapping planning standards, noise planning standards and some metrics. This is MfE's preferred option.
- Option 3: Minimum requirements plus option 2 and some more metrics and standards and priority zone objectives and policies.
- Option 4: Minimum requirements plus Options 2 and 3, and methodologies for determining Section 6 matters.

6.3. Property Council's preference is for option 3 – for the first set of planning standards to include minimum requirements under the RMA, additional requirements of mapping planning standards, noise planning standards and metrics along with other standards and metrics. Subtle



differences in metrics across jurisdictions are most likely to cause confusion and can be costly to correct if it is later discovered the wrong one has been used. It is likely that the greatest gains in efficiency and lowering of transaction costs will occur when plans have consistent metrics.

- 6.4. Furthermore, neglecting metrics, standards and priority zone objectives and policies will only result in further delay towards overall standardisation. Particularly given that Section 6 matters under option 4 still need to occur in the overall process. Option 3 allows for the inclusion of more definitions, metrics and detailed structure plans and policy statements. Not including these key planning tools will elongate the process of standardising all plans across New Zealand and has the potential to undermine the objective of having standardised definitions to ensure ease of use.
- 6.5. District Plans are reviewed every 10 years. If Option 2 is adopted, it will take a lot of time for the introduction of Option 3 and Option 4 if these additions are introduced consecutively. Property Council urges MfE to be ambitious regarding these options, as any mistakes can be tidied up by a plan change whereas, it is harder to build ambition into the plan through iterative changes. For example, MfE's preferred approach (option 2) would take between five to seven years to implement and further options 3 and 4 could take anywhere between 20 and 50 years to be implemented as each subsequent plan will be active for at least 10 years.
- 6.6. Option 3 is consistent with our 2017 submission advised MfE to standardise as many definitions and metrics as possible and to look at increasing its lists beyond what is proposed in the discussion document. The 2018 Draft Consultation Document does not include all metrics such as car parking and bulk and location metrics. The sooner these metrics are incorporated into the planning standards the more effective the planning's standards will be to achieve the overall objective of having a more efficient and standardised planning system. We recommend option 3, to include as many metrics as possible along with priority zone objectives and policies be undertaken and that MfE works with councils to ensure that they are sufficiently resourced to implement the standards.
- 6.7. The Draft Consultation Document is silent on the role of Independent Hearing Panels. Property Council's experience and learnings from the Auckland Unitary Plan and Christchurch Replacement District Plan processes show that these panels are of fundamental importance in the development of RMA plans. Panels play an important role to ensure that plans are fit for purpose, evidence based, robust and structurally sound. We recommend the national planning standards incorporate the findings of these panels and that future versions of the standards incorporate any other Independent Hearings Panels' views made in the interim.
- 6.8. Property Council recommends:
 - Option 3 is adopted to unlock the potential of the draft planning standards, particularly regarding standardisation and ease of use across parties.
 - MfE works closely with councils to ensure that they are sufficiently resourced to implement the planning standards.
 - The Draft National Planning Standards incorporate the findings of Independent Hearing Panels and that future versions of the standards incorporate any other panels' views made in the interim.

7. Proposed timeframe for implementation

- 7.1. Property Council is comfortable with the proposed five-year implementation period for most planning standards, and a seven-year implementation period for councils that recently concluded a major plan process (with the exception of Auckland Council – see below). To fully unlock the potential of these changes, consistency is required across all councils and a teething process will likely occur with uncertainty continuing until all councils are aligned. We see the proposed implementation period as a suggestion and encourage councils to complete these changes as soon as practicable due to the benefits that will arise from a wholly consistent approach.
- 7.2. Due to Auckland undertaking a recent Unitary Plan, we believe Auckland Council needs more time to adopt these standards. We support Auckland Council's submission requesting a 10-year implementation period to broadly align with RMA requirements to review its provisions under the Unitary Plan. This will ensure that a full plan review will occur when incorporating these standards and allow for our members to have some certainty following the recent Unitary Plan process.
- 7.3. Our members wish to emphasise the importance of ensuring that the proposed timeframe provides councils and submitters enough time to input into the process. Property Council is willing to enter into discussions with MfE and councils to ensure that this timeframe is workable for all parties involved.
- 7.4. Property Council recommends:
 - MfE prioritise facilitating councils to implement these changes as soon as possible and determine whether any incentives could be established for councils who implement the standards within a three-year period.
 - MfE grant Auckland Council a 10-year implementation period to align with the Unitary Plan review under the RMA.

8. Conclusion

- 8.1. Property Council supports MfE providing more guidance to all councils in developing their RMA plans. It is important to have clear planning standards that not only support and enable more effective development but foster efficiency and ease of use for all parties. The objectives of the development of the first national planning standards seek to achieve this through standardisation and consistency across New Zealand.
- 8.2. Property Council recognises that MfE will receive submissions from both councils and organisations and companies that are 'users' of the plans. The primary beneficiaries of clear and consistent plans across jurisdictions are the plan users. To that end, Property Council recommends:
 - MfE gives more weight to the views of those that utilise the system when considering submissions in order to achieve its objective of standardising the planning framework at a national level to streamline the process and make plans more usable.
- 8.3. Our members are key drivers of development. Property Council supports the overall intention of the Draft Consultation Document and recommend ongoing engagement between MfE, councils and key stakeholders is required throughout the implementation process. We further



recommend that the planning standards be more efficient by incorporating policy statements, more consistent by including Independent Hearing Panels findings, and more ambitious by including some metrics and standards and priority zone objectives and policies.

8.4. Property Council thanks MfE for the opportunity to submit on the Draft Consultation Document.

8.5. Any further queries do not hesitate to contact [REDACTED]

email: [REDACTED] or cell ([REDACTED])

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M Paterson', with a long horizontal flourish extending to the right.

Matt Paterson
Head of Advocacy

SUBMISSION ON DRAFT NATIONAL PLANNING STANDARDS

To: **Ministry for the Environment**
planningstandards@mfe.govt.nz

Name of submitter: **Bathurst Resources Limited**

Background

Bathurst Resources Group

1. Bathurst Resources Ltd (**Bathurst**) is a publicly listed New Zealand resources company with its operations throughout New Zealand. It is New Zealand's leading coal producer providing coal for local steel making, cement manufacture, delivering energy for domestic dairy and food processing industries and exporting high quality metallurgical coal to international steel makers.
2. Responsible resource use lies behind all of Bathurst's activities and its approach to sustainable development and management of its social and environmental performance. This means everything the company does is guided by a commitment to shareholders, employees, local communities, and, importantly, the environment. Bathurst's commitment is backed by significant investment of time and money to ensure social and environmental impacts are managed from design and planning through to production and eventually rehabilitation of mining sites.
3. The ultimate aim is to ensure that Bathurst's operations enable society to meet its present needs without compromising the ability of future generations to meet their needs.
4. Bathurst has a Health, Safety, Environment and Community management framework to guide the company's decisions on responsible resource use and the impact of its activities. The framework has been developed generally in accordance with international standards to enable continuous improvement of Bathurst policies, standards and procedures to minimise risk to mine workers and the environment.
5. Within the Southland region Bathurst operates, through its subsidiary company Bathurst Coal Ltd, the Takitimu mine located at Nightcaps. Sub-bituminous coal from the open cut operation is transported by rail and road to a number of major industrial customers in the Southland, Otago and South Canterbury areas.
6. Bathurst also owns and operates, through Bathurst Coal Ltd, the Canterbury coal mine located near Coalgate, Canterbury. The mine was acquired in 2014 and is now undergoing

rationalisation and reorganisation so that it can economically produce greater tonnages of coal primarily for the dairy sector in Canterbury.

7. Bathurst also has mines on the West Coast – Cascade and Escarpment mines – which are currently on care and maintenance until such time as international markets improve.
8. Bathurst is also the 65% owner of BT Mining Ltd which owns the export mine at Stockton on the West Coast, and the Rotowaro and Maramarua mines near Huntly in the North Island. These latter two mines supply coal used in steel making in New Zealand, electricity production at the Huntly Power Station and the dairy industry (among other customers).
9. Accordingly Bathurst has a strong interest in planning documents from National Policy Statements down to district plans and in a number of regions of New Zealand. The policies, objectives and rules in each planning document has the potential to facilitate our business or to unduly restrict it.
10. Coal, like all minerals, can only be extracted from where it is located. Accordingly, unless adequate provision is made in planning documents recognising coal deposits and the providing for its extraction at the relevant locations there is the real risk of sterilisation of the resource.
11. Bathurst accepts that coal is viewed as a transitional energy source and that over time there may be a transition to other sources. However, that transition period cannot be instantaneous given limited economically viable alternative energy sources, particularly in the South Island, and the capital investment industry has made in coal fired boilers. Any transition will need to be a just one (over decades) taking into account potential significant adverse impacts on our exporting industries and the flow-on effects on local and regional communities.

Overall Comment

12. We support the intent of the National Planning Standards to introduce consistency in planning documents throughout the country. As a user of multiple planning documents, we can endorse the difficulty of working through all the different formats and layouts to understand the controls being placed on our activities.
13. We comment on specific provisions below.

Definitions

14. The first step in identifying a mineral deposit is to undertake prospecting or exploration. These activities can be minimum impact – for example involving taking samples by hand, aerial surveying, land surveying or have limited effects – for example trenching or use of explosives.
15. Once exploration has established the existence of an economically viable deposit a miner will apply for a mining permit and then for the necessary resource consents for the proposed mine.
16. The draft National Planning Standards have a number of compulsory definitions that will impact on our activities. We support the use of the definition of “*mining*” from the Crown Minerals Act 1991 (but do note that it is limited to extraction of the mineral itself and does not cover associated and necessary ancillary activities to extraction and comment further on that below). The definition of mining refers specifically to prospecting and exploration but these terms have not been given any definitions.
17. The Crown Minerals Act 1991 provides accepted industry definitions for these activities and given the use of the terms in the definition of *mining* (and the inconsistent definition of these activities in the various plans across New Zealand) we think it appropriate for the following definitions from the Crown Minerals Act to also be included in the National Planning Standards:

Prospecting:

- (a) means any activity undertaken for the purpose of identifying land likely to contain mineral deposits or occurrences; and*
- (b) includes the following activities:*
 - *geological, geochemical, and geophysical surveying*
 - *aerial surveying*
 - *taking samples by hand or hand held methods*
 - *taking small samples offshore by low-impact mechanical methods.*

Exploration *means any activity undertaken for the purposes of identifying mineral deposits or occurrences and evaluating the feasibility of mining particular deposits or occurrences of 1 or more minerals; and includes any drilling, dredging, or excavations (whether surface or subsurface) that are reasonably necessary to determine the nature and size of a mineral deposit or occurrence*

We also think it necessary to include a definition of mining operations (again using the definition provided by the Crown Minerals Act) which are necessarily ancillary to the extraction of a mineral but which do not fall within the definition of mining itself which

relates solely to the extraction activity. This could be done by extending the definition of *mining* to include *mining operations* as follows:

Mining –

- (a) *means to take, win, or extract, by whatever means, -*
 - (i) *A mineral existing in its natural state in land; or*
 - (ii) *A chemical substance from a mineral existing in its natural state in land; and*
- (b) *includes –*
 - (i) *the injection of petroleum into an underground gas storage facility; and*
 - (ii) *the extraction of petroleum from an underground gas storage facility; but*
- (c) *does not include prospecting or exploration for a mineral or chemical substance referred to in paragraph (b);*
and includes mining operations.

Mining operations would then be defined, as per the Crown Minerals Act (with one tweak) as follows:

Mining Operations

- (a) *means operations in connection with mining, exploration or prospecting for any¹ ...mineral; and*
- (b) *includes, when carried out at or near the site where the mining, exploration or prospecting is undertaken, -*
 - *The extraction, transport, treatment, processing, and separation of any mineral or chemical substance from the mineral, and*
 - *The construction, maintenance, and operation of any works, structures, and other land improvements, and of any related machinery and equipment connected with the operations; and*
 - *The removal of overburden by mechanical or other means, and the stacking, deposit, storage, and treatment of any substance considered to contain any mineral, and*
 - *The deposit or discharge of any mineral, material, debris, tailings, refuse or wastewater produces from or consequent on the operations; and*
 - *The doing of all lawful acts incidental or conducive to the operations; and*
- (c) *includes any activities relating to the injection into and extraction of petroleum from an underground gas storage facility.*

18. One of the issues we face as a mining company is that plans may make specific provision for mining, for example, with carefully worked out controls on that activity but fail to limit the application of other definitions and rules which then overlap and impose additional unnecessary controls, and sometimes contradictory requirements.

19. Here we are concerned that the definitions of *earthworks*, *land disturbance* and *quarry* have the potential to overlap and double up with prospecting, exploration and mining. Clearly the nature and scale of associated earthworks and land disturbance will be

¹ It is necessary to omit the words *Crown owned* as a number of minerals in New Zealand are privately owned, including some coal deposits.

considered when prospecting, exploration and mining are undertaken and therefore those activities should be excluded from these definitions.

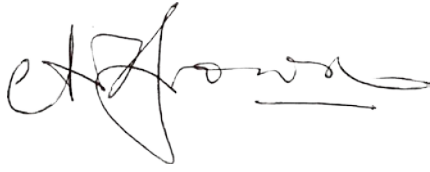
20. The definitions of *earthworks* and *land disturbance* also overlap to a very large degree and it is confusing to have mandatory definitions that do this. What is the reasoning behind this?
21. Further it has to be questioned as to the rationale for a separate national definition of *quarry*, this activity is already covered by the definition of *mining* and how the two definitions are meant to sit together legally is unclear and it is to be noted that the Crown Minerals Act makes no such distinction. Further RMA should be focused on effects and quarrying has exactly the same potential as any other mining activities to affect the environment. The definition of *quarry* should be deleted.
22. We also query the need for a definition of *swale* and *green infrastructure* in the first national compulsory standards. Is there really a pressing need for these words to be defined when so many others have been left out?
23. The definition of *reclamation* may prove problematic for those undertaking open cast mining, as an integral part of rehabilitation will be backfilling the open pit (which is a void that fills with water) with overburden to re-create a landform. This has never been viewed by either the mining industry or councils as a reclamation but might well fall within this definition. We suggest that the following words be added to the definition:

*"... but does not include beach re-nourishment or any deposition of material or infilling that is not permanent **nor any rehabilitation activities associated with mining.**"*

24. Proposed Zones

25. As mentioned above mining activities must necessarily occur where the minerals are located. The economic benefits that accrue from mining for the local, regional and national economy are significant, and the need to avoid sterilisation of the resource important, and this should be recognised in the definition of *Rural Production Zone*.
26. The *Rural Production Zone* should be modified as follows:

*The purpose of the Rural production zone is to prioritise primary production activities that rely on the productive nature of the soils, **the location of minerals**, intensive primary production, and also providing for associated rural industry.*

A handwritten signature in black ink, appearing to be 'Chen' or similar, with a stylized, cursive script.

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

17 August 2018

Address of submitter:

A series of five black rectangular redaction boxes of varying lengths, covering the address information.

Telephone:

A single black rectangular redaction box covering the telephone number.

Email:

A single black rectangular redaction box covering the email address.

Contact person:

A single black rectangular redaction box covering the contact person's name.

DRAFT FIRST SET OF NATIONAL PLANNING STANDARDS

To: Ministry for the Environment
PO Box 10362
Wellington 6143

Email: PlanningStandards@mfe.govt.nz

From: PSPIB/CPPIB Waiheke Inc (**PSPIB/CPPIB**), AMP Capital Shopping Centres Pty Limited (**AMP**), and Stride Property Limited (**Stride**)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Submitter type: Private companies

1. PSPIB/CPPIB, AMP and Stride support in principle the draft first set of National Planning Standards. However, they seek some changes to those draft Standards to address:
 - (a) matter that should be included;
 - (b) problems with implementing the standards into district plans;
 - (c) issues which could give rise to inappropriate inconsistency across plans or *ultra vires* provisions being included in plans; and
 - (d) the timing for implementation of the National Planning Standards in Auckland.
2. Their joint submission on the draft first set of National Planning Standards is outlined in the **attached** document.



Bianca Tree
MinterEllisonRuddWatts

For and on behalf of PSPIB/CPPIB, AMP and Stride

Dated this 17th day of August 2018

Introduction

1. Stride manages one of New Zealand's largest diversified investment property portfolios with a range of commercial office, retail and industrial properties. It owns 26 properties with 379 tenants worth \$902.2 million (as at 31 March 2018). This includes the NorthWest Shopping Centre at Westgate in Auckland, Chartwell Shopping Centre in Hamilton, and the Johnsonville and Queensgate Shopping Centres in Wellington.
2. PSPIB/CPPIB owns the Botany Town Centre and the Manukau Supa Centa in Auckland. AMP manages these shopping centres on behalf PSPIB/CPPIB. AMP also owns and manages other shopping centres throughout the country, including the Bayfair Shopping Centre in Tauranga and The Palms in Christchurch.
3. Stride, PSPIB/CPPIB and AMP have taken active roles in district plan processes around New Zealand, often to seek consistency in development controls.
4. Shopping and retail centres form an important part of the commercial infrastructure of a society, and are critically important to the success and vitality of a town or city. Beyond providing efficient access to goods and services, shopping centres are also a valuable source of employment, and provide an important role as a meeting space for the communities they serve.
5. While overall PSPIB/CPPIB, AMP and Stride support the draft National Planning Standards, they seek some changes to those draft Standards to address:
 - (a) matters that should be included;
 - (b) problems with implementing the standards into district plans;
 - (c) issues which could give rise to inappropriate inconsistency across plans or *ultra vires* provisions being included in plans; and
 - (d) the timing for implementation of the National Planning Standards in Auckland.
6. PSPIB/CPPIB's, AMP's and Stride's specific comments on the provisions of the draft National Planning Standards are contained in Table 1 below.

Table 1: Submissions on the Draft National Planning Standards

Submission no.	Draft National Planning Standard provision	Draft National Planning Standard section	Submission	Relief Sought
1	Regional Policy Statement	S-RPS: Draft Regional Policy Statement Structure Standard, Part 4 – Themes, p.8	Support in part The Draft Regional Policy Statement Structure Standard primarily focuses on themes relating to the management of the natural environment. The themes proposed do not address urban growth and form. In addition, the themes do not recognise or support the National Policy Statement on Urban Development Capacity 2016 (Urban Development NPS), including the requirements under the Urban Development NPS for local authorities to provide enough development capacity to ensure that demand for residential and business land can be met. The identification of issues, objectives and policies for the urban environment in a regional policy statement (including appropriate provision for shopping and retail centres) is necessary to achieve the integrated management of natural and physical resources within a region. PSPIB/CPPIB, AMP and Stride seek the inclusion of a new theme within the Draft Regional Policy Statement Structure Standard that addresses guiding and managing urban growth and form within regions.	Inclusion of a new Regional Policy Statement theme of 'Urban growth and form' within Part 4 of the Draft Regional Policy Statement Structure Standard.

Table 1: Submissions on the Draft National Planning Standards

Submission no.	Draft National Planning Standard provision	Draft National Planning Standard section	Submission	Relief Sought
2	District-Wide Matters – lack of a transport section	S-DP: Draft District Plan Structure Standard, p.14 and S-CP: Draft Combined Plan Structure Standard, pp. 22-23	Support in part The Draft District Plan Structure Standard and Draft Combined Plan Structure generally provide for all district-wide or region-wide matters. However, they do not include a transport section. A standardised transport section within district and combined plans would provide a specific location, and easy identification, of relevant transport provisions - including provisions governing the location, number and design of parking spaces, and loading and access standards. Inclusion of a transport section within the draft National Planning Standards would increase the consistency of transport planning provisions throughout the country.	Inclusion of new sections within the Draft District Plan Structure Standard and the Draft Combined Plan Structure Standard specifically providing for transport provisions (e.g. plan provisions relating to matters such as parking, loading and access standards).
3	Area-Specific Matters – Commercial zones	S-DP: Draft District Plan Structure Standard, p.17; S-CP: Draft Combined Plan Structure Standard, p. 24; and S-ASM Draft Area Specific Matters Standard, pp. 43-45	Support in part The draft National Planning Standards provide for up to six (6) different kinds of commercial zones to be included in district and combined plans. These are: (1) Neighbourhood commercial zone; (2) Local commercial zone; (3) Commercial zone; (4) Mixed Use zone; (5) Town centre zone; and (6) City centre zone.	1. Changing the names of the proposed 'Neighbourhood commercial zone' and 'Local commercial zone' to 'Neighbourhood <u>centre</u> zone' and 'Local <u>centre</u> zone' respectively. 2. Deletion of the 'Commercial zone' or alternatively, renaming this zone as the 'Large Format Retail zone'. 3. Inclusion of an additional 'Metropolitan centre zone'.

Table 1: Submissions on the Draft National Planning Standards

			<u>Changing the names of the Neighbourhood commercial and Local commercial zones</u> Many district and combined plans around the country have structured how they manage commercial (including retail) development around the concept of different kinds of 'centres' - town centres, local centres etc. The plans set out a hierarchy of those centres and objectives, policies and rules that flow from that centres hierarchy. It would better enable local authorities to implement the National Planning Standards, and retain the existing plan provisions that have been developed around this centres-based approach, if the names of two of the proposed zones were changed – to 'Neighbourhood <u>centre</u> zone' and 'Local <u>centre</u> zone' respectively. <u>Deleting or renaming the 'Commercial zone'</u> Under the draft National Planning Standards the proposed 'Commercial zone' has a very broadly worded purpose – “to provide primarily for a broad range of commercial activities ...”. Having the option of including a general commercial zone (in addition to the more specific neighbourhood, local, town centre, and city centre zones) could effectively undermine the hierarchy of commercial zones that have been established in district and combined plans. Given the range of other commercial zones provided for in the draft National Planning Standards, a general commercial zone is not necessary.	

Table 1: Submissions on the Draft National Planning Standards

			In smaller districts the other zones provide for an appropriate range of commercial zones for the range of commercial areas. Alternatively, if the 'Commercial zone' was intended to fulfil a purpose similar to the "General commercial zone' in the Auckland Unitary Plan (AUP), this should be made clear in the zone name and zone purpose statement. In larger districts, many large format retail areas have established which do not fit in the list of other commercial zones in the draft National Planning Standards. If this zone is to be provided it should be specifically for the purpose of large format retail and renamed the 'Large Format Retail zone'. <u>Addition of a 'Metropolitan centre zone'</u> While (following the proposed deletion or renaming of the 'Commercial zone') the remaining zones would work well in cities which have one clearly identifiable city centre, they would not work so well in cities such as Auckland that have a second tier of regionally important centres below the city centre and above town centres. There are 10 sub-regional centres in Auckland, including Botany, Manukau, Newmarket and Westgate.	

Table 1: Submissions on the Draft National Planning Standards

Submission no.	Draft National Planning Standard provision	Draft National Planning Standard section	Submission	Relief Sought
			Failing to provide for a Metropolitan centre zone, and as a result of implementing the National Planning Standards, downgrading these centres to 'town centres', would significantly impact the existing and proposed form and function of the city, including the travel efficiency and economic benefits from identifying and enabling further growth and development in these regionally important centres. To accommodate the existing centre hierarchy in Auckland, which may also be appropriate in other large cities, PSPIB/CPPIB, AMP and Stride seek the creation of an additional commercial zone in the National Planning Standards – a 'Metropolitan centre zone'.	
4	Area-Specific Matters – Zone purpose statements	S-ASM: Area-Specific Matters Standard, pp. 43-45	Support in part For the reasons discussed earlier in this submission, PSPIB/CPPIB, AMP and Stride seek: - the deletion of the proposed 'Commercial zone' or the renaming of that zone to the 'Large Format Retail zone'; and - the addition of a new 'Metropolitan centre zone'. Making these changes would require the consequential: - deletion of the proposed purpose statement for the 'Commercial zone' or rewording of this purpose for the 'Large Format Retail zone'; and	1. Deletion of the proposed purpose statement for the 'Commercial zone', or alternatively if renamed to 'Large Format Retail zone' include the following purpose statement for the 'Large Format Retail zone' zone: <i>"The purpose of the Large Format Retail zone is to provide for large format retail, trade suppliers, and light industrial activities, in a location and form that supports the centres hierarchy."</i>

Table 1: Submissions on the Draft National Planning Standards

Submission no.	Draft National Planning Standard provision	Draft National Planning Standard section	Submission	Relief Sought
			inclusion of a purpose statement for the 'Metropolitan centre zone'. PSPIB/CPPIB, AMP and Stride seek that the National Planning Standards include a 'Metropolitan centre zone' purpose statement consistent with the zone description for the metropolitan centre zone in the AUP.	2. Inclusion of the following purpose statement for a 'Metropolitan centre zone': <i>"The purpose of the Metropolitan centre zone is to provide for a diverse range of commercial, community, recreational and residential activities to enable an area to act as a focal point for a sub-regional catchment."</i>
5	Area-Specific Matters - Development Areas chapters	S-DP: Draft District Plan Structure Standard, p.17; S-CP: Draft Combined Plan Structure Standard, p. 25; and S-ASM: Draft Area Specific Matters Standard, p. 45	Oppose The draft District Plan and Combined Plan structure standards both include a section for Development Areas, which is intended to provide specifically for structure plans, framework plans, outline development plans and growth area plans. It is recognised in the draft standards that, if no development areas are provided for within a district or region, the Development Areas chapter should not be included in the district/combined plan. PSPIB/CPPIB, AMP and Stride have a number of concerns with the proposed Development Areas chapter.	Deletion of the Development Areas chapters from the Draft District Plan Structure Standard, Draft Combined Plan Structure Standard and Draft Area Specific Matters Standard.

Table 1: Submissions on the Draft National Planning Standards

			<u>Delay and duplication</u> Including a Development Areas chapter in a district or combined plan is likely to unnecessarily complicate the development of those plans and result in delays. This includes the potential for re-litigation of guiding documents (such as structure plans) prepared under the Local Government Act 2002 (LGA). This would impact on the time period and resources required for local authorities to implement the National Planning Standards. Under section 93 LGA, local authorities prepare a Long Term Plan (LTP) every three years. One of the purposes of an LTP is to describe the community outcomes for the district or region (section 93(6)(b) LGA). In addition, LTPs must include an infrastructure strategy which, among other things, outlines how the local authority intends to manage its infrastructure assets taking into account the need to respond to growth in the demand for services (section 101B(3) LGA). Structure plans (e.g. for future growth areas) can be used as a tool for implementing the community outcomes and infrastructure strategies identified in an LTP. Preparing structure plans as part of the LTP process is an efficient way of achieving integration across the issues of growth, infrastructure planning and infrastructure funding. To include a structure plan prepared under the LGA process in a district or combined plan a local authority would need to undertake the Resource Management Act 1991 (RMA) Schedule 1 process.	

Table 1: Submissions on the Draft National Planning Standards

Submission no.	Draft National Planning Standard provision	Draft National Planning Standard section	Submission	Relief Sought
			This would result in delay in finalising the structure plan - due to the RMA hearing and, potentially, appeal processes. This would be an unnecessary duplication of processes for a high level guiding document, when any subsequent process to rezone the land subject to a structure plan would also have to go through a Schedule 1 RMA process. Having a structure plan prepared under the LGA process in place, allows changes to district or combined plans to be made in an efficient way (using the Schedule 1 RMA process) as and when the need to rezone individual planned growth areas arises. <u>Status of framework plans and outline development plans</u> The AUP Independent Hearings Panel, in its recommendation to Auckland Council, considered the use of framework plans in detail and recommended that they not be included in the AUP as they were not the most appropriate way of achieving the objectives of the plan (see IHP Report to AC Topic 004 General rules 2016 pp. 14-17). The Environment Court (<i>Application by Auckland Council for Declaration</i> [2016] NZEnvC 65) has held that it is <i>ultra vires</i> the RMA for a local authority to grant a consent which, rather than authorising a person to use land in a manner that contravenes a plan rule, instead effectively inserts rules into a district plan which purport to authorise a plan for future use of land.	

Table 1: Submissions on the Draft National Planning Standards

Submission no.	Draft National Planning Standard provision	Draft National Planning Standard section	Submission	Relief Sought
			Therefore, reference in the draft National Planning Standards to 'framework plans' may give rise to legal challenge. <u>Ambiguity about where Precinct plans should be located in a plan</u> Given the current wording of the draft National Planning Standards, local authorities may consider it appropriate to include spatial plans relating to particular precincts in Development Areas chapters of their district/combined plans. This would be potentially confusing and lead to inconsistency across plans nationally. The draft National Planning Standards appropriately provide for a Precincts chapter to be included in a district or combined plan. For any specific development area, where a precinct is considered appropriate, a Precincts chapter can include not only area specific objectives, policies and rules, but also a precinct plan identifying indicative road networks, infrastructure and reserves. It is more appropriate (and easier for plan users to navigate) if any supporting spatial plans for a precinct are included in the relevant Precinct chapter of the plan (rather than being included in a Development Areas chapter).	

Table 1: Submissions on the Draft National Planning Standards

Submission no.	Draft National Planning Standard provision	Draft National Planning Standard section	Submission	Relief Sought
			<u>The potential to include a Future Urban zone in a district plan means there is no practical need for a 'Development Areas' chapter</u> The draft National Planning Standards include in the list of 'Special purpose zones' that can be included in a district or combined plan, a 'Future urban zone'. A Future urban zone enables a local authority to identify areas of future development, which can be subject to structure plans under the LGA.	
6	Definitions – 'Building' and 'Structure'	CM-1: Draft Definitions Standard, p.79 and p. 89	Support in part The proposed definition of 'building' is narrow, requiring a structure to be enclosed with 2 or more walls and a roof (or similarly enclosed) in order to be a 'building'. Therefore, the definition of building does not include all relevant structures that are appropriately made subject to development controls under RMA plans. A wider definition of 'building', such as the definition in the AUP, is more appropriate. The wider AUP definition includes certain structures (such as retaining walls, grandstands, decks, bridges etc), while excluding other structures for which there is less need for development controls (such as temporary structures or structures of less than a specified height). The proposed narrow definition of 'building' in the draft National Planning Standards is likely to also create difficulty in the application of the definition to existing rules in district/combined plans.	1. Amend the definition of 'building' to include and exclude specific structures (using the approach taken to the definition of 'building' in the AUP). 2. Deleting the definition of 'structure'.

Table 1: Submissions on the Draft National Planning Standards

Submission no.	Draft National Planning Standard provision	Draft National Planning Standard section	Submission	Relief Sought
			Using a wider definition of 'building', would also avoid the need for a separate definition of 'structure'.	
7	Definitions – 'Commercial activity'	CM1: Draft Definitions Standard, p.79	Oppose The definition of 'Commercial activity' in the draft National Planning Standards is "an activity with the primary purpose of trading in goods, equipment or services". This definition could potentially be read as not including office uses not directly involved in the provision of goods or services, e.g. the head office of a company where only internal administrative functions are undertaken.	Amending the definition of 'Commercial activity' as follows: <i>"includes an office, retail or commercial services activity."</i>
8	Definitions – 'Community facility'	CM1: Draft Definitions Standard, p.79	Support in part The definition of 'Community facility' in the draft National Planning Standards is as follows: <i>"means a non-profit facility primarily for recreational, sporting, cultural, safety and welfare, religious or similar community purposes."</i> This definition does not reflect that many organisations running community facilities often charge for use of their facilities, (e.g. charge local community groups to hire rooms for meetings) in order to provide additional income to support the wider community purpose(s) that the facilities serve.	Amending the definition of 'Community facility' as follows: <i>"means a <u>generally</u> non-profit facility primarily for recreational, sporting, cultural, safety and welfare, religious or similar community purposes."</i>

Table 1: Submissions on the Draft National Planning Standards

Submission no.	Draft National Planning Standard provision	Draft National Planning Standard section	Submission	Relief Sought
9	Timing for implementation of the National Planning Standards	Mandatory directions	Support in part Many of the draft National Planning Standards require the Auckland Council to incorporate the standards into the AUP within seven years. The AUP was developed using a bespoke and intensive statutory process with the aim of producing an integrated plan across the entire Auckland region. Submitters invested significant time and resources to ensure that the process resulted in quality planning outcomes. Using a rolling review of the AUP to implement the discretionary directions in the National Planning Standards (e.g. those relating to choices of zone) would give rise to the risk of lengthy plan appeals and/or judicial review processes. Implementing the mandatory directions in the National Planning Standards will require significant changes to be made to the structure of the AUP. A full plan review would be the most efficient way to implement the National Planning Standards in Auckland. Under the RMA, the Auckland Council would begin its 10-yearly review of the AUP in approximately 2026. Accordingly, PSPIB/CPPIB, AMP and Stride seek for Auckland Council to be given up to 10 years to implement the National Planning Standards.	Allow Auckland Council up to 10 years to implement the National Planning Standards.



Draft National Planning Standards

*A submission to the Planning Standards Team
Ministry for the Environment*

17th August 2018

Trustpower Limited ("Trustpower") welcomes the opportunity to provide a submission to the Ministry for the Environment ("MfE") on its *Draft National Planning Standards* ("the Standards").

For any questions relating to the material in this submission, please contact:

A handwritten signature in blue ink that reads "nicolaforan".

Nicola Foran

Lead Environmental Advisor - Regulatory
Trustpower Limited

[Redacted]
[Redacted]
[Redacted]

Email: [Redacted]
Phone: [Redacted]

Table of Contents

1.0	Introduction and Overview	4
2.0	Overview of Submission	5
3.0	Specific Submissions on the Standards	6
	Draft Regional Policy Statement Structure Standard (S-RPS)	6
	Draft Regional Plan Structure Standard (S-RP)	7
	Draft District Plan Structure Standard (S-DP).....	8
	Draft District Wide Matters Standard (S-DWM)	9
	Draft Area Specific Matters Standard (S-ASM)	10
	Draft Electronic Accessibility and Functionality Standard (F-1)	10
	Draft Mapping Standard (F-2)	11
	Draft Status of Rules and Other Text and Number Form Standard (F-6).....	11
	Draft Definitions Standard (CM-1)	12
	Definition of 'Bore'	12
	Definition of 'Building'	12
	Definition of 'Cleanfill'	12
	Definition of 'Drain'	13
	Definition of 'Drinking Water'	13
	Definition of 'Functional Need'	14
	Definition of 'Reverse Sensitivity'	15
	Definition of 'Site'	15
	Definition of 'Small Scale Renewable Electricity Generation'	16
	Definition of 'Structure'	17
	Draft Noise and Vibration Metric Standard (CM-2)	17
4.0	Future Planning Standards	18

1.0 Introduction and Overview

- 1.1 This submission is made by Trustpower Limited ("**Trustpower**") in relation to the draft first set of National Planning Standards ("**Standards**") and accompanying documentation.
- 1.2 By way of introduction, Trustpower is New Zealand's fourth largest electricity retailer and fifth largest electricity generator. It is a publicly listed company and is predominantly New Zealand owned. The company grew from the Tauranga Electric Power Board, which was established in 1924. Trustpower now employs approximately 750 staff and services 240,000 residential, commercial and industrial customers across New Zealand.
- 1.3 Trustpower's core business is the generation and retailing of electricity. The business also incorporates the development of new electricity generation and water conveyance infrastructure, as well as the provision of telecommunication and broadband services. The Energy Companies Act 1992 requires that the principal objective of every energy company is to operate as a successful business. Consistent with this objective, Trustpower has built a reputation as a successful and responsible generator and retailer of electricity. Trustpower also considers that achieving strong environmental performance is an integral part of being a successful business.
- 1.4 Trustpower's electricity generation portfolio is derived predominately from renewable energy sources. In New Zealand, the company owns and operates 19 hydro-electric generation schemes and a diesel peaking facility, which are geographically spread throughout the country. The company's electricity generation portfolio in New Zealand differs from other electricity generators in that its assets are typically of small to medium output, are relatively numerous, and are spread across a number of districts and regions in New Zealand - thereby exposing Trustpower to divergent resource management planning regimes and standards across multiple regional and local authorities.
- 1.5 In addition to the enhancement of its existing assets, Trustpower has an active programme of investigating and developing new electricity generation opportunities throughout New Zealand. Over the past 20 years this programme has focused on the consenting and development of new wind and hydro-electricity generation infrastructure under the regulatory framework of the Resource Management Act 1991 ("**RMA**"). Notable new development projects have included the Kaiwera Wind Farm in Southland, the Mahinerangi Wind Farm in Otago¹ and the Wairau Hydro-electric Power Scheme in Marlborough.
- 1.6 The value of Trustpower's electricity generation infrastructure resides from its resource consents, particularly the water permits which are required for all damming, diversion, abstraction, use and discharges of water associated with the operation of the company's hydro-electric power schemes. To this extent, Trustpower holds approximately 580 resource consents and must comply with approximately 4,500 consent conditions across its 20 electricity generation schemes.
- 1.7 Ensuring that these resource consents are able to be renewed and are not unduly affected by regional plan rules / reviews is a key regulatory focus for Trustpower. The company also seeks to ensure that statutory planning documents recognise the resource use requirements of renewable electricity generation infrastructure, and give effect to the requirements of the National Policy Statement on Renewable Electricity Generation 2011 ("**NPSREG**") in a reasonably integrated manner.

¹ The resource consents for the Kaiwera Downs and Mahinerangi Wind Farms are now held by Tilt Renewables Limited, a subsidiary company of Trustpower.

- 1.8 Likewise, Trustpower spends considerable effort working with regional and local authorities to ensure that the Government's renewable energy targets are appropriately recognised within statutory planning documents.
- 1.9 In light of the above, Trustpower has a particular interest in the Standards and the proposals to refine the structure of statutory planning documents and align the use of definitions used in these documents.
- 1.10 While Trustpower has telecommunication interests, we do not have in ground assets, but would like it noted that we support the submission presented by the NZ Telecommunications Forum (TCF).

2.0 Overview of Submission

- 2.1 Trustpower's submission has been structured to address the key matters in relation to the Standards. Each section of this submission includes relief recommended by Trustpower to address the matters raised in the submission.
- 2.2 The key amendments discussed in the submission below are set out under the following headings:
- Structure of regional policy statements;
 - Structure of regional plans;
 - Structure of district plans;
 - District wide matters;
 - Area specific matters;
 - Electronic Accessibility and Functionality;
 - Mapping;
 - Definition of bore;
 - Definition of building;
 - Definition of cleanfill;
 - Definition of drain;
 - Definition of drinking water;
 - Definition of functional need;
 - Definition of reverse sensitivity;
 - Definition of small scale renewable electricity generation;
 - Definition of site;
 - Definition of structure;
 - Noise and vibration metric standards; and
 - Future planning standards.
- 2.3 Those definitions not listed above are supported by Trustpower in their current form in the Standards.

3.0 Specific Submissions on the Standards

Draft Regional Policy Statement Structure Standard (S-RPS)

- 3.1 Trustpower supports in part Direction 3 in S-RPS regarding the mandatory structure of regional policy statements as there is recognition of the need for policy statements to address the management of energy and infrastructure as a matter of regional significance.
- 3.2 While it is appropriate (and commonplace) to include a chapter in regional policy statements regarding the management of energy and infrastructure in the region, it is Trustpower's experience that many regional policy statements also acknowledge matters relation to the provision of energy and infrastructure in other relevant chapters. These include chapters regarding the management of fresh water, geothermal resources and the coastal environment. By way of example, the Canterbury Regional Policy Statement includes a chapter on resource management issues regarding energy within the Canterbury Region (Chapter 16), but also includes policies within its fresh water chapter (Chapter 7) that:
- Recognise the benefits of water harvesting for improving the storage potential and generation output of hydro-electricity generation activities; and²
 - Recognise and provide for the continuation of existing hydro-electricity generation and irrigation schemes, and other activities which involve substantial investment in infrastructure (but require improvements in water use efficiency and reductions in adverse environmental effects of these activities where appropriate).³
- 3.3 Trustpower considers that the Standards need to continue to provide for this type of approach to the drafting of regional policy statements so that there is clear integration / expectation as to how natural and physical resources will be managed. The Standards should not unintentionally compartmentalise the management of nationally significant natural and physical resources (including renewable electricity generation activities) in regional policy statements by way of one chapter simply specifying how key natural resources will be protected or managed, and another chapter including generic provisions regarding the use and development of energy and infrastructure. This type of joined-up-thinking mirrors the comments the Minister for the Environment has made with respect to environmental, economic, and primary sector policy initiatives.
- 3.4 Overall, Trustpower generally agrees with the theme-based approach to the structuring of regional policy statements but seeks to ensure that the Standards also provide sufficient flexibility so that matters relating to certain topics may appear in multiple chapters for the purposes of integrated management. This optionality may not be precluded by the Standards, but it is not clearly endorsed either.
- 3.5 Trustpower therefore requests that Table 3 under Direction 3 be amended as follows:

Part 4 - Themes		
...		
Infrastructure and energy		If infrastructure and energy matters are addressed in the regional policy statement they must be included in the

² Policy 7.3.10 of the Canterbury Regional Policy Statement.

³ Policy 7.3.11 of the Canterbury Regional Policy Statement.

		Infrastructure and energy chapter, <u>acknowledging that matters related to the management of infrastructure and energy may also need to be addressed in other theme chapters (e.g. coastal environment, landscape, landforms and natural character, and water).</u>

Draft Regional Plan Structure Standard (S-RP)

- 3.6 Trustpower supports in part Direction 4 in S-RP regarding the mandatory structure of regional plans. As noted in the submission above, there is a need for regional plans to recognise and address the management of energy and infrastructure matters as part of the sustainable management of natural and physical resources. However, for the reasons noted above, it is considered that the Standards should not preclude the integrated management of particular issues relevant to energy and infrastructure across multiple chapters in regional plans.
- 3.7 By way of example, Trustpower notes that Chapter 7 (Water Quantity and Allocation) of the Bay of Plenty Regional Natural Resources Plan includes provisions relating to the management of existing hydro-electric power schemes in the region.⁴ This approach is considered appropriate and highlights the need to provide for the integrated management of water resource and physical resources (in the form of existing hydro-electric schemes).
- 3.8 The Standards should not unintentionally compartmentalise the management of natural and physical resources in regional plans by way of one chapter simply specifying how key natural resources will be protected and another chapter including generic provisions regarding the use and development of energy and infrastructure (as matters of national significance recognised by national policy statements). In this regard, it is noted that the rules for energy and infrastructure are often compiled in regional plans to avoid such activities to be evaluated against individual rules for water takes, discharges of contaminants, the diversion of water and the establishment of structures in the beds of lakes and rivers.
- 3.9 Trustpower therefore requests that Table 4 under Direction 4 be amended as follows:

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.
....		
Infrastructure and energy		If the local authority chooses to address matters on a theme basis and infrastructure and energy matters are addressed in the regional plan they must be included in the Infrastructure and energy chapter, <u>acknowledging that matters related to the management of infrastructure and energy may also need</u>

⁴

For example, Objective 40 and Policies 66 and 69 of the Bay of Plenty Regional Natural Resources Plan.

		<u>to be addressed in other theme chapters (e.g. coastal environment, landscape, landforms and natural character, and water) or via catchment specific provisions.</u>

- 3.10 Trustpower also supports the option of regional plans seeking to address resource management matters on a catchment basis. This approach reflects the direction recently provided by the National Policy Statement for Freshwater Management 2017.

Draft District Plan Structure Standard (S-DP)

- 3.11 Trustpower supports in part Direction 3 in S-DP in relation to the mandatory structure of district plans. It is Trustpower's experience that some district planning documents fail to recognise the national significance of existing renewable electricity generation infrastructure in their jurisdiction, and are overly focussed in controlling the potential adverse effects of such activities – without considering the wider benefits provided by such infrastructure. That is, there can be an unyielding focus on developing policies that ensure all adverse effects are “*no more than minor*”.
- 3.12 While in some circumstances it may be appropriate for infrastructure and energy to be managed in district plans as activities that are to be provided for across the district (regardless of the underlying zone); in light of their recognised national significance, it also needs to be recognised that it may be appropriate for specific infrastructure and energy matters to be addressed via special purpose zones in some instances. In this regard, there may be examples where power station sites are zoned as specific purpose zones in a manner similar to airports, ports or hospitals. For example, the Proposed South Taranaki District Plan has specific provisions that apply to the operation, maintenance, enhancement, refurbishment and upgrading of infrastructure within the footprint of the Patea Hydro-electric Power Scheme.
- 3.13 Trustpower therefore requests that Table 5 under Direction 4 be amended as follows:

Part 4 – District Wide Matters		Local authorities must implement the District Wide Matters Standard (S-DWM).
...		Local authorities must consider whether other sections should also be included in this chapter and include them if they are required...
Infrastructure and energy		<u>Infrastructure and energy matters may also be addressed via specific purpose zones or other provisions (e.g. a chapter that provides a complete code for the management of particular activities) that are applicable to the circumstances relating to specific infrastructure and energy matters.</u>

Draft District Wide Matters Standard (S-DWM)

- 3.14 Trustpower supports in part the direction provided in S-DWM as it relates to district wide matters that are to be included in district plans.
- 3.15 However, it is noted that Direction 7 refers to objectives, policies and methods, including rules (if any) that will ensure the life supporting capacity of landscapes, landforms and natural character systems are safeguarded. This does not reflect the requirements of the RMA, which focus on the protection of natural character and outstanding natural landscapes / features from inappropriate development (as well as the maintenance and enhancement of amenity values). The direction to safeguard such values is an inaccurate summary of the obligations on decision makers under sections 6 and 7 of the RMA.
- 3.16 Direction 21 states that the Infrastructure and energy chapter must “to the extent relevant” contain provisions that give effect to the NPSREG. This qualifying text is not necessary or appropriate. The NPSREG already requires regional policy statements, regional plans and district plans to provide for different forms of renewable energy to the extent applicable to the region or district. There is no region or district where the provisions are not relevant. As such, the qualifying text should be deleted from the Standards.
- 3.17 Direction 23 specifies that infrastructure and energy matters must be addressed in a specific chapter unless provided for via a special purpose zone. In addition to the comments made earlier in this submission, it is noted that some zone chapters often need to include objectives and policies that address the provision of infrastructure and energy. For example, the Combined Wairarapa District Plan⁵ and Tararua District Plan⁶ both recognise in their rural zone chapters that there are resources within rural areas that are attractive for renewable electricity generation. The recognition of these areas for infrastructure and energy should not be precluded because of the Standards.
- 3.18 Trustpower therefore requests that the direction provided in S-DWM be amended as follows:
- 7 *If the following matters are to be addressed in combined plans or district plans, they must be located in the Landscape, landforms and natural character section:*
- a. ...
 - b. *objectives, policies and methods, including rules (if any) that will protect outstanding areas from inappropriate subdivision, use and development, and maintain significant or valued landscapes or landforms ~~ensure the life supporting capacity of these systems are safeguarded~~*
 - c. ...
- 21 *The Infrastructure and energy chapter must, ~~to the extent relevant~~ contain provisions that give effect to:*
- a. *National Policy Statement for Renewable Electricity Generation 2011*
 - b. *National Policy Statement on Electricity Transmission 2008.*

⁵ Section 4.1 of the Combined Wairarapa District Plan.

⁶ Section 2.3.1.2 of the Tararua District Plan.

- 23 *If relevant to a local authority, the following matters must be addressed in the Infrastructure and energy chapter, and relevant zone chapters where appropriate, unless provided in a special purpose zone, requirement or designation...*

Draft Area Specific Matters Standard (S-ASM)

- 3.19 Trustpower support in part the guidance provided in Direction 7 of S-ASM with respect to when an additional special purpose zone may be created.
- 3.20 However, it is noted that Direction 7 does not specify whether clauses (a), (b) and (c) all need to be met in order for an additional special purpose zone, or whether each clause is an alternative to each other. In addition, it is considered that an additional justification for a special purpose zone may be due to an activity or land use crossing multiple regional or district boundaries. A special purpose zone may be appropriate in these circumstances in order to support a consistent set of provisions for the activity.
- 3.21 Trustpower therefore requests that the direction provided in S-ASM be amended as follows:
- 7 *An additional special purpose zone must only be created when the proposed land use activities and anticipated development within the defined area:*
- a. *are significant to the district or region; or*
 - b. *could not be enabled by any other zone; or*
 - c. *could not be enabled by the introduction of an overlay, precinct, designation, development area, or specific control; or*
 - d. *involves cross-boundary issues with another district or region.*

Draft Electronic Accessibility and Functionality Standard (F-1)

- 3.22 Trustpower supports in part the directions towards requirements for electronic functionality and accessibility in F-1. In particular, Trustpower supports the Data Standards, which require digital plan data to be uploaded to www.data.govt.nz. Organisations like Trustpower will gain huge efficiencies in being able to encompass existing Council GIS information with their own GIS information.
- 3.23 However, it is considered that the Standards should also require statutory planning documents to be viewed as a single PDF or chapter by chapter PDF's (which is a feature common to some plans). This functionality is necessary when there is a need to print or copy large parts of statutory planning documents.
- 3.24 Trustpower therefore requests that the direction provided in F-1 be amended as follows:

Category	Instructions	Who
Timeframes	...	All local authorities
Plan accessibility and functionality	 <u>9A. All policy statements and plans prepared under the Resource Management Act 1991 shall be available as a single PDF or as chapter by chapter PDF's.</u>	

Draft Mapping Standard (F-2)

- 3.25 Trustpower supports in part the draft mapping standards in F-2.
- 3.26 However, with respect to the colour palette in Table 21 it is considered that similar grouped zones should share a common colour range. For instance, the rural zones should all be in the same colour range. While the residential, commercial and open space zones all follow the same colour range, it is noted that the colour range for rural zones is green through to cream / light pink. Trustpower consider that all rural zones should be identified based on the green colour range.
- 3.27 In regards to the symbology table in Table 22, the hazard symbols (coastal / flood / volcanic / fault) should be in shades of red or orange, as that is what is commonly associated with hazards. The Coastal environment colour should be a more **aqua blue** (RGB 0, 176, 240) and a new symbol for freshwater bodies should be included using a shade of **blue** (RGB 28, 103, 148). As a consequence, the designation colour would need to change, perhaps to a **lighter brown colour** (RGB 140, 85, 3) in keeping with the Heritage area.
- 3.28 Trustpower therefore requests that the direction provided in F-1 be amended as follows:
- *Amend Table 21 so that the rural zones are based on a green colour palette.*
 - *Amend Table 22 so that the hazard symbols are in the red or orange colour palate, the costal environment is an aqua blue, the designation is a light brown, and include a new freshwater body in a mid blue.*

Draft Status of Rules and Other Text and Number Form Standard (F-6)

- 3.29 Trustpower supports in part the draft Status of Rules and Other Text and Number Form Standard.
- 3.30 However, in regards to the references to Regional Policy Statements, this abbreviated text form for this should be “RPS” not “PS”. RPS is the commonly used acronym across the planning industry that references Regional Policy Statements. To change this to PS would be contrary to current practice and referencing.
- 3.31 Trustpower therefore requests that the direction provided in F-6 be amended as follows:

Numbering Form Category

- 5 *In combined plans, where chapters or sections relate to regional policy statement matters, those chapters and section numbers must be prefixed with a RPS.*

Table 28: Numbering Table

Sections: Combined Plans

- *RPSAQ - for Air quality in regional policy statement*
- *RPSCE - for Coastal environment in regional policy statement*
- *RPSLNC – for Landscapes, landforms and natural character in regional policy statement*
- *RPSEIB - for Ecosystems and indigenous biodiversity in regional policy statement*
- *RPSEIR - for Environmental risk in regional policy statement PSHH – Historic heritage in regional policy statement*

- *RPSIE – Infrastructure and energy in regional policy statement*
- *RPSLD – for Land in regional policy statement*

Draft Definitions Standard (CM-1)

Definition of 'Bore'

- 3.32 Trustpower supports the definition of the term 'bore' in part, but considers the reference to 'constructed' in the definition to be somewhat artificial. The definition would be more effective if it referred to any hole drilled or constructed into the ground, given that most bores can only be established by a specialist borer.
- 3.33 Trustpower therefore requests that the definition of bore be amended as follows:
- | | |
|-------------|--|
| <i>Bore</i> | <p>(a) <i>Means any hole <u>drilled</u> or constructed into the ground that is used to:</i></p> <p style="margin-left: 20px;"><i>(i) investigate or monitor conditions below the ground surface; or</i></p> <p style="margin-left: 20px;"><i>(ii) abstract liquid substances from the ground; or</i></p> <p style="margin-left: 20px;"><i>(iii) discharge liquid substances into the ground; but</i></p> <p>(b) <i>It does not include test pits and soak holes.</i></p> |
|-------------|--|

Definition of 'Building'

- 3.34 Trustpower supports in part the definition of 'building' in the Standards, as it is apparent that many local authorities have divergent definitions of what constitutes a building (which should be a relatively straightforward term to define). However, the proposed definition introduces a high degree of subjectivity by referring to "...or any structure that is similarly enclosed".
- 3.35 As noted in the Ministry for the Environment's Consultation Document, definitions should be clear and avoid using subjective language. The draft definition does not achieve this objective as it requires an interpretation as to whether some other structures are also buildings. For example, a dam does not have a roof but it could (and has been in) argued that it is a structure that is "similarly enclosed". However, it is Trustpower's view that a dam should be classified as a structure rather than as a building.
- 3.36 Trustpower therefore requests that the definition of building be amended as follows:
- | | |
|-----------------|--|
| <i>Building</i> | <p><i>means any structure, whether temporary or permanent, moveable or fixed, that is enclosed, with 2 or more walls and a roof; ~~or any structure that is similarly enclosed.~~</i></p> |
|-----------------|--|

Definition of 'Cleanfill'

- 3.37 Trustpower opposes the definition of 'cleanfill' in the Standards.
- 3.38 There is a need to distinguish between cleanfill (being natural materials such as clay, gravel, sand, soil and rock which may be deposited on a site as fill during earthworks) and cleanfill's (which are sites where cleanfill material may be deposited). To this extent, it is noted that the definition of cleanfill in the Canterbury Land and Water Regional Plan relates to material that, when buried, will have no adverse effects on people or the

environment. In contrast, the Auckland Unitary Plan – Operative in Part defines cleanfill as a facility where cleanfill material is accepted for deposit. In effect, the same term is being used to define a substance in some planning documents and a location in others.

- 3.39 It is Trustpower’s experience that the deposit of natural earth material is often regulated via rules in regional and district planning documents in order to control potential adverse effects on aquifers, waterbodies and to minimise the potential for the contamination of land. However, the Standards would result in these activities relating to a form of landfilling rather than an activity related to earthworks.
- 3.40 To address this matter, Trustpower requests that a definition of ‘cleanfill material’ be included in the Standards as per the approach adopted in the Auckland Unitary Plan – Operative in Part. Recommended relief is as follows:

Cleanfill means an area used for the disposal of exclusively inert, non-decomposing material.

Cleanfill activities means natural material such as clay, gravel, sand, soil and rock which has been excavated or quarried from areas that are not contaminated with manufactured chemicals or chemical residues as a result of industrial, commercial, mining or agricultural activities.

Definition of ‘Drain’

- 3.41 Trustpower opposes the definition of ‘drain’.
- 3.42 The definition refers to any artificial watercourse that is designed, constructed or used for the purpose of the drainage of surface or subsurface water. The definition lacks clarity with respect to whether it could capture a canal (being an artificial watercourse) for electricity generation or irrigation purposes.
- 3.43 The lack of clarity comes from the use of the words ‘drainage of surface water’ – which relates to the water being carried or taken away from a particular location. A canal for electricity generation or irrigation purposes conveys water from a river or lake (or between waterbodies), but isn’t strictly for drainage purposes in the sense of seeking to dewater surface or subsurface water.
- 3.44 Trustpower therefore requests that the definition of drain be amended as follows:

Drain means any artificial watercourse, open or piped, that is designed and constructed, or used, for the purpose of the drainage of surface or subsurface water (but excludes any artificial watercourse for the conveyance of water for electricity generation, irrigation or water supply purposes).

Definition of ‘Drinking Water’

- 3.45 Trustpower supports in part the definition of ‘drinking water’. It is recognised that this definition largely reflects the definition of the same term used in the New Zealand Drinking Water Standards 2005 (Revised 2008). However, the reference to “intended to be used” in this definition, with respect to the use of water, introduces unnecessary subjectivity to the definition - which is contrary to the guidance for definitions provided

in the Ministry for the Environment Consultation Document. This document specifies that definitions need to be clear and concise, and should avoid the use of subjective language.

- 3.46 In this regard, it is unclear how much ‘intent’ would need to be demonstrated by a prospective water user / supplier in order for water to be deemed drinking water. It is considered that the definition would be clearer and more workable without the reference to “intended to be used”. Rather, the focus of the definition should be if water is used, or authorised to be used, for drinking water purposes.
- 3.47 Trustpower therefore requests that the definition of drinking water be amended as follows:

Drinking water means water ~~intended to be used~~ or authorised to be used for human consumption, and includes water intended to be used or authorised to be used for food preparation, utensil washing, and oral or other personal hygiene.

Definition of ‘Functional Need’

- 3.48 The definition of ‘functional need’ is opposed by Trustpower.
- 3.49 The definition in the Standards does not suitably account for the operational needs of activities that may impact on where they can be located. In this regard, the definition of functional need is considered to unnecessarily focus on locational factors related to the siting of an activity (i.e. a particular resource is found in a particular site) and does not appropriately consider the operational needs of activities.
- 3.50 The Ministry for the Environment Evaluation Report notes that the concept of functional need is recognised in Policy C of the NPSREG, but it does not acknowledge that this policy also captures logistical or technical practicalities associated with developing, upgrading, operating or maintaining the renewable electricity generation activities.
- 3.51 Examples of technical, logistical or operational characteristics or constraints may include:
- The ability to transmit electricity from where it is generated to where it is used (i.e. proximity to suitable transmission or distribution infrastructure);
 - The design and placement of wind turbines within a windfarm to minimise turbulence effects; and
 - The ramping rates for hydro-electricity reservoirs to meet operational and market conditions;
- 3.52 Trustpower also notes that more recent statutory planning documents include policies that refer to functional needs and operational needs. This includes the Auckland Unitary Plan – Operative in Part, which considers whether the infrastructure has a functional or operational need to be located in, or, traverse a proposed location. Both functional need and operational need are defined in the plan.
- 3.53 Trustpower therefore requests that the definition of functional need be retained in the Standards, but that a definition of ‘operational need’ also be inserted as follows:

Operational need *The need for a proposal or activity to traverse, locate or operate in a particular environment because of technical or operational characteristics or constraints.*

Definition of 'Reverse Sensitivity'

- 3.54 The definition of 'reverse sensitivity' is opposed by Trustpower.
- 3.55 The definition in the Standards is limited to existing lawfully established activities, and does not include unimplemented resource consents. This approach contrasts with Policy D of the NPSREG, which requires decision-makers to avoid (to the extent reasonably possible) reverse sensitivity effects on consented and existing renewable electricity generation activities. Likewise, it is noted that the Auckland Unitary Plan – Operative in Part seeks that adverse effects on existing, consented and planned infrastructure be avoided where practicable (or otherwise remedied or mitigated).⁷
- 3.56 Given that many infrastructure projects have a long lead time from consenting to construction / implementation (and often have 10-year lapse periods on their resource consents in recognition of this), it is important that they are protected from reverse sensitivity effects caused by new land uses or activities occurring in close proximity or in an inappropriate location. This may include:
- The establishment of a new dwelling in close proximity to a consented infrastructure project that is consented to emit higher noise levels due to its rural location (e.g. a wind farm), and which may have its amenity affected by the infrastructure project if constructed;
 - The establishment of a new dwelling in a location downstream of a consented hydro-electric power scheme, which may result in implications for the dam safety standards that need to be met by the hydro-electric power scheme; or
 - The discharge of contaminants upstream of a consented water take for an infrastructure project.
- 3.57 It is also noted that case law has confirmed that the existing environment embraces the future state of the environment as it might be modified by permitted activities and by resource consents which have been granted, where it appears likely that those resource consents will be implemented. Given this, it is considered appropriate that the definition of reverse sensitivity in the Standards also captures consented activities that have not yet been implemented.
- 3.58 Trustpower therefore requests that the definition of reverse sensitivity be amended as follows:

Reverse sensitivity means the potential for the operation of a consented or 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 a consented or existing activity.

Definition of 'Site'

- 3.59 The definition of 'site' is supported in part by Trustpower as it recognises that there are multiple legal mechanisms which may define what constitutes a site.
- 3.60 However, it is noted that clause (e) refers to an area of adjacent land comprising two or more titles, which has the potential to cause confusion. The term adjacent can mean next

⁷ Policy E26.2.2(3) of the Auckland Unitary Plan – Operative in Part.

to or adjoining – but does not necessarily require a physical connection. That is, adjacent does not mean abutting or connected. A site of a hydro-electric power scheme may involve a number of property titles that are nearby but are not always abutting due to geography and site characteristics – but it is still a site.

3.61 Clause (e) of the definition should be clarified to avoid any future uncertainty regarding what constitutes a site.

3.62 Trustpower therefore requests that the definition of site be amended as follows:

<i>Site</i>	<i>means...</i>
	<i>e) an area of adjacent, <u>but not necessarily abutting</u>, land comprised in two or more computer freehold registers where an activity is occurring or proposed.</i>

Definition of 'Small Scale Renewable Electricity Generation'

3.63 The definition of 'small scale renewable electricity generation' is supported in part by Trustpower.

3.64 The definition reflects the requirement of the NPSREG for regional and district planning documents to provide for the development, operation, maintenance and upgrading of this form of electricity generation. However, it is considered that limiting the output of small scale generation to a power rating of 20 kW is considered an unreasonably low threshold for defining what constitutes small scale renewable electricity generation and does not take any account of emerging technologies.

3.65 Trustpower considers that it will soon be economic to produce roofing systems with integrated photo-voltaic cells which will enable domestic generation systems with a power rating greater than 20 kW. Trustpower is also aware of a number of commercial properties which are already able to generate more than 20 kW of electricity via solar panels. These include Yealands Estate in Blenheim (411 kW), Sylvia Park Mall in Auckland (350 kW) and the Palmerston North City Council (110 kW). These systems cannot, and should not, be considered large-scale renewable electricity generation for the purpose of the Standards.

3.66 Trustpower consider that a more appropriate limit for small scale renewable electricity generation, that recognises emerging technology, is a power rating of 500 kW. Increasing this threshold would not alter the need for any such proposals to consider their potential environmental effects, but would provide a more realistic example of what is small scale generation.

3.67 Given the above, the company requests that the definition of small scale renewable electricity generation be amended as follows:

<i>Small scale renewable electricity generation</i>	<i>means renewable electricity generation which does not exceed a power rating of <u>20</u>~~500~~ kW.</i>

Definition of 'Structure'

- 3.68 The definition of 'structure' is opposed by Trustpower.
- 3.69 The Ministry for the Environment Consultation Document notes that when deciding which terms to standardise and define, those which were defined in the RMA were excluded. It goes on to note that definitions from the RMA were used where they considered to be fit for purpose.
- 3.70 The inclusion of a definition of structure in the Standard that differs from the RMA raises issues with respect to which definition takes priority.
- 3.71 If the definition of structure in the RMA is no longer considered to be fit for purpose, then the Standard should not be used as the vehicle to effect changes to legislative definitions. If there are activities that are not considered structures (based on the definition in the RMA) or buildings (based on the definition in the Standards) – such as containers or scaffolding, then there is still the ability for district councils to regulate these activities without amending the definition of structure. In this regard, section 9 of the RMA applies to the use of land and enables rules to be established that relate to objects that are not structures or buildings.
- 3.72 Trustpower therefore requests that the definition of structure be amended as follows:

Structure means any building, equipment, device, or other facility made by people and which is fixed to ~~or located on~~ land; and includes any raft, ~~but excludes motorised vehicles that be moved under their own power.~~

Draft Noise and Vibration Metric Standard (CM-2)

- 3.73 Trustpower supports in part CM-2 as it relates to the requirement for statutory planning documents to manage the emission of noise consistent with the relevant New Zealand Standards for noise, including *New Zealand Standard 6808:2010 Acoustics – Wind Farm Noise*.
- 3.74 However, there appears to be a conflict within the Draft Noise and Vibration Metrics Standard (CM-2). Table 30 of the Standard references several acoustic New Zealand Standards, but Direction 4 immediately below, states that all plan noise rules need to be consistent with *NZS 6802:2008 Acoustics – Environment Noise*. It is understood that many of the New Zealand Standards for noise referenced in Table 30 have been developed as they don't fit within the requirements of NZS 6802, so forcing them to be consistent with NZS 6802 through Direction 4 is at odds with their purpose.
- 3.75 The following amendments are proposed to Standards to appropriately implement the relevant acoustic New Zealand Standards:
3. *Any plan rule to manage an emission of noise must be consistent with the noise related metrics and noise measurement methods in the New Zealand Standards listed in table 30: Acoustic New Zealand Standards below.*

Table 30: Acoustic New Zealand Standards referenced

...

4. ~~Any plan rule to manage an emission of noise must be consistent with the assessment methods in section 6 Rating Level and section 7 LMAX in New Zealand Standard 6802:2008 Acoustics – Environment Noise.~~

4.0 Future Planning Standards

- 4.1 As noted in the introduction to this submission, Trustpower holds approximately 580 resource consents from 30 regional and local authorities across New Zealand. Based on experience across this broad reach, it is apparent that the way in which resource consent certificates and documentation are issued by regional and local authorities varies significantly across New Zealand.
- 4.2 Some regional and local authorities place content within the description of the activity authorised, which should legitimately sit within a condition of the consent.
- 4.3 Furthermore, some regional and local authorities may issue a single resource consent which authorises multiple activities (including land use and regional activities in the case of unitary authorities) with a single set of conditions. Other regional and local authorities issue a resource consent document for each individual activity (which may or may not have any conditions attached).
- 4.4 Trustpower consider that some national consistency in the way in which resource consents are issued, including templates would be beneficial for applicants (and submitters) who are involved in consenting across New Zealand.

Submission on the Draft First Set of National Planning Standards

To: Planning Standards
C/- Ministry of the Environment
PO Box 10362
Wellington 6143

Name of Submitter: CivilPlan Consultants Limited

Submitter Type: Business / Industry

Address for Service: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Telephone: [REDACTED]

Email: [REDACTED]

This is a submission on the Draft First Set of National Planning Standards (“Planning Standards”).

CivilPlan Consultants Ltd is a town planning, engineering and surveying consultancy based in Manukau, Auckland. We primarily undertake work for clients within the Auckland Region and Waikato District and are frequent users of the Auckland Unitary Plan (‘AUP’), the legacy Auckland Council planning documents, the Waikato District Plan (Franklin Section), the Waikato District Plan (Waikato Section) and the Waikato Regional Plan.

Overall, we support, with amendments, the draft first set of National Planning Standards. Parts of the Planning Standards for which amendments are sought are discussed in further details as follows.

1. S-DP: District Plan Structure, S-CP: Combined Plan Structure and S-DWM: District Wide Matters Standards

Standards S-DP and S-CP each include mandatory headings of “Part 4 – District-Wide Matters” and “Part 4 – Region Wide Matters”, under which a variety of chapter and section headings are listed. Standard S-DWM includes mandatory directions on which provisions should be contained within these headings

1.1 Provisions Related to Overlays

The Planning Standards are drafted in a way that these chapters contain a mix of provisions that apply to all areas and provisions that apply to specific areas (overlays).

As users of planning documents, it is preferred that provisions related to a specific overlay, such as Outstanding Natural Landscapes or Historic Heritage Extents be located separately to provisions that apply to all areas, such as those for earthworks or signs. This will also allow for a clearer interpretation when overlay provisions ‘replace’ zone provisions or district/region wide provisions.

This approach is consistent with that used by the AUP, whereby Chapter D contains provisions related to overlays, which only relate to the areas that those overlays cover, and Chapter E contains Auckland-wide provisions that apply to all areas.

1.2 Transport Provisions

It is unclear in Standards S-DP, S-CP, S-DWM where provisions related to transport are to be located within planning documents.

Provisions related to the operation, maintenance, upgrading and development of road infrastructure are clearly required to form part of the Infrastructure and Energy chapter. However, what is not clear is the location of provisions related to land use activities that result in effects on the transport network, such as minimum parking rates and access width requirements.

District plans (and combined plans) either place such provisions as part of a Transport chapter, or as part of the Zone provisions. Given that these provisions are often the same or similar across the district or region, they are considered most suitably located as part of the District/Regional wide matters. However, these should not be combined with provisions related to activities that will form part of the transport network (e.g. construction of roads, bus stations, railway crossings, etc.).

For example, with regard to the AUP, section E26 includes provisions related to the operation, maintenance and construction of roads, which should remain as part of an infrastructure chapter, while section E27 primarily includes provisions related to the design of parking and access, which should form part of a new transport chapter.

Further guidance could also be provided in the Planning Standards as to the location of provisions for activities that form part of the transport network, but are not directly related to existing infrastructure, such as rules for park-and-ride, off-road pedestrian and cycling facilities and public transport facilities (which the AUP includes in section E27 but should instead be part of the infrastructure chapter).

2. S-ASM: Area Specific Matters Standard

Standard S-ASM includes mandatory directions that include requirements for chapters for ‘precincts’ and ‘development areas’. Precincts are defined as areas “where two or more additional provisions apply [that] modify the policy approach of the underlying zone(s) or refine or modify land use outcomes”, while development areas are defined as “areas where conceptual plans ... apply to determine future land use and/or development”.

The Planning Standards are not sufficiently clear as to when provisions should be contained within a precinct, a development area, or both. In most cases where a conceptual plan is included within a planning document (for example, precinct plans in the AUP), provisions are also included that modify the policy approach for that land. It is considered unnecessarily complicated for such provisions to be contained across two separate chapters, and so precincts and development areas should be combined.

3. F-1: Electronic Accessibility and Functionality Standard

Standard F-1 includes a variety of mandatory directions for the functionality of planning documents.

The following requirements of local authorities are directly supported:

- For all versions of the current plan since first becoming operative to be available from the local authority's website;
- For a copy of all previous plans under the RMA both at the time they first became operative and the final version being superseded to be available from the local authority's website;
- For a clear differentiation between proposed, decisions made, appealed and operative provisions within plans; and
- For the plan to identify whether provisions are regional policy statement, regional plan, regional coastal plan or district plan provisions.

However, the following further requirements should also be included:

- For all versions of the current plan since decisions on submissions were first made (rather than first becoming operative) to be available from the local authority's website – this correlates with the step of the plan making process where all rules of a (proposed) plan have legal effect;
- For the plan to identify provisions that are to be amended by a notified plan change or variation;
- For the plan to identify rules that are treated as inoperative as a result of a rule in a proposed plan being treated as operative under section 86F of the RMA;
- For the plan to identify whether rules are those referred to by section 9(2), 9(3), 11, 12, 13, 14 and/or 15 of the RMA.

4. F-2: Mapping Standard

Standard F-2 includes mandatory directions that require zoning maps to use the dictated colours for each zone and require features to be identified by the dictated symbols.

The proposed colours are not supported by the submitter as some of the colours are very similar in shade and difficult to decipher, especially for persons who suffer from colour blindness. The proposed colours used should be revised so as to avoid unnecessary confusion. In addition, a requirement should be added that all electronic maps must identify the zoning of a site when the user either hovers their mouse over it or clicks on the site.

The symbols for heritage items, protected trees, protected tree group and marae are not supported as these are large, overly complex symbols and should instead be simple polygons.

5. F-5: Draft Chapter Form Standard

Standard F-5 includes mandatory directions on how provisions in chapters must be laid out. This is considered to be the critical standard for usability of planning documents. However, a number of concerns are raised as follows:

- 'Rule descriptors' are used to limit the application of an activity status to specific activities, but the activity status for when a rule descriptor is not met is not specifically provided for, and this is often not the same activity status as to when rule requirements are not complied with;
- Although 'Rule requirements' are to be included in a separate table, which allows for multiple activities to reference these, the activity status for when rule requirements are not met are listed alongside the relevant activities, when this should instead be listed alongside the relevant rule requirement (this will also clearly differentiate rule descriptors to be rules applying to one activity with specific considerations when infringed and rule requirements to be rules applying to multiple activities with common considerations when infringed);
- Matters of control and discretion are often common to multiple activities/rules and so the rule tables should only give reference to these, and full details provided in a separate table;
- No provision is made for the inclusion of assessment criteria, which is commonly included in planning documents;
- The current Standard minimises cross-referencing and promotes duplication, which will result in tediously-long rule tables and necessitate plan modifications to alter multiple sections of the plan; and
- No provision is made to clearly state as to whether a rule replaces another rule that applies to the same activity (rather than both rules applying).

The following changes to Tables 26 and 27 of Standard F-5 are suggested:

- The third column of Table 26 should specify the activity status if the rule descriptors are not achieved, rather than the rule requirements;
- The second column of Table 26 should simply reference the rule requirements that apply to the activity subject to the rule, rather than requiring the activity to comply with the rule requirements in order to be considered under that rule;
- The third column of Table 26 should specify the rule requirements that apply when a rule descriptor is not achieved;
- Each rule in Table 26 should identify which (if any) rules it replaces/supersedes in any other part of the plan;
- A third column should be added to Table 27 that specifies the activity status if that rule requirement is not achieved (as well as reference to the matters of discretion/control or notification detail);

- The third column of Table 27 should specify any additional rule requirements that apply when the rule requirement is not achieved;
- Matters of control and discretion should be contained in separate tables (New tables 28 and 29) and only referenced in Tables 26 and 27; and
- New tables 28 and 29 shall include a column that lists the relevant assessment criteria.

Consequential changes to other parts of the Planning Standards may also be necessary, including inserting number formats of matters of control and discretion to Standard F-6.

Tracked changes to Standard F-5 to accommodate these suggestions is attached. Also attached is an example of how the revised Standard F-5 could be adopted (using the Mixed Housing Urban zone provisions of the AUP).

6. F-6: Status of Rules and Other Text and Numbering Form Standard

6.1 Status of Provisions

Standard F-6 includes mandatory directions that provisions should be shaded or a similar method used to identify whether provisions are mandatory text, have immediate legal effect, have no effect, are subject to a variation or are under appeal. This is supported. However, provisions should also be identified if they are subject to a notified plan change or treated as inoperative (pursuant to section 86F).

6.2 Abbreviations

Table 28 of Standard F-6 contains a list of various abbreviations to be used for each chapter of plans. These abbreviations vary between two and five letters. For better consistency and to reduce the length of provision references, these should be streamlined to be three letters long only (or four letters only if necessary to avoid repetition).

6.3 Numbering of Provisions

It is sought that Standard F-6 includes a mandatory requirement that the numbering of provisions cannot be altered as part of a plan change or modification (unless to correct an error). This would ensure that all references to provisions remain intact during the lifetime of the plan and avoid incorrect cross-referencing of provisions (both internal and external to the plan).

The formatting used for amendments to legislation should be adopted, i.e. a provision inserted between “1” and “2” would be “1A” and “4” would remain “4” if “3” is deleted.

7. CM-1: Definitions

Standard CM-1 includes mandatory directions for definitions in a plan to be consistent with those listed in Table 29. The streamlining of definitions across planning documents is supported. However, the following comments are made in regard to the proposed definitions of certain terms.

7.1 Building

The definition of “building” includes the descriptor of “any structure that is similarly enclosed”. What is considered “similar” is likely to be subject to debate and should not be included as part of a definition.

It is also considered necessary for the definition of building to explicitly include and exclude common types of structure in order to provide clarity and avoid potential uncertainty.

7.2 Coverage

The definition of “coverage” includes reference to the footprint of structures. Therefore, it is considered that this could apply to the coverage of buildings or the coverage of impervious surfaces. However, it could not apply to the coverage of landscaped area. Separate definitions of “building coverage” and “impervious area coverage” are considered to be more relevant.

The definition of “coverage” also explicitly refers to the net site area, and so coverage could not be used as part of a provision limiting the footprint of structures over the gross site area, a yard, or part of the site subject to a certain zone.

7.3 Footprint

The definition of “footprint” refers to structures at ground floor level and protruding structures above ground floor. It is considered more relevant for this definition to refer to buildings rather than structures, as most structures would not have floors. This definition is considered to be most relevant to determining building coverage and should instead form part of a definition for building coverage.

7.4 Net Site Area

The definition of “net site area” excludes “any area of land used primarily for legal access to a rear site”. This exclusion is not clear as the extent of land that would be “used primarily for legal access” is subjective, and “rear site” is not defined.

The definition of “net site area” should instead exclude “access legs” or “entrance strips”, with this term then being defined elsewhere to be that part of a site used primarily for legal access until its width is a specified width (in the AUP, this is 7.5 m). If “rear site” is included the definition of “net site area”, then this needs to be separately defined.

7.5 Residential Unit

The definition of “residential unit” needs to clearly differentiate what features of a building would result in two residential units being provided. The number of households using a building cannot be clearly determined at the time a resource consent application is made, and what constitutes a household is not clearly defined.

7.6 Structure

It is not clear as to why the definition of “structure” differs from the definition contained in the RMA.

8. Implementation

The majority of the Planning Standards are required to be implemented by local authorities within either 5 or 7 years of gazettal. While workloads to give effect to the Planning Standards is recognised, this timeframe is not considered to efficiently promote the outcomes sought for national planning standards under the RMA and is likely to result in a long, confusing transition period whereby regard is given to the Planning Standards by various territorial authorities and within planning documents will differ.

The use of section 58I of the RMA to make mandatory changes to planning documents is supported, in order to minimise the timeframes that the Planning Standards are given effect to.

The requirement for Standard F-1 to be implemented within 1 year of gazettal is directly supported, as the requirements of this Standard (including the suggested additions listed above) will make an immediate positive contribution to achieving the objectives of national planning standards.

9. Conclusion

While the introduction of National Planning Standards is supported, there are a number of items within the Draft First Set for which further consideration should be made prior to gazettal. These are described within this submission.

We seek the following relief (or similar) to address our concerns:

- Part 4 (District/Region Wide Matters) of district plans and combined plans be split into chapters that relate to areas in overlays only and chapters that relate to all areas;
- Part 4 (District/Region Wide Matters) of district plans and combined plans include a section for Transport, limited only to transport provisions related to land use activities, with provisions for transport network infrastructure included in the Infrastructure chapter;
- Precincts and Development Areas be combined;
- Local authorities be required to make available on their website all version of the current plan since decisions on submissions were first made;
- Plans be required to identify provisions to be amended by a notified plan change and whether these rules are treated as inoperative under section 86F of the RMA;
- Plans be required to identify whether rules are those referred to by section 9(2), 9(3), 11, 12, 13, 14 and/or 15 of the RMA;
- Mandatory zone colours be more clearly distinct, especially to colour blind persons, and zone names be required to be clearly identifiable on e-maps;
- The symbols for heritage items, protected trees, protected tree group and marae be amended to simply polygons;

- Standard F-5 be revised in accordance with the attached tracked changes to enhance usability, avoid unnecessary duplication of provisions and provide a clear distinction between rule descriptors and rule requirements;
- Abbreviations be streamlined further to provide consistent length;
- Provision numbering be unaltered as a result of plan changes or other modifications during the lifetime of the plan (other than to correct errors);
- The definition of “building” be amended to clearly identify what is included or excluded and avoid using subjective language;
- The definitions of “coverage” and “footprint” be deleted and instead include definitions for “building coverage”, “building footprint” and “impervious area coverage”;
- The definition of “net site area” be amended to exclude “access legs” or “entrance strips” rather than “any area of land used primarily for legal access” and a definition be inserted for “access leg” or “entrance strip” that specifies a maximum width of this excluded area;
- The definition of “residential unit” be amended to clearly identify at what threshold an activity should be considered two residential units;
- The definition of “structure” be the same as that within the RMA; and
- The timeframes for the Planning Standards to be implemented be reduced.

Signature:



Aaron Grey – Planner, CivilPlan Consultants Ltd

Date:

17/08/18

Enclosed:

Tracked changes to Standard F-5 (Tables 26 and 27)
Example of revised rules table based on AUP Mixed Housing Urban zone provisions

Table 26: Rule table

Insert unique rule number in format required by the F-6: Status of Rules and Other Text and Numbering Form Standard	Insert rule title <u>(the activity)</u> in bold text	
This cell is to be used where rules are applied on an area specific basis (ie, zones or to spatial planning tools) If required, insert name of relevant spatial planning tool/s Or If required insert name of relevant zone/s xx zone or all zones	This cell is required for permitted activities Activity status: Insert activity status. If abbreviated use a mandatory abbreviation Where: Insert rule descriptor 1 insert rule detail 2 insert rule detail 3 insert rule detail. ~~Where this activity complies with the~~ The following rule requirements: 1 insert reference to rule requirement/s. This rule replaces the following rule/s: 1 <u>insert reference to rule/s</u>	This cell is required for permitted activities if the rule includes rule ~~requirements~~<u>descriptors</u>. Activity status when compliance <u>with a rule descriptor is not achieved</u>: Insert activity status. If abbreviated use a mandatory abbreviation. (Use for C activities) Matters over which control is reserved: 1 insert <u>reference to</u> matter <u>of control</u> 2 insert <u>reference to</u> matter <u>of control</u>. (Use for RD activities) Matters of discretion are restricted to: 1 insert <u>reference to</u> matter <u>of discretion</u> 2 insert <u>reference to</u> matter <u>of discretion</u>. The following rule requirements apply: 1 <u>insert reference to rule requirement/s.</u> Notification: Insert notification detail, if any
	This cell is required for controlled activities Activity status: Insert activity status. If abbreviated use a mandatory abbreviation. Where: Insert rule descriptor: 1 insert rule detail 2 insert rule detail 3 insert rule detail. Matters over which control is reserved: 1 insert <u>reference to</u> matter <u>of control</u>. 2 insert <u>reference to</u> matter <u>of control</u>. Where this activity complies with the following rule requirements: 1 insert reference to rule requirement/s. Notification: Insert notification detail, if any. This rule replaces the following rule/s: 1 <u>insert reference to rule/s</u>	This cell is required for controlled activities if the rule includes rule ~~descriptors~~<u>requirements</u> Activity status when compliance <u>with a rule descriptor is not achieved</u>: Insert activity status. If abbreviated use a mandatory abbreviation. (Use for RD activities) Matters of discretion are restricted to: 1 insert <u>reference to</u> matter <u>of discretion</u> 2 insert <u>reference to</u> matter <u>of discretion</u>. The following rule requirements apply: 1 <u>insert reference to rule requirement/s.</u> Notification: Insert notification detail, if any.
	This cell is required for restricted discretionary activities. Activity status: Insert activity status. If abbreviated use a mandatory abbreviation. Where: Insert rule descriptor:	This cell is required for restricted discretionary activities if the rule includes rule ~~descriptors~~<u>requirements</u>. Activity status when compliance <u>with a rule descriptor is not achieved</u>: Insert activity status. If abbreviated use a mandatory

	1 insert rule detail 2 insert rule detail 3 insert rule detail. Matters of discretion are restricted to: 1 insert <u>reference to</u> matter <u>of discretion</u> 2 insert <u>reference to</u> matter <u>of discretion</u>. Where this activity complies with the following rule requirements: 1 insert reference to rule requirement/s. Notification: Insert notification detail, if any. <u>This rule replaces the following rule/s:</u> <u>1 insert reference to rule/s</u>	abbreviation. <u>The following rule requirements apply:</u> <u>1 insert reference to rule requirement/s.</u> Notification: Insert notification detail, if any.
	This cell is required for discretionary activities. Activity status: Insert activity status. If abbreviated use a mandatory abbreviation. Where: Insert rule descriptor: 1 insert rule detail 2 insert rule detail 3 insert rule detail. Where this activity complies with the following rule requirements: 1 insert reference to rule requirement/s. Notification: Insert notification detail, if any. <u>This rule replaces the following rule/s:</u> <u>1 insert reference to rule/s</u>	This cell is required for discretionary activities if the rule includes rule <u>descriptors</u>~~requirements~~. Activity status when compliance <u>with a rule descriptor is not achieved</u>: Insert activity status. If abbreviated use a mandatory abbreviation. <u>The following rule requirements apply:</u> <u>1 insert reference to rule requirement/s.</u> Notification: Insert notification detail, if any.
	This cell is required for non-complying activities. Activity status: Insert activity status. If abbreviated use a mandatory abbreviation. Where: Insert rule descriptor: 1 insert rule detail 2 insert rule detail 3 insert rule detail. Where this activity complies with the following rule requirements: 1. insert reference to rule requirement/s. Notification: Insert notification detail, if any. <u>This rule replaces the following rule/s:</u> <u>1 insert reference to rule/s</u>	This cell is required for non-complying activities if the rule includes rule <u>descriptors</u>~~requirements~~. Activity status when compliance <u>with a rule descriptor is not achieved</u>: Insert activity status. If abbreviated use a mandatory abbreviation. <u>The following rule requirements apply:</u> <u>1 insert reference to rule requirement/s.</u> Notification: Insert notification detail, if any

	This cell is required for prohibited activities. Activity status: Insert activity status, if abbreviated use a mandatory abbreviation. Where: Insert rule descriptor: 1 insert rule detail 2 insert rule detail 3 insert rule detail.	

Table 27: Rule requirements table

Insert rule requirement number in the format required by the F-6: Status of Rules and Other Text and Numbering Form Standard	Insert rule requirement title	
This cell is to be used when rule requirements are applied on an area specific basis (ie, zones or to spatial planning tools) Insert name of relevant spatial planning tool Or Insert name of relevant zone/s zone or all zones	1 Insert rule requirement matter 2 Insert rule requirement matter If not applicable N/ A	Activity status when compliance with the rule requirement is not achieved: <u>Insert activity status. If abbreviated use a mandatory abbreviation.</u> <u>(Use for C activities)</u> Matters over which control is reserved: 1 <u>insert reference to matter of control</u> 2 <u>insert reference to matter of control.</u> <u>(Use for RD activities)</u> Matters of discretion are restricted to: 1 <u>insert reference to matter of discretion</u> 2 <u>insert reference to matter of discretion.</u> The following additional rule requirements apply: 1 <u>insert reference to rule requirement/s.</u> Notification: <u>Insert notification detail, if any</u>

Table 28: Matters of control table

<u>Insert matter of control number in the format required by the F-6: Status of Rules and Other Text and Numbering Form Standard</u>	Matters of control are reserved to: 1 <u>Insert matter of control</u> 2 <u>Insert matter of control</u>	The following assessment criteria will be considered: 1 <u>Insert assessment criterion</u> 2 <u>Insert assessment criterion</u>

Table 29: Matters of discretion table

<u>Insert matter of control number in the format required by the F-6: Status of Rules and Other Text and Numbering Form Standard</u>	Matters of discretion are restricted to: 3 <u>Insert matter of discretion</u> 4 <u>Insert matter of discretion</u>	The following assessment criteria will be considered: 5 <u>Insert assessment criterion</u> 6 <u>Insert assessment criterion</u>

Medium Density Residential zone

[Mixed Housing Urban zone under the AUP]

Rules

MDR – R1	Camping Grounds	
	Activity Status: D	
MDR – R2	Dwellings	
	Activity Status: P Where: 1 There are up to three dwellings per site. The following rule requirements apply: 1 MDR – REQ4 2 MDR – REQ5 3 MDR – REQ8 4 MDR – REQ9 5 MDR – REQ10 6 MDR – REQ11 7 MDR – REQ12 8 MDR – REQ13 9 MDR – REQ14 10 MDR – REQ15	Activity status when compliance with a rule descriptor is not achieved: RD Matters of discretion are restricted to: 1 MRD – MOD2 2 MRD – MOD3 3 MRD – MOD4 4 MRD – MOD5 5 All of the following rule requirements: a MDR – REQ9 b MDR – REQ10 c MDR – REQ11 d MDR – REQ12 e MDR – REQ13 f MDR – REQ14 g MDR – REQ15 h MDR – REQ16 The following rule requirements apply: 1 MDR – REQ4 2 MDR – REQ5 3 MDR – REQ6 4 MDR – REQ8 Notification: Will be considered without public or limited notification or the need to obtain written approval from affected parties.
MDR – R3	The conversion of a principal dwelling into a maximum of two dwellings	
	Activity Status: P Where: 1 The principal dwelling existed on 30 September 2013 The following rule requirements apply: 1 MDR – REQ3 This rule replaces the following rules: 1 MDR – R2	Activity status when compliance with a rule descriptor is not achieved: The activity status that applies under rule MDR – R2.

MDR – R4	Home Occupations	
	Activity Status: P The following rule requirements apply: 1 MDR – REQ2	
MDR – R5	Integrated Residential Development	
	Activity Status: RD Where: 1 The site area is greater than 2,000 m². Matters of discretion are restricted to: 1 MRD – MOD2 2 MRD – MOD3 3 MRD – MOD4 4 MRD – MOD5 5 MRD – MOD5 6 all of the following rule requirements: a MDR – REQ9 b MDR – REQ10 c MDR – REQ11 d MDR – REQ12 e MDR – REQ13 f MDR – REQ14 g MDR – REQ15 h MDR – REQ16 (except for retirement villages) The following rule requirements apply: 1 MDR – REQ4 2 MDR – REQ5 3 MDR – REQ6 4 MDR – REQ8 Notification: Will be considered without public or limited notification or the need to obtain written approval from affected parties. This rule replaces the following rules: 1 MDR – R2 2 MDR – R6 3 MDR – R7 4 MDR – R12 5 MDR – R13 6 MDR – R17	Activity status when compliance with a rule descriptor is not achieved: The activity status under rules MDR – R2, MDR – R6, MDR – R7, MDR – R12, MDR – R13, MDR – R17 and/or MDR – R27.

MDR – R6	Supported residential care	
	Activity Status: P Where: 1 The activity accommodates up to 10 people per site inclusive of staff and residents. The following rule requirements apply: 1 MDR – REQ4 2 MDR – REQ5 3 MDR – REQ8 4 MDR – REQ9 5 MDR – REQ10 6 MDR – REQ11 7 MDR – REQ12 8 MDR – REQ13 9 MDR – REQ14 10 MDR – REQ15	Activity status when compliance with a rule descriptor is not achieved: RD Matters of discretion are restricted to: 1 MRD – MOD2 2 MRD – MOD3 3 MRD – MOD4 4 MRD – MOD5 5 MRD – MOD5 The following rule requirements apply: 1 MDR – REQ4 2 MDR – REQ5 3 MDR – REQ6 4 MDR – REQ8
MDR – R7	Boarding houses	
	Activity Status: P Where: 1 The activity accommodates up to 10 people per site inclusive of staff and residents. The following rule requirements apply: 1 MDR – REQ4 2 MDR – REQ5 3 MDR – REQ8 4 MDR – REQ9 5 MDR – REQ10 6 MDR – REQ11 7 MDR – REQ12 8 MDR – REQ13 9 MDR – REQ14 10 MDR – REQ15	Activity status when compliance with a rule descriptor is not achieved: RD Matters of discretion are restricted to: 1 MRD – MOD2 2 MRD – MOD3 3 MRD – MOD4 4 MRD – MOD5 5 MRD – MOD5 The following rule requirements apply: 1 MDR – REQ4 2 MDR – REQ5 3 MDR – REQ6 4 MDR – REQ7 5 MDR – REQ8
MDR – R8	Visitor Accommodation	
	Activity Status: P Where: 1 The activity accommodates up to 10 people per site inclusive of staff and residents. The following rule requirements apply: 1 MDR – REQ4 2 MDR – REQ5 3 MDR – REQ8 4 MDR – REQ9 5 MDR – REQ10 6 MDR – REQ11 7 MDR – REQ15	Activity status when compliance with a rule descriptor is not achieved: RD Matters of discretion are restricted to: 1 MRD – MOD2 2 MRD – MOD3 3 MRD – MOD4 4 MRD – MOD5 5 MRD – MOD5 The following rule requirements apply: 1 MDR – REQ4 2 MDR – REQ5 3 MDR – REQ6 4 MDR – REQ8

MDR – R9	Dairies	
	Activity Status: RD Where: 1 The activity's gross floor area per site is a maximum of 100 m². Matters of discretion are restricted to: 1 MRD – MOD2 2 MRD – MOD3 3 MRD – MOD4 4 MRD – MOD5 5 MRD – MOD5 The following rule requirements apply: 1 MDR – REQ4 2 MDR – REQ5 3 MDR – REQ6 4 MDR – REQ8 5 MDR – REQ9 6 MDR – REQ10 7 MDR – REQ15	Activity status when compliance with a rule descriptor is not achieved: NC
MDR – R10	Restaurants and Cafés	
	Activity Status: D Where: 1 The activity's gross floor area per site is a maximum of 100 m².	Activity status when compliance with a rule descriptor is not achieved: NC
MDR – R11	Service Stations	
	Activity Status: D Where: 1 The site fronts an arterial road.	Activity status when compliance with a rule descriptor is not achieved: NC
MDR – R12	Care Centres	
	Activity Status: P Where: 1 The activity accommodates up to 10 people per site excluding staff. The following rule requirements apply: 1 MDR – REQ4 2 MDR – REQ5 3 MDR – REQ8 4 MDR – REQ9 5 MDR – REQ10 6 MDR – REQ11 7 MDR – REQ15	Activity status when compliance with a rule descriptor is not achieved: RD Matters of discretion are restricted to: 1 MRD – MOD2 2 MRD – MOD3 3 MRD – MOD4 4 MRD – MOD5 5 MRD – MOD5 The following rule requirements apply: 1 MDR – REQ4 2 MDR – REQ5 3 MDR – REQ6 4 MDR – REQ8 5 MDR – REQ9 6 MDR – REQ10 7 MDR – REQ11 8 MDR – REQ15

MDR – R13	Community Facilities	
	Activity Status: RD The following rule requirements apply: 1 MDR – REQ4 2 MDR – REQ5 3 MDR – REQ8 4 MDR – REQ9 5 MDR – REQ10 6 MDR – REQ11 7 MDR – REQ15	
MDR – R14	Education Facilities	
	Activity Status: D	
MDR – R15	Tertiary Education Facilities	
	Activity Status: D	
MDR – R16	Emergency Services	
	Activity Status: D Where: 1 The site fronts an arterial road.	Activity status when compliance with a rule descriptor is not achieved: NC
MDR – R17	Healthcare Facilities	
	Activity Status: RD Where: 1 The activity's gross floor area per site is a maximum of 100 m². The following rule requirements apply: 1 MDR – REQ4 2 MDR – REQ5 3 MDR – REQ8 4 MDR – REQ9 5 MDR – REQ10 6 MDR – REQ11 7 MDR – REQ15	Activity status when compliance with a rule descriptor is not achieved: D
MDR – R18	Veterinary Clinics	
	Activity Status: D	
MDR – R19	Grazing of Livestock	
	Activity Status: P Where: 1 The net site area is greater than 2,000 m².	Activity status when compliance with a rule descriptor is not achieved: NC
MDR – R20	Marae Complex	
	Activity Status: D	
MDR – R21	Demolition of Buildings	
	Activity Status: P	

MDR – R22	Internal and External Alterations to Buildings	
	Activity Status: P The following rule requirements apply: 1 MDR – REQ4 2 MDR – REQ5 3 MDR – REQ8 4 MDR – REQ9 5 MDR – REQ10 6 MDR – REQ11 7 MDR – REQ12 8 MDR – REQ13 9 MDR – REQ14 10 MDR – REQ15 11 MDR – REQ16	
MDR – R23	Accessory Buildings	
	Activity Status: P The following rule requirements apply: 1 MDR – REQ4 2 MDR – REQ5 3 MDR – REQ8 4 MDR – REQ9 5 MDR – REQ10	
MDR – R24	Additions to an Existing Dwelling	
	Activity Status: P The following rule requirements apply: 1 MDR – REQ4 2 MDR – REQ5 3 MDR – REQ8 4 MDR – REQ9 5 MDR – REQ10 6 MDR – REQ11 7 MDR – REQ12 8 MDR – REQ13 9 MDR – REQ14 10 MDR – REQ15 11 MDR – REQ16 This rule replaces the following rules: 1 MDR – R25	
MDR – R25	Additions to an Existing Building	
	Activity Status: The activity status that applies to the land use activity that the addition is designed to accommodate (MDR – R1 to MDR – R20).	
MDR – R26	New Buildings	
	Activity Status: The activity status that applies to the land use activity that the addition is designed to accommodate (MDR – R1 to MDR – R20).	

MDR – R27	Activities Not Provided For	
	Activity Status: NC	

Rule Requirements

MDR – REQ2	Home Occupations	
	<i>[Insert Standard H5.6.2 of AUP]</i>	Activity status when compliance with the rule requirement is not achieved: D
MDR – REQ3	Conversion of a Principal Dwelling into a Maximum of Two Dwellings	
	<i>[Insert Standard H5.6.3 of AUP]</i>	Activity status when compliance with the rule requirement is not achieved: RD Matters of discretion are restricted to: 1 <i>[Insert section C1.9(3) of AUP]</i>
MDR – REQ4	Building height	
	<i>[Insert Standard H5.6.4 of AUP]</i>	Activity status when compliance with the rule requirement is not achieved: RD Matters of discretion are restricted to: 1 MRD – MOD1
MDR – REQ5	Height in relation to boundary	
	<i>[Insert Standards H5.6.5 and H5.6.7 of AUP]</i>	Activity status when compliance with the rule requirement is not achieved: RD For activities within 20 m of the site frontage, matters of discretion are restricted to: 1 MRD – MOD7 2 MRD – MOD8 3 MRD – MOD9 For activities within 20 m of the site frontage, the following additional rule requirements apply: 1 MDR – REQ6 For activities more than 20 m of the site frontage, matters of discretion are restricted to: 1 MRD – MOD1
MDR – REQ6	Alternative height in relation to boundary	
	<i>[Insert Standard H5.6.6 of AUP]</i>	Activity status when compliance with the rule requirement is not achieved: RD Matters of discretion are restricted to: 1 MRD – MOD1

MDR – REQ8	Yards	
	<i>[Insert Standard H5.6.8 of AUP]</i>	Activity status when compliance with the rule requirement is not achieved: RD Matters of discretion are restricted to: 1 MRD – MOD1
MDR – REQ9	Maximum impervious area	
	<i>[Insert Standard H5.6.9 of AUP]</i>	Activity status when compliance with the rule requirement is not achieved: RD Matters of discretion are restricted to: 1 MRD – MOD1
MDR – REQ10	Building coverage	
	<i>[Insert Standard H5.6.10 of AUP]</i>	Activity status when compliance with the rule requirement is not achieved: RD Matters of discretion are restricted to: 1 MRD – MOD1
MDR – REQ11	Landscaped area	
	<i>[Insert Standard H5.6.11 of AUP]</i>	Activity status when compliance with the rule requirement is not achieved: RD Matters of discretion are restricted to: 1 MRD – MOD1
MDR – REQ12	Outlook space	
	<i>[Insert Standard H5.6.12 of AUP]</i>	Activity status when compliance with the rule requirement is not achieved: RD Matters of discretion are restricted to: 1 MRD – MOD1
MDR – REQ13	Daylight	
	<i>[Insert Standard H5.6.13 of AUP]</i>	Activity status when compliance with the rule requirement is not achieved: RD Matters of discretion are restricted to: 1 MRD – MOD1
MDR – REQ14	Outdoor living space	
	<i>[Insert Standard H5.6.14 of AUP]</i>	Activity status when compliance with the rule requirement is not achieved: RD Matters of discretion are restricted to: 1 MRD – MOD1

MDR – REQ15	Front, side and rear fences and walls	
	<i>[Insert Standard H5.6.15 of AUP]</i>	Activity status when compliance with the rule requirement is not achieved: RD Matters of discretion are restricted to: 1 MRD – MOD1
MDR – REQ16	Minimum dwelling size	
	<i>[Insert Standard H5.6.16 of AUP]</i>	Activity status when compliance with the rule requirement is not achieved: RD Matters of discretion are restricted to: 1 MRD – MOD1

Matters of Discretion and Assessment Criteria

MDR – MOD1	Matters of discretion are restricted to: 1 any policy which is relevant to the standard; 2 the purpose of the standard; 3 the effects of the infringement of the standard; 4 the effects on the rural and coastal character of the zone; 5 the effects on the amenity of neighbouring sites; 6 the effects of any special or unusual characteristic of the site which is relevant to the standard; 7 the characteristics of the development; 8 any other matters specifically listed for the standard; and 9 where more than one standard will be infringed, the effects of all infringements.	The following assessment criteria will be considered: <i>[Insert sections H5.8.2(4), H5.8.2(6), H5.8.2(7), H5.8.2(8), H5.8.2(9), H5.8.2(10), H5.8.2(11), H5.8.2(12), H5.8.2(13), H5.8.2(14), H5.8.2(15), H5.8.2(16) and H5.8.2(17) of AUP]</i>
MDR – MOD2	Matters of discretion are restricted to: 1 Infrastructure and servicing	The following assessment criteria will be considered: 1 Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development. 2 Where adequate network capacity is not available, whether adequate mitigation is proposed.

MDR – MOD3	Matters of discretion are restricted to: 1 the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from building intensity, scale, location, form and appearance	The following assessment criteria will be considered: 1 whether the intensity and scale of the activity, the building location, form and appearance is compatible with the character and residential amenity provided for within the zone and compatible with the surrounding residential area.
MDR – MOD4	Matters of discretion are restricted to: 1 the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from traffic	The following assessment criteria will be considered: 1 whether the activity avoids or mitigates high levels of additional non-residential traffic on local roads.
MDR – MOD5	Matters of discretion are restricted to: 1 the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from design of parking and access	The following assessment criteria will be considered: 1 whether adequate parking and access is provided or required.
MDR – MOD6	Matters of discretion are restricted to: 1 the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from noise, lighting and hours of operation	The following assessment criteria will be considered: 1 whether noise and lighting and the hours of operation of the activity avoids, remedies or mitigates adverse effects on the residential amenity of surrounding properties, by: • locating noisy activities away from neighbouring residential boundaries; • screening or other design features; and • controlling the hours of operation and operational measures.
MDR – MOD7	Matters of discretion are restricted to: 1 Sunlight access	The following assessment criteria will be considered: 1 Whether sunlight access to the outdoor living space of an existing dwelling on a neighbouring site satisfies four hours of sunlight is retained between the hours of 9am – 4pm during the Equinox (22 September): • over 75% of the existing outdoor living space where the area of the space is greater than the minimum required by MDR – REQ14: or

		• over 100% of existing outdoor living space where the area of this space is equal to or less than the minimum required by MDR – REQ14. 2 In circumstances where sunlight access to the outdoor living space of an existing dwelling on a neighbouring site is less than the outcome referenced in 1 above: • The extent to which there is any reduction in sunlight access as a consequence of the proposed development, beyond that enabled through compliance with Standard H5.6.5 Height in relation to boundary control; and • The extent to which the building affects the area and duration of sunlight access to the outdoor living space of an existing dwelling on a neighbouring site, taking into account site orientation, topography, vegetation and existing or consented development.
MDR – MOD8	Matters of discretion are restricted to: 1 Attractiveness and safety of the street	The following assessment criteria will be considered: 1 The extent to which those parts of the buildings located closest to the front boundary achieve attractive and safe streets by: • providing doors, windows and balconies facing the street; • optimising front yard landscaping; • providing safe pedestrian access to buildings from the street; and • minimising the visual dominance of garage doors as viewed from the street.

MDR – MOD9	Matters of discretion are restricted to: 1 Overlooking and Privacy.	The following assessment criteria will be considered: 1 The extent to which direct overlooking of a neighbour's habitable room windows and outdoor living space is minimised to maintain a reasonable standard of privacy, including through the design and location of habitable room windows, balconies or terraces, setbacks, or screening.



DRAFT NATIONAL PLANNING STANDARDS

Ministry for the Environment
PO Box 10362
Wellington 6143

[REDACTED]
[REDACTED]
[REDACTED]

Contact: Bob Penter, Chief Executive

6 August 2018

Draft Planning Standards 2018
planningstandards@mfe.govt.nz

Ministry for the Environment
PO Box 10362
Wellington 6143

E te Rangatira o te Manatuu Taiao, teenaa koe,

The Waikato River Authority (the Authority) supports the purpose of the National Planning Standards to provide greater consistency of Resource Management Act 1991 plans and policy statements, in particular as it relates to achieving the Vision and Strategy (Te Ture Whaimana) for the Waikato and Waipaa Rivers and its catchments.

WAIKATO RIVER AUTHORITY AND VISION AND STRATEGY (TE TURE WHAIMANA) FOR THE WAIKATO RIVER

The Waikato River Authority is an independent statutory body formed in 2010 under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and the Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, with additional responsibilities arising from the Ngā Wai o Maniapoto (Waipā River) Act 2012.

The Authority has ten Board Members who are appointed by the River iwi (5) and Ministers of the Crown (5), in particular the Minister for the Environment. The Authority is the sole Trustee of the Waikato River Clean-up Trust whose role is to fund projects which meet the purpose of the Authority.

The purpose of the Waikato River Authority is to:

1. set the primary direction through the Vision and Strategy to achieve the restoration and protection of the health and wellbeing of the Waikato River for future generations
2. promote an integrated, holistic, and co-ordinated approach to the implementation of the Vision and Strategy and the management of the Waikato River
3. fund rehabilitation initiatives for the Waikato River in its role as trustee for the Waikato River Clean-up Trust.

The National Planning Standards assists the Authority to achieve purpose two, promoting a co-ordinated approach to the implementation of the Vision & Strategy.

The three Acts of Parliament that relate to the management of the Waikato River and its catchment (Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, Ngā Wai o Maniapoto (Waipā River) Act 2012) all provide legislative recognition of the Vision and Strategy for the Waikato River.

The Vision & Strategy (Te Ture Whaimana) for the Waikato River is the primary direction-setting document for the Waikato River and has the status of a National Policy Statement, prevailing over any inconsistent provision in any other National Policy Statement and the New Zealand Coastal Policy Statement, where there is a conflict. This is described in Figure 1.



Figure 1 – Vision & Strategy legislative structure

The Vision & Strategy contains a set of objectives and strategies for the restoration and protection of the health and wellbeing of the Waikato River for present and future generations. These are as follows:

- a. The restoration and protection of the health and wellbeing of the Waikato River.
- b. The restoration and protection of the relationship of Waikato-Tainui with the Waikato River, including their economic, social, cultural, and spiritual relationships.
- c. The restoration and protection of the relationship of Waikato River iwi according to their tikanga and kawa, with the Waikato River, including their economic, social, cultural and spiritual relationships.
- d. The restoration and protection of the relationship of the Waikato region's communities with the Waikato River including their economic, social, cultural and spiritual relationships.
- e. The integrated, holistic and coordinated approach to management of the natural, physical, cultural and historic resources of the Waikato River.
- f. The adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River, and in particular those effects that threaten serious or irreversible damage to the Waikato River.
- g. The recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within its catchments on the health and wellbeing of the Waikato River.
- h. The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities.

- i. The protection and enhancement of significant sites, fisheries, flora and fauna.
- j. The recognition that the strategic importance of the Waikato River to New Zealand's social, cultural, environmental and economic wellbeing is subject to the restoration and protection of the health and wellbeing of the Waikato River.
- k. The restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length.
- l. The promotion of improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities.
- m. The application to the above of both Mātauranga Māori and latest available scientific methods.

The objectives within the Vision & Strategy encompass all people of the River and their relationships with it – through their communities, industries, recreation, social and cultural pursuits. It will take commitment and time to restore and protect the health and wellbeing of the Waikato River. Only by us all working together collaboratively and cooperatively in a coordinated approach will the Vision be realised.

WRA VIEWS ON THE DRAFT NATIONAL STANDARDS

General

- 1. The Waikato River Authority supports the purpose of the planning standards to provide greater consistency of Resource Management Act 1991 plans and policy statements developed in New Zealand.

Specific Points

- 2. The Planning Standards must provide for existing or pending treaty legislation and regional or local statutory documents (e.g. Vision and Strategy). This is particularly important in the Waikato Region where there are multiple natural resource settlements that apply to one regional council, one city council and 10 district councils.
- 3. The Taangata Whenua section (part two) should also provide for references or links to regionally specific legislation and statutory documents (e.g. treaty settlements, Vision and Strategy for the Waikato River).
- 4. Representation of the each of the treaty settlements is best provided from the iwi themselves. This would ensure consistency in description, application and expectation within the relevant council plans.
- 5. Could Ministry Officials clarify why the Coastal Marine Area does not have its own chapter, or will this be included in the coastal environment chapter?

Special Topics Chapter

- 6. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement 2010 (Waikato River Settlement) states that in relation to Sections 11 to 15, of the Waikato River Settlement, have effect to the extent to which the content of the vision and strategy relates to matters covered by the Resource Management Act 1991. Also, that Sections 11 to 15 prevail over sections 59 to 77 of the Resource Management Act 1991. Sections as significant as this should be clearly noted in all planning documents to which they apply. This is required to clarify where there is

inconsistency or conflict between national planning standards, national direction and regional direction (e.g. the Vision and Strategy).

7. The Waikato River Settlement provides for any amendments to the Vision & Strategy to be included directly into the Regional Policy Statement, and consequently amended to ensure that the RPS is not inconsistent with the Vision & Strategy. The Waikato Regional Council is not required to undertake a Schedule 1 process to give effect to the amended, or reviewed, Vision & Strategy. The Authority recommends that the Planning Standards confirm this process as it applies to the Waikato Regional Council.
8. The Authority supports the inclusion of catchments chapters as this would allow for better representation of catchment values to Hapuu, Marae and communities. Achieving the objectives of the Vision & Strategy at a small scale would be better support catchment-based integration at a regional level.
9. The Authority recommends including a new chapter under part 1 (introduction) for Regional Policy Statements, Regional Plans and District Plans, to include regional direction that is specific or unique to a region (e.g. the Vision & Strategy). National direction that applies to specific regions is currently not provided for.
10. The Authority recommends that statutory objectives, policies and methods from other documents (e.g. the Vision and Strategy) are referenced in the national planning standards to then be included in all planning documents to which it applies.
11. The Authority supports the development of appropriate symbols for iwi maaori related features in regional maps, to be confirmed by iwi within regions.

CONCLUSION

The Waikato River Authority thanks the Ministry for this opportunity in considering our submission. The Authority reiterates our support for the purpose of the National Planning Standards. The Authority looks forward to continued engagement, alongside Iwi and the community to restore and protect the health and wellbeing of the Waikato and Waipaa Rivers for future generations.

Yours sincerely



Robert Penter
Chief Executive

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*		
Organisation (if applicable)		
Address		
Phone		
Email*		
Submitter type*	Individual☐ NGO☐ Business / Industry☐ Local government☒ Central government☐ Iwi☐ Other (please specify)☐ Click here to enter text.	

* 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?

Qualified Yes (if significant resourcing provided)

☐ No

Rotorua Lakes Council supports the National Planning Standards on the condition that significant resourcing is provided for implementation.

The Council supports the objectives of the standard and is positive about the benefits that could be realised. However, the Council is also cognisant of the enormity of the task of implementing the standards and the drain it will put on planning resources.

Government should consider the national planning standards a project of national significance and resource it as such. The Council also emphasises that the benefits are national with costs unlikely to outweigh benefits in small and regional centres. This reinforces the need for national resourcing.

If sufficient resources cannot be provided to assist local authorities then timeframes should be extended to allow Councils to align substantive changes with plan review and reduce costs.

The Council welcomes the opportunity to be further involved as a test case if resources are provided to assist with implementation of the standards.

2. S-RPS: Regional policy statement structure standard

Rotorua Lakes Council has focused its attention on district plan standards and has no comments on this standard.

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

Rotorua Lakes Council has focused its attention on district plan standards and has no comments on this standard.

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

The Rotorua District Plan, at a high level, has a reasonable level of consistency with the District plan structure standard. That is, it has a section addressing strategic directions; both topic (district wide) and zone chapters; and rules placed in the same chapters as objectives and policies.

However, at the provision level, significant work is needed to address the structure standard, for example:

- relocating topic-based provisions (e.g. hazards, cultural heritage rules) and general controls (e.g. signs) from zone chapters to their own district-wide chapters.
- integrating the Lakes A Zone provisions, which is written differently (effects based) and reads as a separate plan, into the same structure as the rest of the plan.

- shifting provisions from appendices to the core plan (for example earthworks standards and standards to address section 6 of the Act)
- ungrouping policies with relevant objectives
- finding a 'home' for provisions addressing iwi economic resources that do not appear consistent with either zone chapters or the Tangata Whenua Structure Standard.
- integrating the part of our plan that addresses section 6 of the Act into either district-wide matters or Part 3 Strategic Directions.

Given the age of the Rotorua District Plan these changes would occur ahead of the review of the majority of the plan to meet the proposed implementation timeframes. This will add cost to our community and consume a substantial amount of our limited planning resources. Nonetheless, the Council supports the standard, as it recognises that implementing the structure standard would achieve a large increase in national consistency.

In terms of detail, the Council is unclear as to where esplanade reserve provisions should be located. The Council is also unclear as to the process that must be used to undertake the relocation of content into Part 3 that does not sit in a strategic-directions section of a current district plan.

Rotorua Lakes Council seeks:

- Clarification of whether the rehousing and 'elevation' of provisions that currently sit outside our existing strategic directions chapter into Part 3 Strategic Directions would require a Schedule 1 process (discussed further in the Strategic Directions Standard)
- Clarification of where to locate esplanade reserve provisions.

5. S-CP: Combined plan structure standard

Rotorua Lakes Council has focused its attention on district plan standards and has no comments on this standard.

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

[Click here to enter text.](#)

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

Rotorua Lakes Council considers the tangata whenua structures standard should be removed as it provides no environmental benefit, will leave councils open to challenge and requires significant resourcing to populate.

It is noted that the content envisaged is not 'core' plan provisions in terms of section 35(2) (issues, objectives, policies, methods, rules, ERAs, monitoring and information to be included in resource consents that requires a plan change). This raises questions as to whether the development new content and maintenance of content for Part 2 would require a Schedule 1 process – some argue that non-core provisions outside of s75(2) do not require a plan change.

Rotorua Lakes Council is also unclear as to whether existing objectives and policies addressing decision-making can be located in the Tangata Whenua chapter, as there is no mention of objectives and policies.

The Council also notes that the chapter outline is not consistent with instruction 3 of the Chapter Form standard, which instructs the part to follow a more usual chapter outline.

Rotorua Lakes Council seeks:

- removal of the Tangata whenua structure standard (there would, however, need to be a place in the standardised plan for our existing objectives and policies addressing decision making to be located).

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

No specific mention of the use of te reo was found in the standard.

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

The Rotorua District Plan contains a chapter titled 'Matters of National and Strategic Importance', which generally aligns with the Draft Strategic Directions Standard.

However, the Council is unclear as to whether a Schedule 1 process must be used to 'elevate' provisions that do not currently sit within a strategic-direction-type part of a District Plan into Part 3. This is particularly important for those territorial authorities that do not already have such a section in their plan. In the case of Rotorua, the question potentially arises in relation to the

rehousing of objectives and policies from our current Iwi Cultural and Historic Heritage and Economic Resources chapter.

The Council is also unclear as to the effect of the last bullet point in instruction 3. Would it require all objectives and policies relating to implementation of Maori resource management provisions in Part 2 of the RMA to be located in the strategic direction chapter? For example, would it require wahi tapu objectives and policies (but not rules) to be located in the strategic direction chapter, as opposed to the Community Values chapter (as these provisions give effect to section 6 (f))? This appears inconsistent with the District Wide Matters Standard.

Rotorua Lakes Council seeks:

- Clarification of the process used to 'elevate' provisions that do not currently sit within a strategic-direction-type part of a District Plan.
- Clarification of the last bullet point in instruction 3.

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

Rotorua Lakes Council's submission on the District Wide Matters Standard is similar to that for the District Plan Structure Standard. That is, the Council notes it will need to undertake significant work to align the District Plan with the standard. The Council is supportive for the reasons of national consistency, provided that significant assistance is provided.

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

[Click here to enter text.](#)

a. Zone framework (individual and range)

The Rotorua District Plan, no doubt like many other district plans, would require a consolidation of zones combined with the creation of new precincts and overlays to retain the intent of the current plan while achieving consistency with the draft zone

framework. This will be a complex process and must be undertaken ahead of review of the majority of the plan (which is not due to commence until 2026).

The Council also notes the complexity it will face integrating the effects-based Lakes A zone provisions with the remainder of the Rotorua District Plan to achieve the required district plan structure and limited number of zones. The national planning standards are likely to drive a reduction in the uniqueness of provisions for this special environment.

The Council remains positive about the task ahead but questions whether the direction to align zones to a standard set needs to be drafted as a discretionary direction. The Schedule 1 process will add significant costs and may raise expectations of stakeholders for substantive review of zones. Independent peer review is suggested as an option to provide confidence to the Council and stakeholders that the alignment has occurred correctly where no Schedule 1 process is used.

The Council is also unclear, from the text of the standards and legislation, the process that must be used to create the additional precincts and overlays to retain plan intent in the situation that changes to implement the standard are made ahead of plan review. The wording of 581(4)(d) (consequential changes) does not appear broad enough to encompass this work.

Rotorua Lakes Council seeks:

- Redrafting of the national planning standards to avoid the Schedule 1 process for aligning zones – at least where the original intent of the plan is retained.
- Consideration of a non-statutory central government peer review of whether changes are consistent with the original intent and standards (where Schedule 1 process is avoided).
- Clarification of the process used to create precincts and overlays to retain plan intent while aligning zones.

b. Purpose statements

Rotorua Lakes Council notes an issue with the purpose statement for the Mixed-use zone. The current wording can be read as requiring that the zone provide for all of residential, commercial, light industrial, recreational and community activities; but our mixed-use type zones do not provide for light industrial activities.

Rotorua Lakes Council seeks review of the purpose statement for the Mixed-use zone.

c. Additional special purpose zones and criteria

The Rotorua District Plan will require a special purpose zone for water. The Council notes special local context of Te Arawa ownership of the lakebeds and high recreational values.

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

[Click here to enter text.](#)

12. F-1: Electronic accessibility and functionality standard

[Click here to enter text.](#)

a. Standard baseline requirements

Rotorua Lakes Council supports some of the requirements and considers they provide clarity around fundamental expectations (such as key word search functionality, tabulation (bookmarking) of sections for easier navigation and distinguishing plan-types in combined plans).

However, the Council opposes instructions 7 and 11.

Instruction 7 – It would be a large task to identify all rules in the plan that require notes to refer to other plans; and it would be difficult to keep this information up-to-date. Limited planning resources are better spent on other tasks.

Instruction 11 – The requirement to provide all versions of the current plan since first becoming operative on the website (while also fulfilling the requirement to show the legal status of provisions) would mean at least 6 versions of a plan must be available for every plan change: notification version, post-submissions version showing rules treated operative because there are no submissions, post-decisions version showing changes made in response to submissions, post-appeal period version showing further provisions treated as operative, post-consent order/Environment Court decisions (perhaps several) and operative version. If plan changes overlap in time this creates further complexity and plan versions. It is impractical for Councils using pdf files to provide all these versions on their website.

The Council also believes instructions 10 and 15 overlap in relation to the legal status of provisions.

Rotorua Lakes Council seeks:

- removal of requirement 7
- delay of the requirement to display all versions of the current plan until implementation of an e-Plan
- review of instructions 10 and 15.

b. Level 5 requirements

Rotorua Lakes Council suggests consideration is given to what record keeping and functionality is required in relation to the historic map changes for e-Plans.

13. F-2: Mapping standard

Rotorua Lakes Council has had limited time to consider the draft mapping standard. In principle, it supports the concept of standardised mapping colours and symbology but considers that further work is needed.

a. Zone colour palette

The bold colours of the draft colour scheme are not appropriate for hard-copy maps. Hard copy maps layer zones and overlays on top of each other, potentially with underlying aerial photography or topographic maps for context. Pastel colours with transparency work better.

b. Symbology

One type of polygon is not appropriate for hazards. There is a need to show different types (and potentially overlapping) hazard overlays.

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

Rotorua Lakes Council has focused its attention on district plan standards and has no comments on this standard.

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

[Click here to enter text.](#)

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

The term precinct has an urban connotation. Consideration could be given to an alternative term that also encompasses other types of environment.

e. Specific control

[Click here to enter text.](#)

f. Development areas

[Click here to enter text.](#)

g. Designation

16. F-5: Chapter Form standard

[Click here to enter text.](#)

a. Chapter form

The Rotorua District Plan contains substantial sections in each chapter on methods of assessment of discretionary and non-complying activities (that is, assessment criteria for such activities). The Council seeks clarification of whether the intended effect of the Chapter Form standard is to preclude this content (the standard states that chapters within Part 2 – Tangata Whenua, Part 3 – District-Wide Matters and Part 4- Area-Specific Matters must use the order of headings below but arguably it could be possible to include assessment criteria under the Rules heading). The Council is also unclear as to whether a Schedule 1 plan change would be required to delete the assessment criteria.

The Council also notes that instruction 3, which instructs the headings for chapters within Part 2, is not consistent with the content of the chapters identified in the Tangata Whenua Structure Standard. The Council is unclear as to whether the effect of both standards is to allow objectives, policies and rules in the Tangata Whenua Structure Standard, or not.

Rotorua Council seeks:

- Clarification of whether assessment criteria for discretionary and non-complying

activities must be deleted the process to delete these if required.

- Review of the Tangata Whenua Structure Standard.

b. Rules

[Click here to enter text.](#)

c. Rule tables

Rotorua Lakes Council understands that to achieve the objective of increased national consistency rules are critical. It is often the rules that are the focus of plan users. However, the Council questions whether sufficient testing has occurred to ensure the draft format provides an appropriate level of prescriptiveness versus adaptability to different types of rules.

The Council has only briefly considered the draft format but considers it would increase repetition because a row does not allow for different activity status in different zones (refer to Appendix One for a comparison of the Rotorua District Plan current rule tables and the proposed format). The proposed format appears most suited to rules grouped by individual zone or other spatial planning tool.

The Council supports a standard rule format (even if it might result in repetition) if the rule format has been extensively tested and the Ministry is confident of the layout. The Ministry should not rely merely on feedback received through this submission process, as it is considered unlikely that submitters have had time to test the format extensively.

The Council also suggests that retrofitting a standard rule format in plans that have not been written for this format may create unforeseen issues and greater difficulties for users. Implementation of standard rule formats is therefore one area that could be delayed by several years to allow local authorities greater opportunities to align with plan review (and to therefore write rules for the standard format from the start and avoid retrofitting).

Note – it is unclear from the rule table whether matters of control or discretion can be listed underneath the table (similar to the option provided for rule requirements).

Rotorua Lakes Council seeks:

- Extensive testing by the Ministry before any standard rule format is adopted
- Clarification of whether matters of control or discretion can be listed or put in a table below the rules to avoid repetition.

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

Rotorua Lakes Council has not had time to consider this standard and has no comments at this stage.

a. Status of rules and other text

[Click here to enter text.](#)

b. Numbering

[Click here to enter text.](#)

18. CM-1: Definitions standard

Due to resourcing constraints, Rotorua Lakes Council cannot provide comments on the detail of the proposed definitions.

The Council does note that clarity is needed around the process for aligning definitions. The legislation appears to allow a local authority to merely adopt a definition without dealing with the fact that the meaning of the plan has changed and without a Schedule 1 process. Changes to rules or performance standards to retain the original intent of the plan appear optional and require a Schedule 1 process because they are not strictly needed to avoid duplication or conflict with the amendments required (in terms of section 58(3)).

However, this is the opposite to how some planners interpret the standards and legislation (or perhaps consider these should read). That is, consequential changes to retain the original plan intent should be made without Schedule 1 but changing the intent of the plan requires a Schedule 1 process.

Rotorua Lakes Council seeks:

- Clarification of the process to align definitions.

- 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

[Click here to enter text.](#)

- 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

Rotorua Lakes Council gives qualified support to the timeframes in the draft national planning standards. That is, on the proviso that the government provides significant support to local authorities to enable their implementation within five years.

This is not to say that the five year timeframe is convenient for this Council. Indeed,

review of the majority of the Rotorua District Plan is not due to commence until 2026. Notification of changes is not expected until later; well outside the five-year implementation timeframe in the standards. Costs for the Council are likely to be less (as acknowledged in the cost –benefit study) if more of the changes could be aligned with the review cycle.

We remain positive about the changes and creating a more user friendly document in the shorter term if support is provided to ensure this can happen. If significant support cannot be provided then Council seeks that timeframes for the more substantive standards and ePlan are extended. Eight years is suggested. This extended timeframe is still not sufficient to allow all changes to be made with plan review, without bringing review forward. However, it does provide a greater window for each local authority to plan and stage the changes.

Rotorua Lakes Council seeks:

- Adoption of the proposed timeframes on the proviso that significant resourcing is provided for implementation.

Alternatively, extension of the implementation timeframes for the following standards/requirements to eight years:

- Area Specific Matters Standard (zones component)
- Mapping standard
- Presentation of plans in a level 5 eplan format.
- Rule table component of the Chapter Form Standard
- Definitions standard

c. Support

Rotorua Lakes Council is positive about, but also daunted by, the national planning standards. The economic evaluation (Castalia Feb 2018) acknowledges implementation will require a large investment of 0.3 – 2.5 FTE over the 5-year implementation period. This comes at a time when the Council is trying to:

- enable growth in line with the National Policy Statement for Urban Development Capacity and the Rotorua Housing Accord through plan changes and special housing areas;
- carry out its own plan reviews for an area with significant values (Lakes A); and
- make changes required by other national direction (such as the National Environmental Standards for Plantation Forestry).

It is agreed that small councils require targeted support. However, assistance must also be extended to the regions, consistent with the government's regional development focus.

The Council employs just 1.6 FTEs and has modest operating budgets for its resource management policy (and this resourcing is now locked in for three years under the Long Term Plan). Government must find ways of reducing the council implementation costs if the standards are to be successful.

The Council also considers that the benefits of national consistency are unlikely to outweigh the costs when the Rotorua District is considered separately – this reinforces the need for national support.

Centralised support will also promote consistent implementation; the very purpose of the national standards.

Rotorua Lakes Council seeks that the following support is provided to all local authorities, with a greater level of support for provincial New Zealand:

- Grants for the start-up consultancy costs involved with developing ePlans.
- Grants for staff/consultancy costs developing the changes.
- Procurement of dedicated legal, planning, GIS and ePlanning services to provide free advice to each local authority (x hours per month per council).
- Optional peer review of changes drafted to give effect to the national planning standards
- Facilitation of peer networking to aid the sharing of knowledge and experience (e.g. with local events)
- That other options to reduce the costs and improve the efficiency of the transition to ePlans are explored and implemented. These may include, but are not limited to:
 - design specifications
 - assistance with joint procurement
 - research and development

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.

Appendix One:

Current Rotorua District Plan Rule Table Format (Zones Chapters)

	Zone a	Zone b	Zone c
General			
Catchall rule referring to permitted activities not meeting performance standards	RD	RD	RD
Generic heading 1 (e.g. Tourism and Recreation)			
Rule title w (e.g. Bed and Breakfast)	P	P	C
Rule title x (e.g. Holiday Parks)	D	D	NC
Generic heading 2 (e.g. Temporary Activities)			
Rule title y (e.g. temporary events)	P	P	P
Rule title z (e.g. motorised sporting events)	C	D	NC

Performance standards (for permitted and controlled activities)

[written as numbered text after table]

Controlled Activities: Methods of assessment

[numbered generic matters of control and matters of control for specific activities]

Restricted Discretionary Activities: Methods of assessment

[generic matters of control and matters of discretion for specific activities]

RDP Rules Reformatted to draft national planning standards:

Zone		
a and b zones	Rule title w Bed and Breakfast	
	Activity Status: P [Reference to rule requirements below]	Activity status when compliance not achieved: RD
c zone	Rule title w Bed and Breakfast	
	Activity Status: P [Reference to rule requirements below]	Activity status when compliance not achieved: RD
a and b zones	Rule title x Holiday Parks	
	Activity Status: D	
c zone	Rule title x Holiday Parks	
	Activity Status: NC	
a, b and c zones	Rule title y Temporary Events	
	Activity Status: P [Reference to rule requirements below]	Activity status when compliance not achieved: RD
a zone	Rule title z Motorised Sporting Events	
	Activity Status: C [Reference to rule requirements below]	Activity status when compliance not achieved: RD; Matters over which control reserved [reference to below?]
b zone	Rule title z Motorised Sporting Events	
	Activity Status: D [Reference to rule requirements below]	
c zone	Rule title z Motorised Sporting Events	
	Activity Status: NC [Reference to rule requirements below]	

Performance standards (for permitted and controlled activities)

[written as numbered text after table]

Controlled Activities: Methods of assessment

[generic matters of control and matters of control for specific activities]

Restricted Discretionary Activities: Methods of assessment

[generic matters of control and matters of discretion for specific activities]

Comments:

- Creates additional rows with repeated rules. This will look clumsy. Will look better without obvious repetition if group rules by zone, but this will create even more rows.

17 August 2018

National Planning Standards Submission 2018
Ministry for the Environment

planningstandards@mfe.govt.nz

Dear Sir or Madam,

Environment Canterbury submission: Draft National Planning Standards 2018

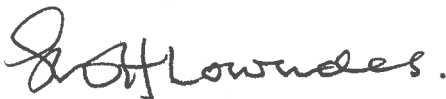
Thank you for the opportunity to provide comment on the draft National Planning Standards. Please find Environment Canterbury's submission attached.

Environment Canterbury acknowledges the intent of the National Planning Standards, and the extensive work undertaken by the Ministry. We recognise that there remain considerable challenges that need to be resolved, particularly with regard to how some of the standards will be applied through regional policy statements and plans. We would like to offer our support to the Ministry as the standards move through the final development stages ahead of gazettal in April 2019.

For all enquiries please contact:

Andrew Parrish
Regional Planning Manager

Yours sincerely



Steve Lowndes
Chair

Encl: Environment Canterbury submission to the Ministry for the Environment on the draft National Planning Standards

Environment Canterbury submission: Draft National Planning Standards

Summary

1. Environment Canterbury appreciates the opportunity to comment on the proposed National Planning Standards. This submission is presented in relation to Environment Canterbury's roles, functions and responsibilities under the Resource Management Act 1991 (RMA) and the Local Government Act 2002 (LGA).
2. Environment Canterbury acknowledges the work of the Ministry in developing a set of standards that can be implemented by 78 councils across New Zealand, and the challenges associated with this. We recognise the next six months will be crucial in finalising the standards, and would like to offer support to the Ministry, drawing on the considerable plan-making and implementation experience we've gained, particularly over the past 8 years.
3. When finalising the Standards, we encourage the Ministry to take an approach that builds on the good practice already seen in regional plans across the country, promotes an integrated planning approach, retains flexibility to manage local issues, and last but not least, mitigates the cost to ratepayers where the benefits are less clear.
4. With these factors in mind, our two primary areas of concern are:
 - **Mandatory definitions** – we have significant policy concerns around mandatory definitions. As drafted, the mandatory definitions are overly prescriptive, and are inconsistent with definitions used or being developed by Environment Canterbury for Canterbury conditions. We seek that this requirement be removed for regional plans, or at the very least, that the proposed definitions be amended in accordance with Appendix 1. The Definitions Standard ranked poorest in the Ministry's cost-benefit analysis, and coupled with potentially unforeseen policy implications, a cautious approach to mandatory definitions is warranted.
 - **Implementation timeframes** – we oppose the proposed five-year timeframe for implementation of the Standards, and instead recommend a blanket extended timeframe for all regional councils. This approach is supported by the Ministry's cost-benefit analysis, which shows greater benefit where implementation is over a longer period as this enables councils to align implementation with scheduled plan reviews. Importantly, it would enable Environment Canterbury to undertake a review of our regional policy statement first, which provides guidance to the development of regional and district plans, enabling a holistic and integrated planning framework across regional and district plans.
5. This submission will focus on the above two issues, along with the following:
 - Table-based rule structure
 - Theme-based approach to plan structure
 - Regional Policy Statement structure
 - Electronic functionality and accessibility
 - Minor points

Mandatory Definitions

Recommendations

6. Environment Canterbury **opposes** the use of mandatory definitions in regional policy statements and regional plans due to implementation costs and policy implications.
7. Environment Canterbury **requests** the abandonment of the draft Definitions Standard as it applies to regional councils. If retained, Environment Canterbury **recommends** that the definitions be amended in accordance with Appendix 1.

Commentary

8. Where a mandatory term has a definition that is materially different, or results in a significant departure from a plan outcome, provisions that implement that term (i.e. an objective, policy or rule) will need to be amended to preserve the plan outcome.
9. Environment Canterbury envisages that the draft definitions standard will require substantive changes to the objectives, policies and rules within our regional plans. This will require an RMA Schedule 1 process, incurring significant cost and litigation of operative provisions. We note that the draft Definitions Standard has the lowest benefit/cost ratio of all the standards because of the Schedule 1 costs. This emphasises the need to be cautious when considering the value of mandatory definitions.
10. Many of the definitions proposed are also problematic for Environment Canterbury from a policy perspective. Two examples illustrate this point:
 - The proposal to incorporate the RMA definition of 'bed' as a mandatory definition. Canterbury's braided river systems are typified by multiple divergent channels, variable flows and ill-defined banks. These characteristics make it difficult to define the 'bed' of a braided river using the RMA definition. The Council is currently undertaking a significant and costly project to define the extent of the bed of Canterbury's nationally unique braided rivers, with the intent that the information will be used to amend the definition of 'bed' in the Canterbury Land and Water Regional Plan (LWRP).
 - The proposal to incorporate the RMA definition of 'wetland' as a mandatory definition. The Council has chosen to independently define wetland within our regional plan as the RMA definition is too broad and captures a range of artificially created systems that provide 'wetland' benefits but which have been constructed for other purposes (e.g. stormwater collection). Furthermore, amendments are necessary to ensure wet exotic pasture is excluded from the definition.

Implementation timeframes

Recommendations

11. Environment Canterbury **opposes** the proposed five-year timeframe for implementation of the National Planning Standards. Environment Canterbury **recommends** councils be able to implement changes at the point of scheduled plan reviews, or at the very least, all councils be afforded an extended seven-year timeframe.

Commentary

12. Environment Canterbury has undertaken significant plan-making / plan review processes since 2010. The Council has completed a full review of the Regional Policy Statement; and made operative a new Land and Water Regional Plan. Since 2016 we have made operative five changes to that Plan to introduce both region-wide and catchment-based solutions to give effect to the National Policy Statement for Freshwater Management (NPSFM) with a further three plan changes still in development. We have also made changes to the Waitaki Catchment Water Allocation Regional Plan and completely reviewed our air plan to provide for the now operative Canterbury Air Regional Plan
13. The scale of this planning work shouldn't be underestimated. Plan Change 5 (PC5), notified in 2017 and not yet fully operative, is a useful example:
 - PC5 was a significant plan change for the Council, prepared in two parts. The plan change amended both the region-wide framework of the Land and Water Regional Plan and introduced NPSFM-compliant water quality limits for the Waitaki catchment.
 - Part A of PC5 was the product of an extensive collaborative effort with the primary sector to define a set of industry-agreed good management practices (GMP). A scientific model was developed to estimate nutrient losses from farming activities at good management practice and an online tool (the Farm Portal) was developed which enables farmers to estimate nutrient losses at good management practice using their individual OVERSEER budgets. The outputs of the project were incorporated into Plan Change 5, along with new policies and rules which require farmers to reduce nitrogen losses to rates that reflect good management practice.
 - Part B of the plan change followed an extensive collaborative process with the Waitaki community that culminated in a plan change that delivers community aspirations for water quality. GMP and the Farm Portal are also key elements of this package.
14. The cost of reviewing these plans will fall on the Council and ratepayers, and our experience shows this can be very expensive. As stated in our 2017 submission, reviewing, reformatting and updating the Canterbury Natural Resources Regional Plan (NRRP) provisions into the LWRP cost Canterbury ratepayers \$6 million, and this was with no appeals to the Environment Court because of the provisions of the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010. The Council will not have the benefit of these provisions after October 2019.
15. What remains somewhat unclear are the benefits of reviewing these plans, especially as they relate to regional councils. The Ministry's analysis of plans across New Zealand identified that regional plans are generally becoming more streamlined and concise, however the Ministry's cost/benefit analysis didn't develop a cost/benefit ratio for regional council plans. This is a shortcoming of the Ministry's analysis, especially given the benefits of standardised plans are increasingly recognised as being greater for district plan users.
16. The existing timeframes also create barriers for developing integrated regional and district planning frameworks. The existing timeframes will require Environment Canterbury to

undertake concurrent reviews of the Canterbury Regional Policy Statement and the Land and Water Regional Plan, which may also occur alongside reviews of district plans.

17. This will hinder our ability to create an integrated planning framework. Councils are required, when developing a district plan or regional plan, to give effect to regional policy statements. If a regional or district plan is developed before the regional policy statement is settled, Councils will have difficulty in giving effect to that document. This risks regional and district plans being out of step with regional policy statements.

Tabular vs narrative format for regional plans

Recommendations

18. Environment Canterbury **requests** the option of a rule structure that allows rules to be prepared in a narrative form.
19. Environment Canterbury **requests** that if a table-based rule structure is retained, changes are made to Table 26 which recognise that the status of an activity (i.e. controlled, restricted discretionary etc) changes depending on the condition of the rule contravened.

Commentary

20. The table-based rule structure mirrors the structure used in Environment Canterbury's first-generation resource management plans (e.g. the NRRP). Environment Canterbury abandoned this style of rule structure when preparing the Air Regional Plan and LWRP after receiving feedback from the community that table-based rules are complex and inaccessible to plan users. The proposed structure will require Environment Canterbury to convert its plan documents to this former style of document, potentially resulting in less accessible plan documents.
21. The table-based rule structure could be improved if the amendments shown in Appendix 2 are included. Supporting commentary for these changes is provided at the end of Appendix 2.

Regional Plan Structure

Recommendations

22. Environment Canterbury **does not support** a 'theme' based plan structure as this does not encourage holistic or integrated management of resources.
23. Environment Canterbury **supports** providing councils' flexibility to choose a 'catchment/FMU' or 'theme' based plan structure.
24. Environment Canterbury **requests** councils are provided the option of a region-wide structure in addition to a catchment-based structure.

Commentary

25. Environment Canterbury's LWRP and Air Regional Plan use 'activity' based rules, where all the component parts of an activity (e.g. the use of land, the discharge, the disturbance of the bed of a river) are managed through a single rule. This enables the full range of effects of an activity to be considered and managed in an integrated and holistic manner. Our initial analysis is that the 'catchment or freshwater management unit' based plan structure provides flexibility to accommodate this approach, but changes would be required to the region-wide structure to enable this approach to continue.
26. Councils should be provided with an option which allows issues to be addressed at a 'region-wide' scale, but also provides an opportunity to introduce a catchment-based framework where this is necessary to achieve community outcomes. This approach will support councils that have already commenced a staged implementation of the NPSFM, but which have chosen to adopt a 'region-wide' framework to 'hold the line' on water quality, until catchment planning processes can be initiated.
27. Environment Canterbury considers the 'theme' based plan structure does not encourage holistic or integrated management of resources. If this plan option is retained Environment Canterbury makes the following comments:
 - Themes should be constructed in a way that encourages horizontal integration (i.e. a plan structure that 'looks across' topic areas to consider the relationships between topic areas).
 - Themes should be identified in a consistent manner. The draft Standard uses a mix of approaches, whereby some themes are resource based (e.g. water, land) and some themes are value-based (e.g. historic heritage). This inconsistent approach to theme identification will create challenges to implementation of the standard. Councils will be required to make value-based judgements as to where to best include provisions that have relevance to multiple themes.

Regional Policy Statement Standard

Recommendations

28. Environment Canterbury **recommends** an amendment to the chapters to provide for a specific chapter on management of urban growth and integration of development and infrastructure.

Commentary

29. The proposed approach to separate out 'land' and 'infrastructure' would be to the detriment of the integrated approach which we have developed with our district councils. It is also a poor fit with the integrated approach required by the National Policy Statement for Urban Development Capacity.
30. Regional councils play an important role in setting policies which manage urban growth, encourage the development of a range of housing types, promote high quality urban design and ensure that growth is well serviced with efficient and sustainable infrastructure. Under the proposed structure for a regional policy statement, these policies would be split

between the 'Land' chapter, and the 'Infrastructure and Energy' chapter. We consider these policies should be dealt with holistically, in a clearly identifiable chapter which deals with urban growth, or at least that this should be allowed as an option.

31. We consider that the 'Land' chapter should be retained to cover soils, contaminated land and any other relevant topics. The "Infrastructure and Energy" chapter should also be retained to cover aspects of these topics that are not specifically related to managing urban growth.
32. We also note that the standard for 'Introduction and General Provisions' contains elements which appear to be mandatory, but which are not relevant to a regional policy statement, for example Table 9 for designations and heritage orders, and Table 15 for national environmental standards. The suite of standards should be reviewed to clarify which requirements are mandatory for plans and which for regional policy statements.

Provision of Electronic Copies of All Previous Plans

Recommendations

33. Environment Canterbury **recommends** that the requirement to make all plans electronically available be amended to apply only to those operative on the date when this Planning Standard is gazetted. Councils with fewer plans under the RMA may choose to provide a full record, but it should not be compulsory.

Commentary

34. While useful in principle, we consider the benefits of making all Environment Canterbury RMA plans developed since 1991 available electronically are unlikely to outweigh the costs of undertaking this exercise.
35. The draft Standards are unclear on whether this requirement applies only to plans prepared under the RMA, or whether it is intended to include transitional plans which had effect under the RMA. If it is the latter, this will be particularly difficult for Environment Canterbury to achieve, given that there have been a number of transitional plans applying for various periods after the RMA was enacted.
36. Regardless of whether the requirement includes transitional plans or not, we consider the work involved in recompiling a complete record of plan versions from 1991 to the present day would be out of proportion to the benefits it would provide for the public.

Hyperlinks Between Regional and District Rules

Recommendations

37. Environment Canterbury **recommends** that this requirement be rewritten to clarify that cross-references between regional and district plans are required only where there are clear overlaps or duplications in the rules, and that they are provided by councils as a prompt for plan users, not as a statutory mechanism for determining what consents are required.

Commentary

38. Environment Canterbury acknowledges the intentions behind this requirement, as it will help alert plan users to potential overlaps between regional and district rules. There are some areas which are commonly controlled by rules at both regional and district level, for example, clearance of riparian vegetation and earthworks adjacent to waterways. These types of overlapping rules are relatively simple to identify and cross-reference.
39. However, this part of the Standard is very broadly drafted, and if interpreted widely could require significant work trying to cross-reference regional plans with, in Canterbury's context, 10 district plans. It may also carry significant legal risks if applicants come to rely on the cross-references to confirm whether or not consents are required from another council.

Ability for Users to Query Rules Electronically

Recommendations

40. Environment Canterbury **recommends** that the requirement to provide an electronic search function for rules applying to a particular property or a particular activity not be applied to regional councils. The breadth of activities addressed by regional plans is such that for any property a significant number of rules are likely to have relevance. Providing all these rules to an end user would be of limited benefit and may increase confusion for the user.

Commentary

41. This functionality is already being provided on a property basis by several district councils. This is feasible at a district level, as the rules are constructed around discrete zones. We understand that this functionality has not yet been shown to be feasible on a regional basis, and our initial testing as part of our ePlan project shows that it is not achievable with our current plan structure and layout.
42. For example, a single property may be subject to a majority of the regional rules in the region-wide section of the Land and Water Regional Plan, a number of rules in a sub-regional chapter of the Land and Water Regional Plan, the majority of rules in the Canterbury Air Regional Plan, plus potentially rules in the Regional Coastal Environment Plan. This would be several hundred rules in total and delivering this bundle of rules electronically would not provide any clear benefits to the user.
43. The option of being able to search for all the rules that apply to a particular *activity* may be feasible, but to our knowledge it has not been demonstrated to be feasible by any regional council. If it is feasible, delivering this functionality in a legally robust way (i.e. in a way that a customer can rely on) is likely to be very costly.

Minor points

Draft Status of Rules and Other Text and Numbering Form Standard	
We request the omission of the word ‘provisions’ and insertion of the word ‘rules’ in its place.	Sections 2 and 3 of the Numbering Form Standard instruct councils to include an explanation in their plan of the legal status of provisions. Section 86B of the RMA, which sets out when a rule in a proposed plan has legal effect, only applies to rules and does not apply to provisions generally.
We request the standard remove the requirement for objectives to be numbered according to the relevant zone, topic or spatial planning number.	Section 12 (Objectives) instructs councils to number the Objectives in a Plan according to the ‘relevant zone, topic, or spatial planning tool number’ and requires an abbreviation for the ‘objective’. The example given in the instruction is: An objective in the Natural Hazards Section of the Environmental Risks chapter of a district plan NH-01 The draft Regional Plan Standard provides Councils the option of preparing a single set of over-arching objectives, instead of ‘theme’ based objectives. Given this point the Standard should not require the use of abbreviations that require reference to a specific objective.
Draft Regional Policy Statement Structure Standard	
We request that the standard clarifies how ‘special’ topics should be integrated into the proposed RPS chapters, and / or provide separate chapter headings for them.	The Regional Policy Planning Standard provides for nine separate ‘theme-based’ chapters in a set order, with the ability to add chapters to cover ‘special topics’. As noted earlier, the RPS Standard does not provide for a land use and infrastructure chapter. It will also require changes to the current CRPS chapters with introductory information, and the chapters covering Ngāi Tahu. This Standard does not specifically provide for the current CPRS chapters on Beds of Rivers and Lakes; Waste Minimisation and Management; Soils; Contaminated Land; Hazardous Substances; or Natural Hazards We assume the intention is for these topics to be dealt with in either the “Land” chapter or the “Environmental Risk” Chapter, but this is not explicit.

Appendix 1: Recommended amendments to the Draft Definitions Standard

Requested amendments to proposed definitions in the draft Definitions Standard. Requested changes are shown in strikethrough and underline

Number	Definition (with tracked changes)	Reason
1.	Aquifer <i>Means a permeable geological formation, group of formations, or part of a formation, <u>beneath the ground, that is</u> capable of receiving, storing, transmitting and yielding water.</i>	The definition should be constrained to only water <u>below</u> the ground surface. The definition as proposed includes water stored in all forms, both below and above ground (e.g. lakes, rivers, artificial reservoirs).
2.	Ancillary activity <i>Means an activity that either provides support to, or is incidental and subsidiary to, the primary activity. ~~on the same site.~~</i>	The phrase 'on the same site' should be omitted as this phrase is not appropriate where the term is used in a regional plan. Activities in a regional plan often occur across more than one site.
3.	Bed <i>Means —</i> ... <i>(a) in relation to any river,</i> ... <i>(ii) <u>in all other cases, the area defined as 'bed' in a relevant regional plan; and in all other cases,</u> the space of land which the waters of the river cover at its fullest flow without overtopping its banks; and</i>	The definition adopts the definition of 'bed' in Section 2 of the RMA. Environment Canterbury has experienced significant challenges in enforcing and applying the RMA definition to Canterbury's braided river systems, due to these rivers being characterised by multiple divergent channels, variable flows, and ill-defined banks. Environment Canterbury recognises that providing a definition of the extent of the 'bed' of a river is necessary to enable clarity on the expectations and regulations that apply to activities in the 'bed'. For this reason, the Council has undertaken a project to define the edge of Canterbury's braided river systems using a combination of methods including detailed river modelling, historic aerial maps, and consultation with communities. Environment Canterbury intends to use this information to prepare a set of Planning Maps that define the extent of the 'bed' of Canterbury's braided

		river systems. This information will be incorporated into the Canterbury Land and Water Regional Plan, via a plan change notified in mid-2019. The requested amendment allows an alternative to the RMA definition of 'bed' where this has been otherwise defined in a regional plan. We note the draft Standard proposes alternatives to terms used in the RMA, where it is appropriate to do so. An example is the definition of 'structure' in the Standard which proposes alternative wording to that used in the Act. We agree this a practical and pragmatic approach and support the use of alternatives to RMA definitions.
4.	Bore (a) Means any hole constructed into the ground that is used to – (i) Investigate or monitor conditions below the ground surface; or (ii) Abstract liquid substances from the ground; or (iii) Discharge liquid substances into the ground; ~~but~~ ~~(b)~~ It does not include test pits, ~~and~~ soak holes, <u>lysimeters, trenches used for dewatering, or well-pointing devices</u>	A range of other temporary devices should be excluded from the definition to ensure these devices are not unintentionally captured
5.	Fertiliser (a) Means any substance, or biological <u>or chemical</u> compound that is- (i) applied to plants or soils, whether in solid or liquid form; and (ii) <u>promotes</u>, supports, or sustains the growth, productivity or quality of soils, plants or, indirectly, animals; ~~but~~	Both biological and chemical compounds should be provided for within the definition of fertiliser. In addition, the word 'promote' should be inserted to accommodate circumstances where fertilisers are added to soils to promote germination.

	~~(b) but~~ does not include livestock and human effluent, or pathogens.	
6.	Greywater Means untreated liquid waste <u>water</u>, from ~~sources such as households~~ sinks, basins, baths, showers and or similar ~~appliances fixtures~~. ~~It but~~ does not include ~~any~~ sewage, <u>trade wastes or discharges from industrial activities</u>.	The term 'household' should be omitted to ensure the definition is relevant to greywater generated from non-domestic sources (e.g. industrial and commercial properties). The term 'fixtures' should replace the term appliances as this more appropriately describes the greywater source. Trade wastes and industrial discharges should be excluded from the definition as these waste sources typically contain other types of contaminants.
7.	Groundwater Means water occupying openings, cavities, or spaces in soils or rocks under the surface of the land <u>within the saturated zone</u>.	All land underlying the ground surface contains water at various points in time, e.g. after irrigation and after rainfall events. The proposed phrase distinguishes water that is present in the ground surface following periodic irrigation/rainfall events, and water that is continually present in the saturated zone as a result of a high water table or aquifer.
8.	~~Height [in relation to a district plan] Means the vertical distance between ground level at any point and the highest part of the structure immediately above that point.~~ ~~Height [in relation to a regional plan or policy statement or a combined plan that includes a regional plan or regional policy statement] —means the vertical distance between the highest part of a structure and a reference point. The~~	A single definition of height for both regional and district plans is more appropriate, ensures consistency between regional and district plan documents, and reduces complexity. The proposed definitions introduce elements that relate to the term's application. Height is simply a vertical distance between two points and the definition should be constrained to solely this point. Constraining the definition of 'height' to a vertical distance that is relative to a <u>structure</u> is inappropriate. Policies and rules in regional plans use 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.~~ Height ~~[in relation to boundary]~~ ~~Means the maximum height of a structure relative to its distance from the boundary of a site or other specified location.~~ Height <u>Means the vertical distance measured between two reference points.</u>	term 'height' in relation to a range of different receptors. For example, rules in regional plan may require a certain 'height' of vegetation to be maintained for ecological purposes. For these reasons we request replacing the three proposed definitions with a single definition as shown.
9.	Industrial activity ~~Means an activity for the primary purpose of—~~ ~~(a) manufacturing, fabricating, processing, packing, storing, maintaining, or repairing goods; or~~ ~~(b) research laboratories used for scientific, industrial or medical research; or~~ ~~(c) yard-based storage, distribution and logistics activities; or~~ ~~(d) any training facilities for any of the above activities.~~	The definition of industrial activity inappropriately constrains the definition to only the activities listed. This is inconsistent with the definition of 'industrial or trade process' contained in the RMA which anticipates a much broader range of activities. The definition should be omitted and the RMA terms 'industrial or trade premises' and 'industrial or trade process' relied on to manage these types of activities.
10.	Intensive primary production ~~Means primary production activities that involve the production of fungi, livestock or poultry that principally occur within buildings.~~	Intensive primary production activities occur both indoors and outdoors and include a range of activities broader than those listed in the definition. Further, in recognition of the different effects these activities give rise to (and the need for different Planning responses), regional plans often need separate definitions of 'intensive pig farming' 'intensive poultry farming' and 'intensive outdoor farming' to manage the effects of the activities.

		We request the definition is omitted, and where necessary regional plans insert their own definitions to manage these activities.
	Landfill ~~Means the use, or the previous use, of land for the primary purpose of the disposal of waste.~~ <u>Means a site used for, or previously used for, the disposal and deposition of solid waste material into land</u>	The definition defines the term 'landfill' by reference to the land's intended use (i.e. the term is defined in the context of a verb). However, for regional plans it is more appropriate to define the term as a noun as shown. The term 'deposition' should be included to convey that a key element of the definition is the burying of material. The term 'waste' should be constrained to 'solid waste material' to more appropriately reflect the characteristics of the material, and to ensure other liquid wastes (e.g. effluents) are not captured by the definition.
11.	Primary Production ~~(a) means any agricultural, pastoral, horticultural, forestry or aquaculture activities for the purpose of commercial gain or exchange; and~~ ~~(b) includes any land and auxiliary buildings used for the production of the products that result from the listed activities; but~~ ~~(c) does not include processing of those products~~ or in the alternative: Primary Production (a) means any agricultural, pastoral, horticultural, forestry or aquaculture activities ~~for the purpose of commercial gain or exchange~~; and	The definition in the standard has considerable overlap with definition of 'production land' in the RMA. We request the omission of the definition. In the alternative, if the definition is retained we request the phrase 'for the purpose of commercial gain or exchange' is omitted. This phrase inappropriately constrains the definition and would preclude the council from regulating primary production activities that give rise to adverse environmental effects, but which are not carried out for the purpose of commercial gain (e.g. farming activities on lifestyle blocks). If the definition is retained the exclusion in clause (c) needs to apply to both clauses (a) and (b) of the definition. For this reason, the definition should be formatted as shown.

	(b) includes any land and auxiliary buildings used for the production of the products that result from the listed activities; ~~but~~ <u>but</u> does not include processing of those products	
12.	Quarry Means ~~an area of~~ land where the excavation <u>or extraction</u>, with or without the processing, of minerals and other solid natural substances occurs.	The term 'extraction' should be inserted so the definition applies to substances and material that are extracted but not excavated.
13.	Reclamation ~~Means the infilling of any part of a waterbody, bed of lake or river or part of a waterbody or coastal marine area, to create permanent land, and includes any embankment or causeway, but does not include beach re-nourishment or any deposition of material or infilling that is not permanent.~~ <u>Means the creation of permanent land by deposition of infill or other material onto the bed of a lake or river or coastal marine area.</u>	The proposed definition uses terms that are undefined and poorly understood by the general public (e.g. beach re-nourishment). We recommend changes to simplify the definition and improve comprehension.
	~~Residential activity Means the use of land and buildings by people for the primary purpose of living accommodation.~~	The proposed definition is inconsistent with the definition of 'residential activity' used in s95A(6) of the RMA. To avoid inconsistency with that definition we request the term is omitted, or in the alternative another term is used (e.g. residential use).
14.	Reverse Sensitivity means the potential for ~~the operation of~~ an existing ~~lawfully established~~ activity to be compromised, constrained or curtailed by ~~the more recent~~ establishment ~~or alternation~~ of ~~another a new or proposed~~ activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by the existing activity.	The suggested changes would improve clarity of the definition.

15.	Sewage Means ~~any water containing human faecal matter and urine that contains any toilet or urinal waste, or any waste in water from industrial or commercial purposes.~~	The definition should describe the contaminants rather than the source of the waste. Industrial or commercial waste streams should be excluded as contaminants present in industrial or trade process wastes are not the same as 'sewage'.
16.	Sign ~~(a) Means any device, character, structure, graphic, or display (including electronic displays), whether temporary or permanent, used to communicate or advertise information to the public, that is visible from beyond the site boundary, for the purposes of—~~ ~~(i) Identification of and provision of information about any activity, site or structure;~~ ~~(ii) Providing directions;~~ ~~(iii) Promoting goods, services or forthcoming events; and~~ ~~(b) Includes the frame, supporting device and any associated ancillary equipment whose principal function is to support the message or notice; and~~ ~~(c) May be two or three dimensional, and manufactured, painted, written, printed, carved, embossed, inflated, projected onto, or fixed, or attached to, any structure or natural object; and~~ ~~(d) May be illuminated by an internal or external light source.~~	The definition would benefit from simplification as shown. It is more appropriate to describe the term generally rather than attempt to describe all the types of 'sign' that may exist.
17.	Small scale renewable electricity generation Means ~~renewable electricity~~ generation <u>of electricity from solar, wind, hydro-electricity, geothermal, biomass, tidal, wave, or ocean current energy sources,</u> which does not exceed a ~~power rating of an output of~~ 20kW.	The requested amendments define the phrase 'renewable electricity generation'. The requested changes reflect that used in the National Policy Statement for Renewable Electricity Generation 2011.

18.	Stormwater Means <u>run-off water and entrained contaminants arising from natural precipitation (including any contaminants it contains) that flows over land or on the external surface of any structures or land modified by human action, (including in a network), to a waterbody or the coastal marine area.</u>	The definition needs to convey that 'stormwater' is the run-off generated from precipitation on structures and land, and not the precipitation itself. The definition should be limited to describing the elements that comprise stormwater and should be silent in respect of the discharge point (be it land, surface water, a wetland, a reticulated network or the coastal marine area).
19.	Swale Means <u>an grassed or vegetated watercourse designed, formed and constructed to treat and convey stormwater area of land that has been shaped to allow a watercourse to form during stormwater collection</u>	The definition should describe the key components of a swale and its purpose; that being that it is a grassed or vegetated watercourse used for treatment and conveyance of stormwater.
20.	Wastewater <u>Includes Means sewage, and greywater, and excludes stormwater, processing wastes, and other wastes from other industrial, commercial or trade activities.</u>	The definition should exclude contaminants and sources as shown.
21.	~~Water sensitive design~~ ~~Means an interdisciplinary approach to land use and development planning, design and implementation which integrates land use and water management, to minimise adverse effects on freshwater system and coastal environment, particularly from storm water runoff.~~	The proposed definition serves no useful purpose and should be omitted. In particular, the last part of the definition 'particularly from stormwater run-off', inappropriately constrains the application of the term.
22	Wetland Includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. <u>It excludes wet exotic pasture, artificial reservoirs and artificial systems used to treat, collect or dispose of stormwater or wastewater.</u>	The RMA definition of 'wetland' is broad and captures a range of artificially created systems that provide 'wetland' benefits but which have been constructed for other purposes (e.g. stormwater collection). The exclusion of wet exotic pasture is necessary to exclude pastoral environments from the definition.

Appendix 2: Recommended amendments to Table 26 of the Draft Chapter Form Standard

Table 26: Rule table

Insert unique rule number in format required by the F-6: Status of Rules and Other Text and Numbering Form Standard	Insert rule title in bold text	
This cell is to be used where rules are applied on an area specific basis (ie, zones or to spatial planning tools) If required, insert name of relevant spatial planning tool/s Or If required insert name of relevant zone/s xx zone or all zones	This cell is required for permitted activities Activity status: Insert activity status. If abbreviated use a mandatory abbreviation Where: ~~Insert rule descriptor~~ <u>Describe the scope of the activity to which the rule relates</u> 1 ~~insert rule detail~~ 2 ~~insert rule detail~~ 3 ~~insert rule detail.~~ Where this activity complies with the following <u>conditions rule requirements</u>: 1 ~~insert reference to rule requirement/s.~~ <u>insert rule conditions.</u>	This cell is required for permitted activities if the rule includes rule requirements. Activity status when compliance <u>with the rule/ condition number [choose relevant option] is not achieved:</u><!-- Insert activity status. If abbreviated use a mandatory abbreviation.</p--> (Use for C activities) Matters over which control is reserved: 1 insert matter insert matter. (Use for RD activities) Matters of discretion are restricted to: 1 insert matter 2 insert matter. <u>Where the status of an activity (e.g. controlled, restricted discretionary, non-complying or prohibited) depends on the condition of the rule that is contravened,</u>

		<u>include any other relevant activity classifications here.</u> Notification: Insert notification detail, if any. <u>If notification requirements or restrictions do not apply do not include this section.</u>
	This cell is required for controlled activities Activity status: Insert activity status. If abbreviated use a mandatory abbreviation. Where: <u>Insert rule descriptor Describe the scope of the activity to which the rule relates</u> 1 <u>insert rule detail</u> 2 <u>insert rule detail</u> 3 <u>insert rule detail.</u> Where this activity complies with the following <u>conditions rule requirements</u>: 1 <u>insert reference to rule requirement/s. insert conditions.</u> Notification: Insert notification detail, if any. <u>If notification requirements or restrictions do not apply omit this section.</u>	This cell is required for controlled activities if the rule includes rule requirements Activity status when compliance <u>with the rule/ condition number [choose relevant option] is not achieved:</u> Insert activity status. If abbreviated use a mandatory abbreviation. (Use for RD activities) Matters of discretion are restricted to: 1 insert matter 2 insert matter. <u>Where the status of an activity (e.g. controlled, restricted discretionary, non-complying or prohibited) depends on the condition of the rule that is contravened, include any other relevant activity classifications here.</u>

	<u>Matters over which control is reserved:</u> <u>insert matter</u> <u>insert matter</u>	Notification: Insert notification detail, if any. <u>If notification requirements or restrictions do not apply omit this section.</u>
	This cell is required for restricted discretionary activities. Activity status: Insert activity status. If abbreviated use a mandatory abbreviation. Where: <u>Insert rule descriptor Describe the scope of the activity to which the rule relates</u> <u>insert rule detail</u> <u>insert rule detail</u> <u>insert rule detail.</u> <u>Matters of discretion are restricted to:</u> <u>insert matter</u> <u>insert matter.</u> Where this activity complies with the following <u>conditions rule requirements:</u> <u>insert reference to rule requirement/s. insert conditions.</u> <u>Matters of discretion are restricted to:</u> <u>insert matter</u>	This cell is required for restricted discretionary activities if the rule includes rule requirements. Activity status when compliance not achieved: Insert activity status. If abbreviated use a mandatory abbreviation. <u>Where the status of an activity (e.g. controlled, restricted discretionary, non-complying or prohibited) depends on the condition of the rule that is contravened, include any other relevant activity classifications here.</u> Notification: Insert notification detail, if any. <u>If notification requirements or restrictions do not apply omit this section.</u>

2 <u>insert matter.</u> Notification: Insert notification detail, if any.	
This cell is required for discretionary activities. Activity status: Insert activity status. If abbreviated use a mandatory abbreviation. Where: <u>Insert rule descriptor Describe the scope of the activity to which the rule relates</u> 1 <u>insert rule detail</u> 2 <u>insert rule detail</u> 3 <u>insert rule detail.</u> Where this activity complies with the following <u>conditions rule requirements</u>: 1 <u>insert reference to rule requirement/s, insert conditions.</u> Notification: Insert notification detail, if any. <u>If notification requirements or restrictions do not apply omit this section.</u>	This cell is required for discretionary activities if the rule includes rule requirements. Activity status when compliance <u>with the rule/ condition number [choose relevant option] is not achieved</u>: Insert activity status. If abbreviated use a mandatory abbreviation. <u>Where the status of an activity (e.g. controlled, restricted discretionary, non-complying or prohibited) depends on the condition of the rule that is contravened, include any other relevant activity classifications here.</u> Notification: Insert notification detail, if any. <u>If notification requirements or restrictions do not apply omit this section.</u>
This cell is required for non-complying activities. Activity status: Insert activity status. If abbreviated use a mandatory abbreviation.	This cell is required for non-complying activities if the rule includes rule requirements. Activity status when compliance <u>with the rule/ condition number [choose relevant option] is not achieved</u>: Insert

	Where: ~~Insert rule descriptor~~ <u>Describe the scope of the activity to which the rule relates</u> 1 ~~insert rule detail~~ 2 ~~insert rule detail~~ 3 ~~insert rule detail.~~ Where this activity complies with the following <u>conditions rule requirements</u>: 1. ~~insert reference to rule requirement/s.~~ <u>insert conditions.</u> Notification: Insert notification detail, if any. <u>If notification requirements or restrictions do not apply omit this section.</u>	activity status. If abbreviated use a mandatory abbreviation. <u>Where the status of an activity (e.g. controlled, restricted discretionary, non-complying or prohibited) depends on the condition of the rule that is contravened, include any other relevant activity classifications here.</u> Notification: Insert notification detail, if any. <u>If notification requirements or restrictions do not apply omit this section.</u>
	This cell is required for prohibited activities. Activity status: Insert activity status, if abbreviated use a mandatory abbreviation. Where: ~~Insert rule descriptor~~ <u>Describe the scope of the activity to which the rule relates.</u> 1 ~~insert rule detail~~ ~~insert rule detail~~ ~~insert rule detail.~~	

Supporting commentary to recommended changes to Table 26 of the Draft Chapter Form Standard:

1. Column 2 of Table 26:

- (a) the 'where' section of the rule should be used to describe the scope of the activity to which the rule relates. This would be better described in narrative form rather than as a list, as it will more easily enable a conversion of narrative-based rules.
- (b) the references to 'rule requirements' should be omitted and instead replaced with 'conditions'. This reflects the language typically used in district and regional plans and is more readily understood by plan users.
- (c) the sections titled 'matters of which control is reserved' or 'matters of which discretion is restricted' should be relocated below the section titled 'where this activity complies with the following conditions'. From a plan user perspective, it makes logical sense to first read the 'entry' conditions to the rule, before then reading the matters of control/discretion.
- (d) the notification restrictions should be optional in recognition that restrictions or requirements will not always apply.

2. Column 3 of Table 26:

- (a) the section titled 'activity status when compliance is not achieved' should be amended to enable the plan drafter to specify the condition of the rule that is contravened. In addition, the ability to include other activity classifications needs should be provided for. Both of these points recognise that the classification of an activity will depend on the condition of the rule that is contravened.

Southland Shared Services Chief Executives' Subcommittee



16 August 2018

Planning Standards
Ministry for the Environment
PO Box 10362
Wellington 6143

Our Reference: A409051

To whom it may concern

Submission on Draft first set of National Planning Standards

Thank you for the opportunity to submit on the *Draft first set of National Planning Standards*. This submission is a joint submission from Environment Southland (Southland Regional Council), Gore District Council, Invercargill City Council, Southland District Council and Te Ao Marama Inc. Our staff will also provide a separate, more detailed submission on the technical aspects of the draft National Planning Standards.

Greater alignment of Southland's Plans

The four Councils in Southland and Te Ao Marama Inc. are working towards greater integration of our Resource Management Act 1991 planning documents, including Te Tangi a Tauira, the Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan. We are actively considering the options for integrated planning documents. It is our view that greater integration of plans is likely to provide savings for our ratepayers and result in better management of Southland's natural resources.

The draft Standards provide Southland and Gore District Councils until April 2024 to implement the proposed changes, and Southland Regional Council and Invercargill City Council until April 2026. To enable the work above to progress, we are seeking that the timeframes for implementing the National Planning Standards be aligned across the Southland councils, so that all Councils are required to implement the Standards by April 2026.

Incorporating tangata whenua values

During the mihi korero for the launch of Te Tangi a Tauira in 2008, Mātua Don Mowat referred to the iwi aspiration that the content and intent of Te Tangi would become te kōura tuia (the golden thread) that wound through Environment Southland as a business and its culture, and through all of the plans and documents that Environment Southland produced. The same would apply to the other councils. Iwi were of the view that the relationship between the councils and themselves was very

strong with an unquestionable level of trust between the parties, as reflected in the value that the word “golden” implied.

The four Councils have continued to use the “golden thread” philosophy in their iwi relationship context, and through the development of their Plans. It appears that the draft Tangata Whenua Structure Standard requires that tangata whenua values and relationships are located in a single separate chapter in a Plan. Although we are not opposed to the requirement for a tangata whenua chapter, we believe it is essential that our Plans still have the ability to use the “golden thread” approach and an understanding of the importance of Maori values and aspirations and relationships woven throughout the documents.

Electronic functionality and ePlanning

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. It is our view that Government should support the implementation of this Standard through providing a national ePlanning IT platform. Such a platform would ensure a greater level of national consistency for plan users and be more cost-effective than each Council establishing its own platform.

If you have any questions regarding the above, please contact Fleur Matthews at Environment Southland [REDACTED].

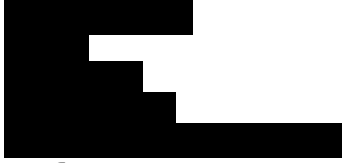
Yours sincerely



R A Phillips
Chief Executive Environment Southland
on behalf of the Councils of Southland and Te Ao Marama Inc

Your submission to Draft first set of National Planning Standards

Aaron gray, **Aaron & Michelle Gray**



Reference no: 80

Clause

Overarching comment

Notes

It is Necessary to distinguish between Environmental noise<Measured in dB Leaq(continuous steady sound) applicable to roadways, factory's,citys,,aircon ,birds ,... noise and impulse noise measured in dB Lpeak (short Impulsive Noise from Gunfire and Blasting).ma1991 requires to use of best practice. The best practice for the gun fire and blast noise measurement represents the most sophisticated model ISO 17201-1 Acoustics Standards widely used around the world in Canada, Australia and Europe ... Impulsive Shooting noise will causes unnecessary health issues to the local community from 5 db at 4 kHz audiometric frequency. 45 DB Laeq is not equivalent to 45dBimpulse noise (from our health view) . it is important to incorporate the proper Acoustics standards (ISO17201 into Legislation. we are aware some people think shooting guns 365 days a year next to peoples houses and business is expectable, as we can hear gun fire over a 12 Km Diameter I suggest the gun law is in need of a rethink regarding if this is expectable as living with this noise is total unliveable, watching people leave there house every weekend to get away from the continues sound of guns is not the kiwi Way .

Clause

Technical support

Notes

We have had the miss fortune of being forced to listen to gun fire almost every day for over a year . we have been told to move if we find this on going noise 365 days a year offensive. due to all the hills where we live it is normal to hear 3 to four echo's per one bullet Fired .as we have a new gun club close to houses, when they fire 1000 bullets we can hear 3 to 4000 rounds bouncing off hills with in 3 kms of our house . we are 2.5 kms from a gun club , according to their expert there neighbours will only hear rain drops on their roofs. I suggest if we have to listen to this on going noise at 2.5 kms away it is very unhealthy for us and all the people living with in 800 mtrs of high velocity gun fire.

Clause

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

Notes

community's health and well being should be a priority above individuals needs to shoot guns beside peoples houses and business. if people are being affected in a 12 km diameter I shows that common sense is not being adhered to which is the reason I am making this statement

Your submission to Draft first set of National Planning Standards

Janeen, **Janeen Schepe**



Reference no: 81

Clause

Overarching comment

Notes

Currently noise is measured by urban standards, ie with the assumption that there is always a constant sound as the base level. Things such as industry, traffic, household noise. It makes no allowance for rural environment where there is usually no sound as a base level. So when measurements are taken of something like gunfire, the readings are totally useless as the sounds vary from totally silent to explosive, often with bursts. This is very different to sound values in residential areas. For people and animals, the impact of having an explosion from total silence is quite shocking, and on a long-term basis, quite traumatising. We need to ammend and standardise our measuring systems to allow for sound impacts in ALL ENVIRONMENTS.

Your submission to Draft first set of National Planning Standards

David Wilson, **The Urban Engineers Ltd (David Wilson)**



Reference no: 84

Clause

Overarching comment

Notes

As a stormwater management practitioner it is great that Green Infrastructure, Stormwater and Water Sensitive Design have been defined and made more mainstream.

Clause

Individual definition

Notes

Green Infrastructure definition could be simplified to be " means natural ecosystems and built products, technologies, and practices that primarily use natural elements, or engineered systems that mimic natural processes, to provide utility services." This would make it more aligned with following international definitions: UK Department for Communities and Local Government’s National Planning Policy Framework Green infrastructure: A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. European Environment Agency Green Infrastructure is a strategically planned network of natural and semi-natural areas with other environmental features designed and managed to deliver a wide range of ecosystem services’ in both rural and urban settings. Government Architect of NSW Green Infrastructure is the network of green spaces, natural systems and semi-natural systems including parks, rivers, bushland and private gardens that are strategically planned, designed and managed to support a good quality of life in an urban environment. The best definition would be the UK example which I consider could be adopted as it is. Swale - This does not need to be defined, it is a specific technical stormwater management practice that could be used as part of water sensitive design and is well understood by those working in the stormwater management space. Water Sensitive Design - I think this definition is suitable as it is. As per the Auckland document Water Sensitive Design for Stormwater you may choose to acknowledge that it is also known as "in Australia (water sensitive urban design, WSUD), the United States (low impact development, LID) and the United Kingdom (sustainable drainage systems, SuDS)."

You have elected to withhold your personal details from publication.

Your submission to Draft first set of National Planning Standards

Crispin Caldicott, **Crispin Caldicott (Crispin Caldicott)**



Reference no: 85

Clause

Overarching comment

Notes

See below under CM-2: Draft noise and vibration metrics standard. Thank you.

Clause

Overarching comment

Notes

Name: Crispin Caldicott Address: 2152 Kaipara Coast Highway, RD4, Warkworth 0984 Phone: 09 420 4401 Email: crispin@farmside.co.nz Date: 17 August 2018 Submitter type: Individual CM-2: Draft noise and vibration metrics standard

1. This is a submission in relation to the CM-2: Draft noise and vibration metrics standard. 2. The submitters are involved in proceedings with Auckland Council and others concerning the correct approach to the assessment of impulsive sound from gunfire. 3. The purpose of the submission is to address apparent confusion in the draft standard in relation to the measurement and assessment of impulsive sound such as gunfire and blasting, which are characterised as a peak sound level (with the descriptor L_{peak}). Impulsive sounds are not properly assessed and measured by applying a rating level expressed in L_{eq} (for a continuous steady sound) or L_{max} in NZS 6802:2008 as implied in paragraph 4 of the draft standard. 4. Paragraph 3 of the draft standard states: Any plan rule to manage an emission of noise must be consistent with noise measurement methods in the New Zealand Standards listed in table 30: Acoustic New Zealand Standards below. 5. Paragraph 4 of the draft standard states: Any plan rule to manage an emission of noise must be consistent with the assessment methods in section 6 Rating Level and section 7 L_{MAX} in New Zealand Standard 6802:2008 Acoustics – Environment Noise. 6. At least as it relates to impulsive sound, paragraphs 3 and 4 of the draft standards appear to be in conflict. This is because for impulsive sound such as gunfire or blasting (impulsive sound being transient sound having a peak level a very short duration, typically less than 100 milliseconds) should be described by the measurement of its peak level as indicated by the descriptor L_{peak} (refer clause 8.6, New Zealand Standard 6801:2008). 7. In comparison, the descriptor for a continuous steady sound is the L_{eq} which is a time average level i.e. L_{eq} is ‘a different thing’ from the peak level. 8. The assessment and determination of the rating level (as expressed in L_{eq} with adjustments for duration and special audible characteristics) and L_{MAX} in New Zealand Standard 6802:2008 will only be applicable and relevant if the type of sound is generally within the scope of NZS 6801:2008 and NZS 6802:2008. 9. Impulsive sound (gunfire and blasting) is generally outside the scope of NZS 6802:2008 (refer clause 1.2 NZS 6802:2008). 10. An (unintended) implication from the current drafting to the draft New Zealand standard may be a possible interpretation that gun clubs in New Zealand are subject to the assessment criteria requiring the calculation of a rating level (in L_{eq}) and the application of L_{MAX} - when these are not the correct descriptors for impulsive sound. 11. It is submitted that it would not be logical to have a plan rule or draft national standard implying that emission of impulsive sound is to be assessed in a manner consistent (per paragraph 4 of the draft standards) with section 6 Rating Level and section 7 L_{MAX} in New Zealand Standard 6802:2008 Acoustics – Environment Noise - when L_{eq} and L_{max} are not applicable to the assessment of impulsive sound. It is important to ensure validity of any draft standard that the draft standard not “overreach” the application of a rating level to types of sounds (such as gunfire and blasting) not intended to be addressed by the descriptors L_{eq} or L_{max} . 12. In the New Zealand context in *Brooks v Western Bay of Plenty District Council*, the Environment Court expressly recognised (based on expert evidence) that general amenity noise standards in New Zealand Standard 6802:2008 were not applicable to impulsive noise.[1] Outcome sought 13. Suggested drafting to resolve the conflict would be to amend clause 4 of the draft national standard (CM-2: Draft noise and vibration metrics standard) to read (or to same or similar effect): Any plan rule to manage an emission of noise must be consistent with the assessment methods in section 6 Rating Level and section 7 L_{MAX} in New Zealand Standard 6802:2008 Acoustics – Environment Noise, provided the emission of noise in question is generally within the scope New Zealand Standard 6802:2008. 14. The submitter requests to be heard in relation to this submission. Date: 17 August 2018

Your submission to Draft first set of National Planning Standards

Anthony O'Brien, **OBD Consultants Ltd (Anthony O'Brien)**



Reference no: 86

Clause

Overarching comment

Notes

1. This is a submission in relation to the CM-2: Draft noise and vibration metrics standard. 2. The submitters are involved in proceedings with Auckland Council and others concerning the correct approach to the assessment of impulsive sound from gunfire. 3. The purpose of the submission is to address apparent confusion in the draft standard in relation to the measurement and assessment of impulsive sound such as gunfire and blasting, which are characterised as a peak sound level (with the descriptor Lpeak). Impulsive sounds are not properly assessed and measured by applying a rating level expressed in Leq (for a continuous steady sound) or Lmax in NZS 6802:2008 as implied in paragraph 4 of the draft standard. 4. Paragraph 3 of the draft standard states: Any plan rule to manage an emission of noise must be consistent with noise measurement methods in the New Zealand Standards listed in table 30: Acoustic New Zealand Standards below. 5. Paragraph 4 of the draft standard states: Any plan rule to manage an emission of noise must be consistent with the assessment methods in section 6 Rating Level and section 7 LMAX in New Zealand Standard 6802:2008 Acoustics – Environment Noise. 6. At least as it relates to impulsive sound, paragraphs 3 and 4 of the draft standards appear to be in conflict. This is because for impulsive sound such as gunfire or blasting (impulsive sound being transient sound having a peak level a very short duration, typically less than 100 milliseconds) should be described by the measurement of its peak level as indicated by the descriptor Lpeak (refer clause 8.6, New Zealand Standard 6801:2008). 7. In comparison, the descriptor for a continuous steady sound is the Leq which is a time average level i.e. Leq is 'a different thing' from the peak level. 8. The assessment and determination of the rating level (as expressed in Leq with adjustments for duration and special audible characteristics) and LMAX in New Zealand Standard 6802:2008 will only be applicable and relevant if the type of sound is generally within the scope of NZS 6801:2008 and NZS 6802:2008. 9. Impulsive sound (gunfire and blasting) is generally outside the scope of NZS 6802:2008 (refer clause 1.2 NZS 6802:2008). 10. An (unintended) implication from the current drafting to the draft New Zealand standard may be a possible interpretation that gun clubs in New Zealand are subject to the assessment criteria requiring the calculation of a rating level (in Leq) and the application of LMAX - when these are not the correct descriptors for impulsive sound. 11. It is submitted that it would not be logical to have a plan rule or draft national standard implying that emission of impulsive sound is to be assessed in a manner consistent (per paragraph 4 of the draft standards) with section 6 Rating Level and section 7 LMAX in New Zealand Standard 6802:2008 Acoustics – Environment Noise – when Leq and Lmax are not applicable to the assessment of impulsive sound. It is important to ensure validity of any draft standard that the draft standard not “overreach” the application of a rating level to types of sounds (such as gunfire and blasting) not intended to be addressed by the descriptors Leq or Lmax. 12. In the New Zealand context in *Brooks v Western Bay of Plenty District Council*, the Environment Court expressly recognised (based on expert evidence) that general amenity noise standards in New Zealand Standard 6802:2008 were not applicable to impulsive noise. Outcome sought 13. Suggested drafting to resolve the conflict would be to amend clause 4 of the draft national standard (CM-2: Draft noise and vibration metrics standard) to read (or to same or similar effect): Any plan rule to manage an emission of noise must be consistent with the assessment methods in section 6 Rating Level and section 7 LMAX in New Zealand Standard 6802:2008 Acoustics – Environment Noise, provided the emission of noise in question is generally within the scope New Zealand Standard 6802:2008. 14. The submitter requests to be heard in relation to this submission.

Your submission to Draft first set of National Planning Standards

Elise Purdie, **Elise Cheryl Suzanne Purdie**



Reference no: 87

Clause

Overarching comment

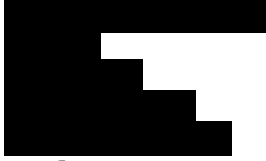
Notes

I live less than a kilometre from a new gun range. The noise from seven days a week firing from morning to night is constant. DBL_{aeq} has been applied to this gunfire and despite the extremely loud noise the gunfire seldom violates the levels as an average weighted metric factors in the silence between shots. It means that a previously quiet valley is now full of gunfire noise which sounds as if you are in a war zone. The correct frequency for measuring gunfire is L- Peak. Gunfire is not a continuous sound. It is short sharp blast. Therefore an average weighted metric such as dBLeq or L- max is inappropriate.

You have elected to withhold your personal details from publication.

Your submission to Draft first set of National Planning Standards

James Imlach, **New Zealand Motor Caravan Association (James Imlach)**



Reference no: 88

Clause

Overarching comment

Notes

Overall, we support the purpose of the draft standards. The NZMCA develops vehicle-based campsites across NZ. We have worked with multiple district plans and unfortunately the consenting process can be a frustrating, time consuming and expensiveness exercise at times. This frustration is often a result of varying degrees of interpretations and difficulties understanding plans.

Clause

Overarching comment

Notes

Support proposal.

Clause

Overarching comment

Notes

Support proposal.

Clause

Zone framework (individual and range)

Notes

Agree with proposal

Clause

Purpose statements

Notes

Agree, however purpose statements can constrain flexibility in contrast with the effects-based approach provided for by the RMA. For example, some councils have argued campgrounds are not suitable activities in the Rural Zone because they do not meet the purpose of that Zone, regardless of whether the effects can be adequately mitigated through site design and conditions of use.

Clause

Additional special purpose zones and criteria

Notes

Agree

Clause

Overarching comment

Notes

We see this is a fundamental requirement for all planning documents.

Clause

Standard baseline requirements

Notes

Support proposal

Clause

Overarching comment

Notes

Support proposal.

Clause

Overarching comment

Notes

Support proposal

Clause

Overarching comment

Notes

Support proposal

Clause

Individual definition

Notes

Most district plans vary their definitions of 'camping grounds' some specifically referring to the Camping-grounds Regulations 1985, while others do not; and some embed activity within other definitions, e.g. Visitor Accommodation. This can have a significant impact on how an application for a campground can proceed, including the types of effects that need to be considered.

Clause

ePlanning implementation

Notes

This should be a priority, at least for all 2nd Gen plans.

Clause

Timing

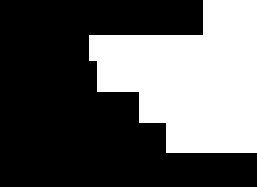
Notes

Timing needs to be balanced against the costs to implement, particularly for cash-strapped councils who will invariably pass on the costs to the applicants.

You have elected to withhold your personal details from publication.

Your submission to Draft first set of National Planning Standards

Anthony Edmund O'Brien (Anthony Edmund O'Brien)



Reference no: 89

Clause

Overarching comment

Notes

• I live in an area where DBL_{aeq} has been applied to gunfire and despite the nuisance that the extremely loud noise causes, the gunfire seldom violates the levels as an average weighted metric factors in the silence between shots. • The correct frequency for measuring gunfire is L_{Peak} as per international standards. • Gunfire is not a continuous sound. It is a short sharp blast and an average weighted metric such as dB_L_{eq} or L_{Max} is inappropriate. • I request that the ISO standards are referenced for guidance on the correct way to measure gunfire.

Your submission to Draft first set of National Planning Standards

Nathan Sutherland, **South Taranaki District Council (Nathan Sutherland)**



Reference no: 90

Clause

Additional special purpose zones and criteria

Notes

S-ASM – Zone chapters, Instruction 8. The choice of at least one of the listed zone options is a discretionary direction under instruction 8 of the Area Specific Matters Standard. In order to apply this direction the South Taranaki District Council must use the formal consultation process under Schedule 1. Given the zones applied in the South Taranaki District Plan align with many of those listed it is questionable whether there is any benefit in using the Schedule 1 process in this way while incurring costs. The Council then questions whether the choice of zones should be made a mandatory direction to avoid the need for a Schedule 1 process where there is already alignment of existing District Plan zones with planning standard zones.

Clause

Standard baseline requirements

Notes

F-1 – Table 18, Instruction 7. The South Taranaki District Council supports the accessibility to planning documents that E planning has the potential to generate, but is concerned in particular with instruction 7, in table 18. Depending on the degree of plan complexity and cross referencing compliance with this requirement could generate substantial time and associated cost implications. It is recommended that this instruction be deleted. In the event the Ministry does not adopt this recommendation, the South Taranaki District Council encourages the implementation of E Plans with central support, including the use of a standard formatting and a single software provider.

Clause

Symbology

Notes

F-2- Table 22, Hazard symbol. There is no distinction between the hazard classes to which the hazard symbol applies, despite it being likely that the management approach applied to each of these hazards will vary. It is recommended that plans differentiate them by way of colour or alphanumeric code.

Clause

Numbering

Notes

Instruction 8. Because the range of requiring authorities will generally be consistent across plans, the South Taranaki District Council recommends that a national list of alpha based identifiers be developed for application in plans.

Clause

Overarching comment

Notes

The South Taranaki District Council generally supports the proposed definitions. However, it has recommended some constructive improvements to enhance the workability and clarity of a select few, particularly from the context of a smaller and predominately rural Council which has a strong focus on primary production.

Clause

Individual definition

Notes

earthworks – the South Taranaki District Council makes the observation that the definition of “earthworks” and “land disturbance” are very similar and recommends that the elements of these two definitions be combined into a single encompassing definition. home business - the South Taranaki District Council considers the definition of “home business” to be too broad and open to interpretation. It recommends that parameters be included in the definition against which the activity can be definitively measured. An amended definition may read: home business: means an occupation, craft, service or profession that is secondary to the use of the site for a residential activity and which: (a) Is undertaken or operated by a member of the household residing on the property on or in which the home occupation occurs plus one (1) other person (full time equivalent) who reside off the property and employed in the activity; and (b) Involves no delivery or collection of goods, materials, or wastes or visits for the home occupation outside the hours of 8.00 am to 6.00 pm; and (c) Involves no exterior storage, display, or other indication of the home occupation; and (d) Occupies no

more than 50m² and involves no retail sale of goods. intensive primary production – the South Taranaki District Council makes the observation that the effects of intensive farming come as a result of the density at which animals are kept, or the intensity at which plants or other living organisms are produced. The Council recommends that the definition within the NPS be refined to reflect this productive intensity and that further parameters be included within it to provide certainty for users as to what does and does not constitute as “intensive primary production”. The definition could read: intensive primary production: means primary production activities that involve the production of fungi, livestock, poultry or other living organism principally within buildings or tightly confined enclosures where the stocking density precludes the maintenance of pasture or ground cover. It includes fish farms, pig, fish, rabbit, snail, poultry and mushroom farming, and animal feedlots, but does not include: (a) Horticulture undertaken in greenhouses, (b) Shearing sheds; and dairy milking sheds; (c) Keeping, rearing or breeding of poultry of 20 or fewer birds; and (d) The keeping, breeding or rearing of five (5) or fewer pigs that have been weaned, or more than two (2) sows (with progeny until weaned). quarry – the South Taranaki District Council considers that the definition of “quarry” would to a degree be interchangeable with the definitions of “earthworks” and “land disturbance” in that soil and/or aggregate excavation would be occurring in all cases. Therefore, the excavation of and removal spoil for construction purposes may qualify as a “quarry” under the current NPS definition. It is recommended that the definition be amended to clarify that material is being excavated and removed from a site on a permanent basis (with or without processing) as well as providing for some exceptions. The amended definition could read: quarry: means an area of land where the excavation and permanent removal, with or without the processing, of minerals and other solid natural substances occurs, but does not include the removal of spoil for construction purposes or removal of soil, rock or aggregate for forestry harvesting.

Clause

Overarching comment

Notes

The South Taranaki District Council notes that mandatory direction 3 of the Noise and Vibration Metrics Standard instructs that any plan rule to manage an emission of noise must be consistent with the noise measurement methods in the New Zealand Standards listed in Table 30. The Council then seeks assurance that this direction applies exclusively to the noise measurement method, rather than the measurement location or the point at which an emission of noise must meet a dictated level. For context, South Taranaki applies noise limits both at property boundaries and at the notional boundary, but is aware that many other territorial authorities rely solely on noise measurement at the notional boundary. The Council would not support any direction that affects its ability to maintain its current approach.

Clause

ePlanning implementation

Notes

The South Taranaki District Council encourages the implementation of ePlans with central support, including the use of a standard formatting and a single software provider.

Clause

Timing

Notes

The South Taranaki District Council broadly supports the national consistency that the National Planning Standards seek to achieve, but it is concerned with the cost of their implementation and notes that Ministry’s own analysis confirms that no environmental benefit would result from this. Given the recent review of its District Plan, the South Taranaki District Council supports the principle of a longer timeframe for listed local authorities to amend their planning documents in accordance with section 58I of the RMA, but recommends that the timeframe be revised to either coincide with the authority’s scheduled plan or policy statement review or 10 years from the gazettal of the National Planning Standards.

Clause

Support

Notes

The South Taranaki District Council has a general concern across the full set of National Planning Standards which relates to consequential amendments arising from recognition of mandatory directions, particularly if they extend beyond the scope envisaged by section 58I(3)(d) of the RMA – necessary to avoid duplication or conflict with the amendments. As any consequential amendments that exceed this scope default to reliance on the Schedule 1 process, the Council seeks a greater level of guidance through the NPS around the interpretive parameters of this section given the costly and protracted nature of the Schedule 1 process. Additionally, the South Taranaki District Council makes the observation that the Ministry can at times be reluctant to provide local authorities with assistance in interpreting documents “owned” by the Ministry. It is expected that integration of the National Planning Standards into plans and policy statements would result in legal questions and the Council recommends that the Ministry works closely with local authorities through this adaption phase and seeks declaratory judgements where necessary.

Clause

Regional plan and policy statement spatial tools guidance

Notes

The South Taranaki District Council has a general concern across the full set of National Planning Standards which relates to consequential amendments arising from recognition of mandatory directions, particularly if they extend beyond the scope envisaged by section 58I(3)(d) of the RMA – necessary to avoid duplication or conflict with the amendments. As any consequential amendments that exceed this scope default to reliance on the Schedule 1 process, the Council seeks a greater level of guidance through the NPS

around the interpretive parameters of this section given the costly and protracted nature of the Schedule 1 process. Additionally, the South Taranaki District Council makes the observation that the Ministry can at times be reluctant to provide local authorities with assistance in interpreting documents “owned” by the Ministry. It is expected that integration of the National Planning Standards into plans and policy statements would result in legal questions and the Council recommends that the Ministry works closely with local authorities through this adaption phase and seeks declaratory judgements where necessary.

Clause

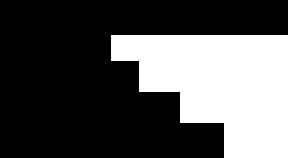
National direction

Notes

S-IGP – National direction instruments, Table 13, Instruction 2. The South Taranaki District Council seeks further clarification regarding Table 13, Instruction 2. At present it is unclear how any consequential amendments as result of this instruction would be implemented (i.e. through the minor amendment process under clause 16, Schedule 1, or by way of a plan change).

Your submission to Draft first set of National Planning Standards

Scott Purdie, **Scott Hugh Purdie**



Reference no: 91

Clause

Overarching comment

Notes

After suffering the noise produced by a new gun club and making numerous noise complaints , only to be inform that the method used in monitoring gun fire is inadequate for purpose . The method used is a averaging calculation where the silence in between each discharge is subtract from the noise of the discharge . This method does not accurately represent the actual noise level . As the gun club intends to be the biggest in Australasia the predicted discharges per day are expected to be 20000 on a club day and 40000 on a competition day . To monitor this noise using the existing method is totally inappropriate . A method that measures peak noise would be far more sensible . In addition to this should be the number of noise discharges per hour and per day as well as limits on the number of days per week from gun fire . The prospect of having gun fire 7 days a week 52 weeks a year is a violation and no one should be subjected to it .

You have elected to withhold your personal details from publication.

National Planning Standards – Ministry for the Environment.

Submissions and refinement phase: June 2018 – January 2019

Submission notes from Location Information and The Office of the Survey General.

Land Information New Zealand

Background

The purpose of the National Planning Standards (referred to as ‘draft planning standards’) is to provide a new planning tool to support the Resource Management Act 1991 by providing national consistency; increasing the usability of plans and reducing duplication when working across multiple authorities.

The first set of national planning standards is now released for written submissions, closing 5.00pm on Friday 17 August 2018.

Introduction

Land Information New Zealand’s (LINZ) vision is to make geographic information accessible and usable, protect New Zealanders’ property rights, and ensure Crown property is sustainably managed. More specifically, we work to ensure that geographic and property information are used effectively to deliver value for New Zealand.

The draft planning standards have been identified as an opportunity to make resource management plans easier to access, and improve national consistency resulting in less time and fewer resources required to prepare and use plans. As such LINZ wishes to provide feedback on these draft planning standards, with particular reference to the sections relating to accessibility, exchange, re-use, and reducing unnecessary variation of geographic data.

Overarching Comment

LINZ supports the introduction of the draft planning standards. We consider that this approach will make plans easier to prepare, understand and use. The standardisation of terms, definitions and form is likely to increase compliance and will reduce duplication. This may be especially relevant for those working nationally or across neighbouring authorities. The standards related to mapping and e-delivery support the exchange, re-use and better comprehension of geographic data.

F-1: Electronic accessibility and functionality standard

The purpose of this standard is to prescribe requirements to improve the electronic accessibility and functionality of policy statements and plans.

LINZ is fully supportive of the ePlan requirements and is pleased to see that these standards will be promoted. ePlan will provide opportunities for significant time savings and improved use of data for both authorities and the public.

In general, the standard baseline requirements are clear, well described and consistent with other national initiatives, for example: the inclusion of data.govt.nz and the OpenData principles.

There are two recommendations for this section:

The first recommendation is to divide the category “data standards”, as there are four separate standards being presented here represented within two points.

Category	Instructions	Who
Data standards	Format: Machine readable format that makes it easy for others to re-use, in accordance with Open Data principles	All Local authorities
	Access: Make publically accessible digital datasets and available under Creative Commons licensing	
	Datums and Projections ¹ : compliant with New Zealand Geodetic Datum 2000 (NZGD2000), New Zealand Transverse Mercator 2000 (NZTM2000) and New Zealand Vertical datum 2016 (NZVD2016)	
	Discoverable: Found on data.govt.nz	

The second recommendation is that a further standard is required regarding the inclusion of metadata.

Metadata are a series of structured facts that describes information or the elements within a dataset. Metadata includes the what, when, who, where and how information such as: time and date, how the data was collected or what limitations may be applied. Real benefits can be lost if this metadata information is not included, vague or incorrect.

More information about metadata and the ANZLIC Metadata Profile is provided on the LINZ website:

<https://www.linz.govt.nz/about-linz/what-were-doing/projects/anzlic-metadata-profile/faqs-anzlic-metadata-profile>

F-2: Draft Mapping Standard

The purpose of this standard is to define how zones and commonly used symbols are displayed on planning maps.

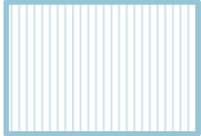
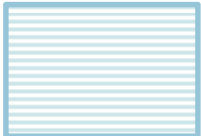
¹ More information about Datums, Projections and heights are provided as an appendix.

LINZ commends and supports the standardisation of RGBs values for zone symbology. This will make plans much more consistent and easier to compare and interpretation.

There is one recommendation for this section:

In table 22 there is only one symbol for 'hazard' which is a geometry polygon. Yet the standard identifies four different hazard types for this symbol (Coastal, Flood, Volcanic, Fault). The nature of each of these hazard types and the risks and mitigation of each are not alike.

It is unlikely that a single symbol will improve understanding when viewing the map. However a pragmatic recommendation could be to vary the pattern of the polygon fill i.e:

Coastal Hazard	
Flood Hazard	
Volcanic Hazard	
Fault Hazard	

An additional recommendation would be to use various colours for the different hazard types i.e. while 'water' hazards are well represented by blue, fault & volcano may better expressed as orange. However, it is noted that orange is already included in the zone colour palette for mix-use zones, and therefore it may be impractical to identify hazard by colour.

CM-1: Draft Definitions standard

The purpose of this standard is to provide mandatory definitions.

LINZ has discussed the criteria for terms with MfE and acknowledges that some of these terms are different with those defined in the Rules for Cadastral Surveying. Such as the term of elevation:

- Surveyors would define **Elevation** as height above or below a fixed reference point,

- Planners would define **Elevation** as the side of a building.

As such the only recommendation in this section is a review of the definition of height. The current definition is divided in to three sections. However, the definitions only vary with the identification of a reference point.

Height	The vertical distance from base to top
Height in relation to ground level	The vertical distance between ground level and the top part of the structure above that point
Height in relation to boundary	The vertical distance between the top of structure relative to its distance from the boundary
Height in relation to a reference point	The vertical distance above or below a fixed reference point. The where stated the reference point should be determined in terms of New Zealand Vertical Datum (NZVD2016).

When referring to a reference point plans such as the Auckland Unitary Plan often specified heights in regards to an RL (reduced level). Unfortunately without specifying a datum or reference mark these RL values can be ambiguous or difficult to determine.

For example In the Auckland plan when the datum is referenced, there are variations.

- DOSLI Datum 1946
- DOSLI Datum
- Lands and Survey New Zealand Datum
- Lands and Survey Datum (MSL) Auckland 1946
- Auckland Mean Sea Level
- LINZ Datum
- Mean Sea Level
- Auckland Datum 1946
- (not stated)

As the Auckland Vertical Datum 1946 ages it become more difficult to determine an RL in terms of this datum. It is also pertinent to note that the Auckland Vertical Datum 1946 is not a true reflection of mean sea level and should not be used as such.

New Zealand vertical Datum 2016 (NZVD2016) is a modernised height datum released in June 2016. It allows for the consistent collection and seamless exchange of heights across New Zealand, is compatible with technologies such as GPS and levelling. NZVD2016 is resilient to changes over time; such as sea-level rise, bench mark disturbance and earthquakes.

Appendix: Datum, Projections and Heights

LINZ maintains national reference surfaces: Datums, Projection and heights.

LINZ has the functionality to support local authorities and others to transform their datasets and offer a number of tools that can assist with data conversions.

For example: In 2016 LINZ worked with both Nelson and Tasman Councils to assist them to adopt NZVD2016.

Common GIS tools such as Esri's Arc products are also able to transform data to NZVD2016. This should allow the majority of local authorities to quickly convert their own height data.

Recommendation (as previously supplied):

- a. That New Zealand Geodetic Datum 2000 (NZGD2000; <http://www.linz.govt.nz/regulatory/25700>) be specified as the datum to define the positions of points in New Zealand.

NZGD2000 coordinates relates the physical location of a point with a coordinate in terms of latitude, longitude, and ellipsoidal height. The EPSG number for NZGD2000 is 4167.

NZD2000 is designed to provide constant unchanging coordinates for features even though New Zealand is continuously moving and deforming under the influence of the Australian and Pacific tectonic plates. By contrast global datums, such as the WGS84 are fixed to the earth as a whole and do not reflect the New Zealand environment.

Some plans refer to NZGD49 (New Zealand Geodetic Datum 1949), which was replaced in 1998

- b. That New Zealand Transverse Mercator 2000 (NZTM2000; <http://www.linz.govt.nz/regulatory/25002>) be specified as the projection used in mapping in New Zealand.

Coordinates in terms of a geodetic datum relate to a curved surface called an ellipsoid. It is not possible to represent them on a flat surface such as a map without introducing some sort of distortion. A projection is used to manage these distortions. An additional benefit of projections is that they have units of metres, which lets users measure meaningful distances directly from a map. The EPSG number for NZTM2000 is 2193

NZTM2000 uses a Transverse Mercator projection and is based on the NZGD2000 datum using the GRS80 reference ellipsoid. It was chosen because it is an internationally recognised type of projection that exhibits a low level of distortion at its east-west extents. The projection is only applicable for the main New Zealand island group (North, South, Stewart/Rakiura and the smaller coastal islands). Separate projections are defined for the New Zealand's offshore islands and for its continental shelf.

Some plans refer to NZMG (New Zealand Map Grid), which was replaced in 2001

Some plans refer one of 28 meridional circuits, these are used for Cadastral survey but have limited application in GIS software

- c. That New Zealand Vertical Datum 2016 (NZVD2016; <http://www.linz.govt.nz/regulatory/250029>) be specified as the vertical datum in New Zealand.

The height or depth of a reference point is its distance above or below a reference surface or vertical datum. The reference surface normally associated with heights is the mean level of the sea.

In New Zealand, many heights are provided in relation to sea level, determined by tide gauges at different ports. Because the average level of the sea around New Zealand's coast varies by up to 0.5 metres, the heights determined in relation to the different tide gauge-based datums are offset from each other. The EPSG number for NZTM2000 is 1169.

The official vertical datum for New Zealand region, including the continental shelf and offshore islands is the NZVD2016.

Currently plans use a raft of height references systems. Plans use one of the 13 historic datum managed by LINZ. While other used unique or arbitrary surfaces.

Submission to the Ministry for the Environment

Draft National Planning Standards

17 August 2018

1. The Canterbury Mayoral Forum thanks the Ministry for the Environment for the opportunity to submit on the Draft National Planning Standards (Planning Standards).
2. The Forum also thanks the Ministry for working with a number of Canterbury Councils on the development of the Planning Standards. We encourage the continuation of this collaborative approach on other matters that affect local authorities.

Background and context

3. The Canterbury Mayoral Forum comprises the Mayors of the ten territorial local authorities in Canterbury and the Chair of the Canterbury Regional Council (Environment Canterbury), supported by our Chief Executives. The purpose of the Forum is to promote collaboration across the region and increase the effectiveness of local government in meeting the needs of Canterbury's communities.
4. All Canterbury councils actively participate in the Forum: the Kaikōura, Hurunui, Waimakariri, Selwyn, Ashburton, Timaru, Mackenzie, Waimate and Waitaki District Councils, the Christchurch City Council and the Canterbury Regional Council (Environment Canterbury).
5. The Mayoral Forum leads development and implementation of the *Canterbury Regional Economic Development Strategy* (CREDS). A three-year work programme to deliver on commitments made in the Canterbury Local Authorities' Triennial Agreement 2017–19 is implemented by the Canterbury Chief Executives Forum, and the Canterbury Policy, Operations, and Corporate Forums.
6. The following submission has been developed with input from the Policy Forum, and we have shared our draft submission with Te Rūnanga o Ngāi Tahu. Our submission focuses on matters of general agreement between the members of the Canterbury Mayoral Forum.
7. We note that the Christchurch City Council, Mackenzie, Selwyn and Waimakariri District Councils, Environment Canterbury and Te Rūnanga o Ngāi Tahu also intend to make individual submissions.

Mayors standing together for Canterbury.

Secretariat, E: secretariat@canterburymayors.org.nz W: www.canterburymayors.org.nz
C/- Environment Canterbury, PO Box 345, Christchurch 8140 T: 03 345 9323

General comment

8. The Canterbury Mayoral Forum supports the concept of the Planning Standards in that they will increase consistency in plans and policy statements, providing for more efficient preparation and review. Our main concerns with the draft Planning Standards are:
- the standard five-year period to implement the Planning Standards
 - the separate land and infrastructure chapters required for Regional Policy Statements (RPS)
 - the hyperlinks required to refer to other plan rules
 - the implementation period to provide all versions of the operative plan on Council websites
 - the table-based rule structure.
9. This submission also raises a number of other issues that are more technical in nature. All of these matters can be addressed by amending the draft Planning Standards.

Implementation period

10. The Planning Standards require local authorities to amend their documents to give effect to the Planning Standards within five years of their being gazetted. The exception to this is a number of Councils that have recently reviewed their plans, which have a seven-year timeframe. The five-year timeframe is not likely to be realistic or practical.
11. There appears to be an underlying assumption that giving effect to the Planning Standards will not involve lengthy Schedule 1 Resource Management Act (RMA) processes. This is incorrect. The inclusion of definitions in the Planning Standards will mean that in many cases, details of rules and their activity status will need to be reviewed and adapted to reflect the new definitions. Further, the RMA limits consequential amendments only to those that avoid duplication and conflict with the mandatory amendment¹. As this exemption is relatively narrow in scope, and as many rules are likely to require significant amendments to reflect the amended definitions while retaining the original intention of affected rules, Canterbury Councils anticipate having to use Schedule 1 RMA processes as an invariable consequence of implementing much of the Planning Standards.
12. This causes timing issues for Councils part way through their District Plan Reviews. For instance, Timaru, Selwyn, Mackenzie and Waimakariri District Councils have started their District Plan Reviews, and are unlikely to notify their Proposed District Plans until around 2020–2021. At that stage, it would be an inefficient use of resources to go back and amend their Operative District Plans to implement the Planning Standards, and in any event amending their Operative District Plans would likely result in a lengthy Schedule 1 RMA process, which would not make sense to start in the middle of a District Plan Review.

¹ Section 58I(3)(d) RMA

13. The logical thing to do would be not to amend Operative Plans to implement the Planning Standards, but to implement the Planning Standards through their Proposed District Plans. This would not, however, meet the five-year timeframe of the Planning Standards if the Proposed District Plans do not become fully operative within this period, as section 58I RMA requires amendment of the Operative District Plan as well as the Proposed District Plan. The remedy to this issue would be to extend the timeframe requirement to implement the Planning Standards to 10 years, or to apply the implementation requirement only to plans/policy statements post-gazetting the Planning Standards. This would also have the effect of not forcing Councils into early plan reviews just to implement the Planning Standards.
14. Environment Canterbury's submission on the Planning Standards also seeks to extend the implementation timeframes. The reason for this is that it will take a significant amount of time for Environment Canterbury to give effect to the Planning Standards. As the RPS informs regional plans, their RPS will need to be reviewed prior to the review of their regional plans in order to give effect to the Planning Standards. Five years is considered an insufficient timeframe to undertake these reviews. To conduct this degree of review of both the RPS and the suite of regional plans within five years is unrealistic. We therefore request an amendment of the five-year implementation timeframe in the Planning Standards.

Regional Policy Statement structure

15. The Draft Regional Policy Statement Structure Standard requires a separate chapter for matters concerning 'land' to that concerning 'infrastructure and energy'. However, as many aspects of land use and infrastructure are interrelated, it is necessary and good practice to address them together. The requirement of the Planning Standards to deal with them separately effectively forecloses that opportunity. Dealing with land and infrastructure separately within the RPS is inconsistent with the National Policy Statement on Urban Development Capacity 2016, which requires an integrated approach to land use and infrastructure. Chapters five and six of the current Canterbury RPS integrate land use, infrastructure and growth management. Accordingly, we request that the Regional Policy Statement Structure Standard make provision for an integrated land use and infrastructure chapter.

Location of provisions

16. We are concerned that the requirement to locate provisions in the Draft District Wide Matters Standard under both the chapter heading (e.g. environmental risks) and the section heading (e.g. natural hazards) is not necessary and may lead to duplication. This seems to contradict the Draft Chapter Form Standard Instructions 7, 9 and 11, which provide flexibility as to where provisions are required. Accordingly, we request that the District Wide Matters Standard is amended so provisions can go in either the chapters or section.

Methods

17. A number of sections of the District Wide Matters Standard and the Area Specific Standard state that any section in those chapters must include objectives, policies and 'methods including rules (if any)'. We note that this is inconsistent with section 75 of the RMA, which states that a District Plan must include objectives, policies and rules (if any) and may state methods. This creates a contradiction between the RMA and the Planning Standards that can only be resolved by amending the Planning Standards or the RMA.

18. We consider that the requirement for District Plans to contain methods should be optional. Sometimes it is useful to include methods in plans, but often their inclusion can lengthen plans considerably and significantly increase the cost and time of plan making. Accordingly, we request that the District Wide Matters Standard and the Area Specific Standard be amended to require only objectives, policies and rules (if any). The inclusion of methods should be optional.

Landforms

19. The Regional Policy Statement Structure Standard and the District Plan Structure Standard, along with the District Wide Structure Standard, all include the term 'landforms' as a section heading along with the terms 'landscape' and 'natural character'. The concern is that 'landform' is not a term referred to in section 6 of the RMA and therefore its relevance and usefulness is questionable.
20. The use of 'landform' has the potential to create policy around a matter that is not a matter of national significance. As Section 6 of the RMA does provide for the protection of outstanding natural features as a matter of national importance, it may be that the term 'landform' has been confused with the term 'outstanding natural feature'. If that is the case, then we request an amendment to the Planning Standards to replace the term 'landform' with 'feature', along with landscape and natural character in the Regional Policy Statement Structure Standard, the District Plan Structure Standard and the District Wide Matters Standard.

Transport

21. The Draft District Plan Structure Standard does not include a transport section. The infrastructural aspects of transport could be dealt with under the proposed infrastructure and energy section. However, there are non-infrastructural aspects of transport that would not fit into this chapter, such as onsite car-parking, loading, reversing and active transport, for example. This issue could be resolved by including 'transport' in the 'infrastructure and energy chapter'. We consider this chapter to be the best location for 'transport', despite the ability to create a separate district-wide chapter.

Precincts

22. The Draft Area Specific Matters Standard provides for the use of 'precincts' as a planning tool where two or more additional provisions apply to a specific area which modifies the approach to the underlying zoning. Precincts are illustrated in Table 5 of the Draft District Plan Structure Standard as a different chapter. It is understood that 'precincts' are a subset of a zone. If so, it is considered that 'precincts' should not need a separate chapter from the underlying zone, but only a separate section in the underlying zone chapter. To address this issue, we seek amendment of the Draft District Plan Structure Standard to make it clear that 'precincts' are a subset of the underlying zone chapter.
23. The use of the term 'precincts' is not considered suitable in rural areas as the term has an urban connotation. Accordingly, we request that an alternative term such as 'subzone' is able to be used instead of the term 'precincts' for rural areas, where two or more additional provisions apply to a specific area. The term precincts should still be able to be used in urban areas.

Rural and Rural Production Zones

24. The Draft Area Specific Matters Standard provides two very similar purpose statements for the Rural Zone and Rural Production Zone. For instance, the Rural zone is to provide primarily for primary production activities, while the Rural Production zone is to prioritise primary production activities. We request further clarification of the differences between the two zones.

Electronic Accessibility & Functionality

25. Tables 19 and 20 and Figure 1 of the Draft Electronic Accessibility and Functionality Standard requires a 'click to drill' through different map layers. This is difficult to achieve in the Regional Plans as those plans are not property based. Accordingly, we seek amendment of the Draft Electronic Accessibility and Functionality Standard so those requirements do not apply to regional plans.
26. The Draft Electronic Accessibility and Functionality Standard requires the provision of a 'note' within a plan rule and hyperlink that 'clarifies an activity may require consent from another plan'. Local Authorities are required to provide these notes within 12 months of the gazettal of the Planning Standards. To provide these cross-references for all relevant plan rules would be extremely time-consuming, lengthen plans considerably, require review every time a rule in either plan is altered and would potentially be misleading. Accordingly, we request that the requirement for hyperlinks be removed. If some form of cross-reference is required, we suggest that this is limited to a general note and hyperlink.
27. The Draft Electronic Accessibility and Functionality Standard requires that all versions of the current plan (since becoming operative) be made available on the local authority website within 12 months of gazettal of the Planning Standards. While we have no issue with this requirement post a review of a policy statement or plan using the Planning Standards, we consider the costs of doing this for currently operative plans will far outweigh the benefits. Canterbury local authorities rarely, if ever, receive requests to provide a previous version of their plans. Therefore, there would be little benefit in carrying this out for operative plans. Accordingly, we seek amendment so the requirement only applies to plans that have been reviewed post gazettal of the Planning Standards.

Mapping

28. The Draft Mapping Standard provides a zone colour palette to be used for all planning maps. Some of the colours provided are too similar to one another. We seek a revised colour palette that better distinguishes between the different zones.
29. The Draft Mapping Standard provides only one symbol for special purpose zones, despite the possibility that a number of special purpose zones could be used. We request the ability to use different symbols for different special purpose zones.
30. Table 22 provides only an outline to indicate designations. If a designation is over a large area and covers multiple sites, this symbol could easily be missed by plan users who are conducting a property search. We seek amendment to include fill or cross hatching to the designation symbol.

31. Table 22 provides the same symbol for coastal, flood, volcanic and fault hazards. We are concerned that this provides no differentiation between these natural hazards and makes interpretation and understanding of the plans and understanding of the extent and nature of natural hazards more difficult. Providing a text note is not considered sufficient to distinguish the different hazards, especially on large scaled maps. It would also be problematic when more than one hazard is present. We therefore seek amendment of Table 22 to provide different symbols for different natural hazards.
32. Similarly, no mapping standard is prescribed for precincts. If a precinct is a subset of a zone, a precinct should be spatially distinguished from the 'parent' zone on the planning maps.

Tabled-based Rule Structure

33. The Planning Standards specify a table-based rule structure that we consider to be inflexible and not suitable for all types of plans. Environment Canterbury has previously tried a table-based rule format in the Natural Resources Regional Plan and subsequently abandoned it because it proved too complex and difficult to use. Accordingly, we request that the Planning Standards provide a narrative rule option for Regional Plans.

Definitions

34. The Draft Definitions Standard provides a list of District Plan definitions for commonly used terms. We generally support the standardisation of definitions. However, a number of definitions are problematic by being unclear, ambiguous, lacking specificity, too general, subjective, in conflict with another definition, or potentially resulting in unintended consequences. Definitions such as 'boundary', 'addition', 'accessory buildings', 'visitor accommodation', 'site', 'residential activity', 'residential units', intensive primary production, clean fill, retirement village, education activity and coverage have been identified as being problematic.
35. We consider the definitions to be very important parts of District Plans as they are a fundamental part of defining activity status. Accordingly, we encourage the Ministry to continue working with local authorities in developing and refining the definitions.

Recommendations

36. The Forum supports the concept of the Planning Standards but requests the following amendments:
 - a. extend the timeframe requirement to implement the Planning Standards to 10 years, or apply the implementation requirement only to Plans/ Policy Statements that are produced after the Planning Standards have been gazetted
 - b. the Regional Policy Statement Structure Standard provides for an integrated land use and infrastructure chapter
 - c. provisions in the District Wide Matters Standard can go in either the chapters or section
 - d. the District Wide Matters Standard and the Area Specific Standard only require objectives, policies and rules (if any), while methods remain optional

- e. replace the term 'landform' with 'feature' in the 'landscape' and 'natural character' section heading in the Regional Policy Statement Structure Standard, the District Plan Structure Standard and the District Wide Structure Standard
- f. include 'transport' in the 'infrastructure and energy chapter' of the District Plan Structure Standard
- g. clarify that 'precincts' are a subset of the underlying zone provisions, not a separate chapter within the Draft District Plan Structure Standard
- h. amend the Draft Area Specific Matters Standard so that an alternative term to 'precinct', such as 'subzone', is able to be used instead of 'precincts' for rural areas. The term precincts should still be able to be used in the urban areas
- i. clarify the differences between the Rural zone and the Rural Production zone within the Draft Area Specific Matters Standard
- j. amend the Draft Electronic Accessibility and Functionality Standard so that:
 - i. the 'click to drill' accessibility requirements of Tables 19 and 20 and Figure 1 is removed for Regional Plans
 - ii. the requirement for notes within a plan rule and hyperlinks that clarifies an activity may require consent from another plan is removed. If some form of cross-reference is required, it is suggested that this is limited to a general note and hyperlink
 - iii. the requirement to have all versions of the current plan (since being made operative) available on the local authority's website within 12 months from gazettal of the NPS be amended so that it only applies to plans that have been reviewed post the gazettal of the Planning Standards
- k. amend the Draft Mapping Standard so that:
 - i. the colour palette is revised to better distinguish between the different zones
 - ii. there is the ability to use different symbols for different special purpose zones
 - iii. fill or cross hatching is provided to the designation symbol
 - iv. the ability to have different symbols for different natural hazards is provided for
 - v. mapping tools spatially distinguish precincts from the 'parent' zone on planning maps
- l. amend the Text and Numbering Form Standard so that a narrative rule option is provided for Regional Plans
- m. that the Ministry continues to work with the local authority NPS group in developing and refining the Draft Definitions Standard



Lianne Dalziel
Chair, Canterbury Mayoral Forum

SUBMISSION - DRAFT FIRST SET OF NATIONAL PLANNING STANDARDS

Name: Clinton and Renee Davies

Address: Clinton and Renee Davies

Physical address:

[REDACTED]

Postal address:

[REDACTED]

Phone:

[REDACTED]

Email:

[REDACTED]

Submitter type: private individual

CM-2: Draft noise and vibration metrics standard

1. This is a submission in relation to the CM-2: Draft noise and vibration metrics standard.
2. We are private individuals who are currently being significantly negatively impacted by the impulsive sound from gunfire noise of a shooting club. The noise of this club is being assessed in a way that we believe is not based on best practise standards internationally and that the draft Standards as currently worded will perpetuate this incorrect measurement standard for impulsive noise. As a result of New Zealand currently not taking on board international best practise in relation to the assessment of impulsive gunfire noise, we believe there is a significant health and wellness issue for residents that live in proximity to activities that have this type of noise. The Draft noise and vibration metrics standard offers an opportunity to ensure clarity on measurements specific to impulsive noise to be incorporated.
3. The purpose of the submission is to address the issue that we believe the draft standard in relation to the measurement and assessment of impulsive sound such as gunfire and blasting, which are characterised as a peak sound level (with the descriptor L_{peak}) is not being properly assessed and measured by applying a rating level expressed in L_{eq} (for a continuous steady sound) or L_{max} in NZS 6802:2008 as implied in paragraph 4 of the draft standard.
4. District Plan noise rules are set through reference to New Zealand Standard NZS 6802:2008 "Acoustics - Environmental Noise" or earlier version of this standard. Guidance within this standard states that is not intended to address shooting noise – this is clearly noted where the standard states "...impulsive sounds (such as gunfire and blasting), requires special techniques that are generally outside the scope of this

standard.”. It is generally accepted that noise from impulsive sounds such as gunfire are likely to provoke greater annoyance than assessment against typical District Plan rules would indicate. The appropriate way to control noise from gunfire is to provide a limit that is suitable for the nature of the noise, such as LAFmax or LZpeak / LCPeak.

5. We understand that it is generally recognised that the character of gunshots (being both loud and impulsive) requires a different set of noise controls to that applied to other sources of environmental noise. The same is true of other sources of impulsive noise (e.g. bird scaring devices) and these are also provided with specific noise rules. To this extent, the standards should specifically reference noise from shooting ranges in recognition of the character of the noise source and the history of enforcement action taken over other shooting ranges throughout New Zealand.
6. In relation to impulsive sound, paragraphs 3 and 4 of the draft standards appear to be in conflict. This is because for impulsive sound such as gunfire or blasting (impulsive sound being transient sound having a peak level a very short duration, typically less than 100 milliseconds) should be described by the measurement of its peak level as indicated by the descriptor L_{peak} (refer clause 8.6, New Zealand Standard 6801:2008).
7. In comparison, the descriptor for a continuous steady sound is the L_{eq} which is a time average level i.e. L_{eq} is ‘a different thing’ from the peak level.
8. The optimal strategy for measuring impulse noise, such as that produced by firearms, has been the topic of significant discussion. Brinkmann (2000) provides an overview of the challenges, particularly the issue of impulse noise not falling squarely within acoustics, but rather under the realm of fluid dynamics, gas dynamics, and shock waves. Applied to rifles (for example), this is due to the rapid expansion of gas into the atmosphere when the projectile leaves the muzzle which forms a spherical and often supersonic pressure wave.
9. In order to assess potential auditory risk and associated nuisance factors, multiple essential parameters must be measured. These include peak overpressure, rise time, time-duration, impulse noise spectrum, and impulse noise energy (Brinkmann, 2000). Some of these properties are easier to measure than others, and the technical challenges have been well summarized by Rasmussen et al. (2009).
10. Due to the complexities outlined above and our personal experiences of gunfire and its associated significant impact, we have requested advise from both the Canadian and Australian Standards Authorities in relation to noise emissions specific to impulsive sound from gunfire or blasting, and both these organisations have confirmed the following: that ISO 17201-3 confirms that ISO 9613-2 is not directly applicable to shooting noise, i.e., clause 5.2 states:
11. ***“It should be noted that ISO 9613-2 neither applies to shooting sound, nor accounts for changes in sound pressure time history during propagation. It therefore cannot yield results for time-weighted metrics such as $L_{F,max}$. ISO 9613-2 does not adequately account for meteorological effects on sound propagation over distances greater than 1 km. Furthermore, the use of ISO 9613-2 is not recommended if the spectrum at the reception point is dominated by frequencies below 100 Hz.”***
12. Advise from Canada continues to confirm that for shooting ranges the ISO has 5 published standards, and one standard under development.

- ISO 17201-1:2005 Acoustics -- Noise from shooting ranges -- Part 1: Determination of muzzle blast by measurement
 - ISO 17201-2:2006 Acoustics -- Noise from shooting ranges -- Part 2: Estimation of muzzle blast and projectile sound by calculation
 - ISO 17201-3:2010 Acoustics -- Noise from shooting ranges -- Part 3: Guidelines for sound propagation calculations
 - ISO 17201-4:2006 Acoustics -- Noise from shooting ranges -- Part 4: Prediction of projectile sound
 - ISO 17201-5:2010 Acoustics -- Noise from shooting ranges -- Part 5: Noise management
 - Under development ISO/WD 17201-6 Acoustics -- Noise from shooting ranges -- Part 6: Measurement of noise exposure of shooter, observer or instructor for hearing protection.
13. Our submission is that the New Zealand Planning Standards should follow international best practise and be consistent with the interpretations adopted in both Australia and Canada in relation to impulsive noise from gunfire.
 14. The assessment and determination of the rating level (as expressed in L_{eq} with adjustments for duration and special audible characteristics) and L_{MAX} in New Zealand Standard 6802:2008 will only be applicable and relevant if the type of sound is generally within the scope of NZS 6801:2008 and NZS 6802:2008.
 15. Impulsive sound (gunfire and blasting) should be considered as being outside the scope of NZS 6802:2008 (refer clause 1.2 NZS 6802:2008).
 16. We believe that the current drafting of the draft New Zealand standard may result in a possible interpretation that gun clubs in New Zealand are subject to the assessment criteria requiring the calculation of a rating level (in L_{eq}) and the application of L_{MAX} - when international best practise indicated that these are **not** the correct descriptors for impulsive sound.
 17. It is submitted that it would not be logical to have a plan rule or draft national standard implying that emission of impulsive sound is to be assessed in a manner consistent (per paragraph 4 of the draft standards) with section 6 Rating Level and section 7 L_{MAX} in New Zealand Standard 6802:2008 Acoustics – Environment Noise – when L_{eq} and L_{max} are not applicable to the assessment of impulsive sound.

Outcome sought

18. We believe that the wording of clause 4 of the draft national standard (CM-2: Draft noise and vibration metrics standard) should be reconsidered in relation to international best practise and to be consistent with the approach taken in both Australia and Canada in relation to the technical aspects of noise specific to impulsive noise from gunfire.
19. We understand that the New Zealand Acoustical Society has input into the standards and we would suggest that Society members are more often than not employed by the organisations that make noise and as such we question the merit of the Acoustical Society setting standards in relation to impulsive noise from gunfire. In addition we have noted extreme inconsistency between members on opinion as to the approach to impulsive noise – as such and as previously discussed, we believe that New Zealand should therefore look to international best practise in relation to

this issue which recognises the unique situation in relation to impulse noise and gunfire and that this should guide any confirmed standards adopted in New Zealand.

20. The submitter requests to be heard in relation to this submission.

Date: 16 August 2018

A handwritten signature in cursive script, appearing to read 'Renee Davies', written in dark ink.

Renee Davies

Submission on Draft National Planning Standards

Name: [REDACTED]

Organisation: Matamata-Piako District Council

Address: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

Submitter type: Local government

Matamata-Piako District Council (MPDC) would like to thank the Ministry for the Environment (MfE) for the opportunity to make a submission to the draft National Planning Standards (the Standards). In addition to addressing the 23 questions posed in the Draft National Planning Standard Consultation Document, the submission concludes with those matters that were not the subject of a specific question in the Consultation document.

Question 1: What are your thoughts on this proposed package of planning standards? If you consider changes necessary, how would these affect the anticipated outcomes?

We are supportive of the Standards' efforts to promote standardisation, save time, and improve clarity for users to ensure that more time and resources are spent on addressing local issues and less are spent on the mechanics of district plan formatting and structure.

A Treasury report estimates that the costs to each provincial council of implementing the Standards are \$11.54 per capita (source: Figure 1: "Council Costs of Implementation": page 5, "National Planning Standards Regulatory Impact Statement"). This cost would be nearly of \$403,700 for the Matamata-Piako District, which is a small provincial council, with an estimated population in 2018 of just 34,980. The estimated cost is a considerable sum which has not been included in Long Term Planning, and an unexpected financial burden on a small rural district

which is experiencing only medium population growth and has a disproportionately small number of working age residents to contribute to its costs.

Matamata-Piako's population of nearly 35,000 means that it exceeds the threshold of fewer than 20,000 residents for a district to be considered rural as specified in MfE's "Economic Evaluation of the Introduction of National Planning Standards" report (p. 5). However, it is a figure at the lower range of the 20,000 to 90,000 population band for provincial councils. It is likely, therefore, that the cost to MPDC of implementing the Standards would be closer to the \$34.26 per capita estimate for rural councils, than the estimated cost of \$11.54 per capita for provincial councils.

Question 2: What topics or matters should be investigated for future planning standards?

MPDC suggests that, to avoid unforeseen circumstances, future planning standards should not be introduced until such time as the current proposed standards are decided upon and tested to see how well they work.

However, we suggest future planning standards could include providing the criteria/framework for significant outstanding landscapes and features, and significant natural areas and heritage at a national and regional level. This would provide invaluable guidance and ensure national consistency. It would also focus the debate on which features meet the criteria, rather than on the criteria itself.

Question 3: Do you agree with the level of standardisation proposed in the plan structure standards?

MPDC acknowledges the advantages for users and organisations that use more than one plan, and that a prescribed approach saves deciding on a best practice approach. However, in all likelihood, most plan users do so only infrequently in relation to their domestic situation, and not in a professional sense. Furthermore, such users deal only with the plan in their 'home' district, so the chief benefits of standardisation would likely be enjoyed by relatively few.

Question 4: Are there other topics that would benefit from a chapter structure standard?

From MPDC's perspective, it is too early to suggest additional topics for revision. We would have a better idea of potential further topics once the Standards are implemented and subsequent gaps or issues are identified.

Question 5: 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?

Although progress has been made in the area of training in the field of RMA plan making and statutory processes, it can be a challenging and time consuming exercise for iwi to obtain and retain these skills and experience. Iwi and hapu will still

likely require resourcing to assist with providing in-depth participation in council processes.

Given the recent introduction of Mana Whakahono a Rohe as tools to enable tangata whenua and local authorities to work together under the RMA, MPDC feels that it is these tools, and not the proposed Standards, which will have a greater influence over iwi engagement as they require greater interaction between Tangata whenua and councils.

Furthermore, the imposition of a nation-wide standard for all tangata whenua may not be welcomed by iwi and hapu where local issues, and therefore local solutions, are often sought.

Question 6: Should we have a standard set of zones? Would this make plans across New Zealand easier to use?

MPDC agrees that it would be practical to have standard set of zones as they are a key foundation for Territorial Authority plans, and therefore an important component of seeking nationwide standardisation across all districts. However, as in Answer 3, it's likely that the main benefits of standardisation would be enjoyed by people and organisations who regularly use more than one plan.

While the Standards may ensure that zones across different Territorial Authorities will share identical names and symbols, it is the rules of each council that will dictate the actual activities permitted within zones, and what, if any, controls will apply. These activities will invariably differ across some councils, which will detract from a complete standardisation across plans. Nevertheless, MPDC hopes that such independent decision making will still be afforded to individual councils, rather than central government employing a more prescriptive approach.

Question 7: Are some zones missing, or are some zones not needed?

If insufficient zones are approved as part of the Standards, there is a risk of Precincts being used as de facto zones. Such an eventuality weakens the intent of standardisation promoting a fixed maximum number of zones with prescribed purpose statement that the zone provisions must fulfil.

MPDC would favour the addition of a second rural residential zone. In the Matamata-Piako District we have two such zones, which are differentiated by different minimum lot sizes and locations. The second rural residential zone only become operative in 2018, after having been introduced as part of a 'rolling review' plan change. We would need to undergo a further plan change to revoke this recently introduced zoning should a second rural residential zone not be introduced as part of the Standards, which in itself does little to engender a commitment to consistency and wise use of resources in the public eye.

MPDC also queries the specific uses of precincts and how it is intended that they will be utilised, as we favour using them for Development Concept Plans (DCP).

MPDC utilises DCPs within our district plan, as a mechanism to regulate the activities and effects within certain large sites. Each DCP includes a full suite of rules and specifies the conditions under which the site must operate. There are currently 14

DCPs within Matamata-Piako, and we have received private plan change applications for a further two. MPDC have found DCPs to be a very useful tool to help manage large-scale activities which are continually evolving and changing, on sites which are typically out of zone.

The site operators favour the certainty that DCPs provide as they are intended to cater for growth and, where the effects of the activity are internalised, they don't require the ongoing time and expense of resource consent applications. Furthermore, neighbours and residents can view the requirements of each DCP as they are included in our District Plan.

MPDC seeks clarification about the requirements of the Standards in relation to zone changes and Schedule 1 of the RMA. The Standards Consultation Document indicates that zone changes will be subject to discretionary direction, with a requirement for formal consultation. We seek confirmation that a Schedule 1 consultation process will not be required to undertake like-for-like zone changes directed by the Standards. For example, we are not in favour of having to undertake a time-consuming and costly Schedule 1 process to rename our current Business zone to "Commercial" zone, or consult with the public on zones that will retain their existing names, such as "Rural" and "Industrial".

Question 8: Is the inclusion of purpose statements for zones useful for guiding how they may be used?

The inclusion of purpose statements will provide essential guidance for users and plan makers to understand how zones should be identified/differentiated. Furthermore, it supports an idea of standardisation on which the Planning Standards are focused. Variation will continue across districts, however; for example, high-density residential zoning in a predominantly rural district like MPDC would likely be labelled medium-density residential in a city plan.

MPDC seeks that the Standards won't seek to govern how zones will be identified by Territorial Authorities, but leave this as the sole responsibility of local government. If, however, it is intended that the Standards play a role in the identification of the appropriate zoning, then MPDC seeks clarification of what consultation will be held with Territorial Authorities.

Question 9: 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?

They provide useful guidance to allow the comparison and evaluation of the proposed zones and what is most appropriate for our district. However, given the variable makeup of the cities and districts throughout New Zealand, and the deliberately non-prescriptive nature of the purpose statements, they are predisposed to a considerable level of subjective interpretation.

Question 10: Is level 5 of the Electronic Accessibility and Functionality Scale an appropriate standard for Council ePlans? Should it be more or less ambitious? What would you include/exclude?

MPDC are in favour of the introduction of ePlans as they reflect the increasing demand for electronic information accessibility, and we have already embarked on the creation of an electronic plan for our district. We do, however, question the timing of the introduction of ePlans.

MPDC's ePlan development (Masterplan) is estimated to be at the 2-3 stage in the Standard's Figure 1: ePlan Electronic Accessibility and Functionality Scale, subject to minor implementation changes. However, the 'linking' and 'searchable' requirements for an ePlan are still beyond the capabilities of Masterplan at this time.

The Standards place new demands on Council systems that were previously considered fit for purpose (in the absence of any existing requirements). MPDC would incur a sizeable loss of time and expenditure for having made a start on an ePlan prior to there being any such requirement, yet then face the likelihood that a considerable amount of this work will need to be revisited to reflect the requirements of the Standards.

A requirement for the storage of earlier District Plan versions on council websites may cause confusion for the public as to which version they seek. In addition, electronically archiving numerous past editions of plans, which require considerable space, may be burdensome to council websites. We suggest that it should be sufficient for just the current version of each Council's Plan to be published online, or all versions of the plan that are no more than five years old. Furthermore, we suggest that only the operative version of the plan be published to avoid confusion as laypeople may not typically know the significance of the relative weighting given to notified or decision versions.

Question 11: For councils, what type of support would be useful to help you implement the eplan standard?

MPDC, as a smaller, rural council, has a single staff member dedicated to web development. As such, the demands of implementing the Standards' requirements in relation to an ePlan would become a new responsibility, additional to their existing workload, and one unable to be delegated to any other staff member. It is suggested that the timeline for the 16 baseline accessibility and functionality requirements from Table 18 of the Standards be extended to three years to allow the proposed changes to be included into an updated work schedule.

MPDC requests the provision, without cost, of a common software to all local authorities that allows the functionality intended by the Standards. Briefly, this would entail the ability for GIS and the ePlan to work seamlessly, and also allow integration with each Council's corporate system.

MPDC suggests allowing updates proposed by the Standards to be introduced in line with, or as part of rolling review, and/or allowing all rural councils an extension to at least the seven year timeframe afforded to those Councils identified as having recently completed a major plan overhaul.

Question 12: Does the mix of map colours and symbols function well for your plan(s)?

From MPDC's trial mapping, the similarity of some zone map colours (e.g. "Medium Density Residential" and "Rural Residential") would be very difficult to distinguish, especially if they are situated on the same map, but not located side by side. Such difficulties are exacerbated by different printers which print the same document with subtle, but noticeably different shades.

From an aesthetic perspective, the greens in the supplied colour palette are drab; we suggest more vivid greens to enliven those districts that are primarily rural.

We note that the colours are distorted when layered on top of each other, we suggest considering a fill for "flood hazards" to avoid the underlining zone experiencing such a colour mismatch. We give the example of a District Plan map for central Te Aroha where some of the zoning is also subject to flood hazard and a heritage area. In trials using the proposed colour palette and symbology, the combination of all three features results in a colour distortion that did not match the map legend. We suggest that an overlay or hatching is required to ensure clarity.

The colour proposed for designations is very similar to the blue commonly used for waterways and would also benefit from a fill, not just a border, to ensure that they are easily discernible.

Symbols are not easily transferred from GIS systems to another use such as district plan maps and how this difficulty will be overcome is not detailed in the background material. Furthermore, prescribing certain symbols will present standardisation problems if the symbol in question is not common to the software systems used by all councils.

MPDC propose a two-fold refinement to the hazard symbology. Firstly, we suggest additional symbols to reflect the existence of multiple hazards, for example: earthquake, land instability and flood-related hazards. Secondly, we suggest providing a subset of flood hazard symbols, for example: ponding and overland flow paths, as our Plan has different requirements for both these hazards. Furthermore, other Councils may have High, Medium and Low Risk flood levels that need to be included.

Finally, we don't propose any other symbols to be added in the first set of Standards as we are in favour of assessing the impact and practicalities of those already proposed.

MPDC questions why the symbol for "Sites of significance to Maori" will require consultation with tangata whenua when every other symbol has been prescribed, including that for Marae. Although we are happy to consult with Tangata Whenua, it seems an oversight that a feature prescribed by the Standards should not also have a symbol provided as such a decision is counter to its stated intention for consistency across all plans. Various iwi may well hold different views on the subject of a symbol to represent "Sites of significance to Maori", and it may be advisable for the Ministry to consult with Tangata Whenua on a national scale before prescribing a symbol.

Question 14: Can these spatial planning tools be used to address the planning issues in your community?

Yes, MPDC considers them useful tools to have and we utilise some already within our Plan. For example, our District Plan includes Development Areas to indicate areas of future residential growth. Specific controls are included to highlight commercial or industrial areas which are subject to planting requirements to enhance amenity values.

Question 15: Should additional spatial planning tools be included?

MPDC are satisfied with the proposed planning tools, provided that individual councils are free to utilise them in the manner that is both in general alignment with the Standards and most appropriate for their district. We note that it would be an unfortunate and needless consequence if the unintended misuse, in the opinion of MfE, of a spatial planning tool resulted in delays and an appeal to the Environment Court.

For example, we intend to use overlays to display the location of business/residential interface areas which allow the operation of certain businesses in selected residential zoned areas which neighbour commercial zones. Similarly, we intend to use a specific control to denote the location of commercial zoned properties which need not supply parking spaces if they provide verandas for pedestrian usage.

Further to our answer to Question 14, we intend to continue to utilise development areas and specific controls for other activities identified above.

Question 16: Do you agree with the level of prescription in the chapter form standard?

MPDC is in favour of requiring a consistent approach to promote the standardisation in plan structure intended by the Standards, without the content of the plan itself being dictated. Without standardisation, plans will differ dramatically, however, we are unable to confirm if the proposed format is the best option available. We refer back to Question 11 and note that to achieve the desired effect of nationwide plan standardisation, all Councils need to have the same software for their ePlans.

Initial testing suggests that the proposed structure will be workable from our perspective, but we request additional guidance on the format, and clarification of some terms. The phrases 'rule descriptor' and 'rule requirement' would benefit from extra clarification to distinguish their meaning, and their intended use to allow the Standards to be satisfied.

It will be a considerable task to identify every provision that an activity needs to comply with, however we will hope to address this matter by referring to whole sections or whole rule requirement tables in the rules section. Nevertheless, this will be very time intensive, and we repeat our request to extend the permitted timeframe from the proposed five year period.

Question 17: Would the acronym and alphanumeric code approach work well for your plans? If not, what changes would work better?

Further to our answer in Question 16, above, MPDC favours a consistent approach in the structure and formatting of plans, however, we are unable to confirm if the proposed format is the best option available.

Question 18: Are these drafting principles suitable for definitions? Should they be changed or expanded?

The drafting principles, based on New Zealand Standards and legislation such as the RMA, with the intention of being clear and concise are supported.

Question 19: What other definitions should be standardised in future sets of planning standards?

In terms of content, the proposed definitions from the Standards and the MPDC Plan are in many cases substantially different, even when referring to the same matter, for example: "Building". Such a disparity will have a knock-on effect for our Plan and the activities that it regulates, as the proposed definition would exclude key matters. In addition, the Standards exclude the addition of similar definitions which synonyms of those already proposed. While this is understandable, it may mean a substantial, consequential redrafting of existing rules to ensure that exceptions as a result of the Standards are captured somewhere else in the Plan.

MPDC suggests that, to avoid unforeseen circumstances, future definitions should not be introduced until such time as the current proposed definitions are finalised and tested to see how well they work. We do, however, support the proposal to allow the addition of extra definitions where they have not been prescribed by the Standards.

We query the mandatory Direction 3 introduction and sub-part b) from the Definitions Standards (page 77 from the draft National Planning Standards) as they appear to refer only to regional plans.

Question 20: Is it appropriate to use NZ Standards as the basis for noise metric and vibration standards?

MPDC believes it is good guidance to use consistent guidelines – the certainty that these provide is advantageous both for large organisations which carry out activities in multiple districts, as well as for councils who have a set of prescribed standards with which to work. In addition, when the relevant NZ Standards are updated, Councils will not need to go through a Schedule 1 process to reflect these changes in their Plans.

Question 21: Should the planning standards set noise limits for certain zones?

MPDC believes that noise limits for zones should not be prescribed by the Standards but be determined by individual communities.

Question 22: How will these implementation timeframes affect your council?

The stated baseline accessibility and functionality requirements are too wide ranging and detailed to be realistically implemented within 12 months of gazettal of the standards.

We have real concern at time frames: our Council, like many of our small counterparts, has limited staff and financial resources to be able to embark on work required by April 2020, yet the requirements of which have not yet been confirmed. A small collection of staff with numerous responsibilities would be expected to complete this exercise as well as their existing roles – many roles in this council are the responsibility of just one employee. For example: at this Council, this applies to GIS, web development, and the policy planning role responsible for the District Plan review.

The implementation of the Standards will channel a considerable amount of time and resourcing from these staff members. Consequently, the rolling review of our district plan, which is to ensure we meet our community's needs, will be affected by this additional exercise.

Question 23: What sort of guidance and support would be useful to plan users and councils? What guidance should we prioritise?

MPDC would like to see legal guidance on consequential amendments arising from certain changes to our District Plan to get an opinion on specific cases.

We would also request legal guidance on what matters can be submitted upon. For example: in terms of the submissions process, is it out of scope to make a submission on the content of a National Policy Standard which has been incorporated into a plan?

We favour implementation advice in relation to the Standards to ensure that our understanding and proposed use of its tools are robust and are as the Standards intend. For example, we would appreciate the opportunity to submit scenarios for comment to ensure that our proposed use of spatial planning tools meets the intent of the Standards.

Question 24: Should MfE target its implementation support to smaller councils with fewer resources?

Given that Treasury's calculations indicate that provincial councils will pay a disproportionate cost per capita to implement the Standards (see Question 1), in turn we would like to see a larger share of the implementation support be provided to smaller councils.

Rural and small provincial Councils are affected by the constraints of smaller ratepayer bases, frequently experience high levels of deprivation and feature small teams or even individuals to conduct the work that may be assigned to sizeable teams in larger districts or cities.

Other Matters

The Consultation document requested an outline of the proposed implementation timeframes and approach to be employed by each council. In response, MPDC notes the tight timeframes associated with the Standards, which were only released in June. This time pressure means that in-depth analysis of MPDC's approach and implementation costs have not been conducted, nor the subsequent and necessary Council approval gained.

Signature:



Don McLeod

Chief Executive Officer, Matamata-Piako District Council

Date: 17 August 2018

17 August 2018

Ministry for the Environment

PEPANZ Submission: National Planning Standards

Introduction

This document constitutes the Petroleum Exploration and Production Association of New Zealand's (PEPANZ) submission to the Ministry for the Environment in respect of the National Planning Standards, for which submissions close on 17 August 2018.

PEPANZ represents private sector companies holding petroleum exploration and mining permits, service companies and individuals working in the industry.

Submission

We do not comment on the templates and frameworks proposed but in Table 1 we draw attention to potential issues with two proposed definitions which should be considered by the Ministry for the Environment.

Table 1: PEPANZ comments on the definition of Bore and Aquifer

Term	Proposed National Planning Standard definition ¹	PEPANZ Comment
Bore	"Bore (a) means any hole constructed into the ground that is used to— (i) investigate or monitor conditions below the ground surface; or (ii) abstract liquid substances from the ground; or (iii) discharge liquid substances into the ground; but (b) it does not include test pits and soak holes.	We note that rules for oil and gas drilling in local plans can be different and stricter than drilling for water. MfE should consider whether its proposed definition, which presumably includes both water and hydrocarbons, may confuse rules that are meant to manage one or the other. That is, there may be benefit in having two separate well/bore definitions for water and hydrocarbons. This is not currently an issue in the Taranaki Freshwater Plan, under which water and hydrocarbons are specifically included in the definition², but other local plans may have different approaches.

¹MfE proposed definition, Table 29: <http://www.mfe.govt.nz/sites/default/files/media/RMA/FINAL%20-%20Draft%20National%20Planning%20Standards%20Combined.pdf>

² As per the definition of Bore in the Taranaki Freshwater Plan, which reads: "Bore means a hole drilled into the ground and completed for the abstraction of water or hydrocarbons to a depth of greater than 20 metres below the ground surface. Refer also to definition of Well." Source: <https://www.trc.govt.nz/assets/Documents/Plans-policies/FreshwaterPlan/RFWP2001-web.pdf>

Aquifer	"Aquifer means a permeable geological formation, group of formations, or part of a formation capable of receiving, storing, transmitting and yielding water.	The proposed definition of aquifer risks being too broad, and therefore capturing activities where that may not be warranted on an effects-basis. For example: 1. MfE's proposed definition of aquifer, which includes being "<i>capable of</i>" holding water, is different from other definitions used in plans which focus on being "<i>water-bearing</i>"³ or being "<i>capable of storing significant quantities of water</i>"⁴. 2. The idea of being "capable of receiving, storing, transmitting water" includes any water regardless of its quantity and whether it could be used as a source of water supply. All the definitions from regional councils that we reviewed included either at least one of the above two concepts, i.e. holding significant quantities of water and/or being a practical water supply. We prefer the definition of current Taranaki Freshwater plan, which is a tested regime for managing oil and gas activity.

³As per the definition of Aquifer in the Taranaki Freshwater Plan, which reads "*Aquifer means a permeable water-bearing geological formation through which water moves under natural conditions and which yields water to wells at a sufficient rate to be a practical source of water supply*". Source: <https://www.trc.govt.nz/assets/Documents/Plans-policies/FreshwaterPlan/RFWP2001-web.pdf>

⁴As per the definition of Aquifer in the Waikato Regional Plan: https://www.waikatoregion.govt.nz/assets/PageFiles/20874/2012/Glossary_of_Terms.pdf

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*	Nic Quilty
Organisation (if applicable)	WasteMINZ
Address	
Phone	
Email*	

Submitter type*	Individual	☐	
	NGO	☐	
	Business / Industry	☐	
	Local government	☐	
	Central government	☐	
	Iwi	☐	
	Other (please specify)	☒	WasteMINZ Disposal to Land Sector Group

* 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

The WasteMINZ Disposal to Land Sector Group supported the development of a standardised plan format and definitions and the objectives to reduce compliance costs and complexity in planning processes.

With respect to disposal land, the Sector Group is supportive of the introduction of a standard definition for landfill and cleanfill, but are keen for these definitions to be consistent with the requirements of the Waste Minimisation Act and the Technical Guidelines for Disposal to Land. This consistency will help when the Ministry for the Environment seeks to extend the levy to a broader range of disposal facilities.

2. CM-1: Definitions standard

We agree that the drafting principles are suitable. We have provided comment on definitions relating to facilities for disposal to land below.

a. Individual definition

Cleanfill and landfill

The Draft National Planning Standards should have the same definitions for the terms cleanfill and landfill that are in the Technical Guidelines for Disposal to Land.

The new definitions include:

Cleanfill means an area used for the disposal of exclusively inert, non-decomposing material

Landfill means the use, or the previous use, of land for the primary purpose of the disposal of waste

Both of these definitions are inconsistent with the definitions in the Technical Guidelines for Disposal to Land, which are:

Clean fill: A Class 5 landfill. Accepts only clean fill material, including clean excavated natural materials.

Landfill: A waste disposal site used for the controlled deposit of solid wastes onto or into land.

The Technical Guidelines for Disposal to Land also has a definition for clean fill material:

Virgin excavated natural materials (VENM) such as clay, soil and rock that are free of:

- combustible, putrescible, degradable or leachable components;
- hazardous substances or materials (such as municipal solid waste) likely to create leachate by means of biological breakdown;
- products or materials derived from hazardous waste treatment, stabilisation or disposal practices;
- materials such as medical and veterinary waste, asbestos, or radioactive substances that may present a risk to human health if excavated;
- contaminated soil and other contaminated materials; and
- liquid waste.

When discharged to the environment, clean fill material will not have a detectable effect relative to the background.

Infrastructure

The NPS proposed to adopt the same meaning for infrastructure as contained in section 2.0 of the RMA. We note that this definition does not specifically mention waste disposal networks.

The efficient and safe management and disposal of residual waste from residents and businesses is of critical importance to the functioning of New Zealand. Waste is generated by both residential households and businesses as well as through construction activity. The function and growth of New Zealand cannot be supported if there is no infrastructure in place to deal with waste generated. There would be serious adverse effects on the social and economic wellbeing of NZ if waste network infrastructure was not in place and it deserves recognition for the critical functioning and enabling role it plays in supporting communities.

Given the country wide importance of waste disposal networks we recommend that they are added to the definition.

b. Additional definitions

We also recommend that a separate definition is provided for a Closed Landfill. There is an important difference between an active operating landfill and a closed landfill that no longer accepts waste but still has site restoration and aftercare responsibilities. Provisions will be required for specifically managing closed landfills, rather than relying on one set of provisions to cover both operating and closed landfills. A definition is required to enable these provisions to be effective as follows:

Closed Landfill: A landfill which is no longer accepting solid waste for disposal

~~3. S-RPS: Regional policy statement structure standard~~

~~a. [Click here to enter text.](#) Parts 3 and 4 — Core policy statement provisions~~

~~[Click here to enter text.](#)~~

~~b. Part 5 — Evaluation and Monitoring~~

~~[Click here to enter text.](#)~~

~~4. S-RP: Regional plan structure standard~~

~~[Click here to enter text.](#)~~

~~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.~~

~~5. S-DP: District plan structure standard~~

~~Click here to enter text.~~

~~6. S-CP: Combined plan structure standard~~

~~Click here to enter text.~~

~~7. S-IGP: Introduction and general provisions standard — Part 1 of all plans and policy statements~~

~~Click here to enter text.~~

~~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.~~

~~8. S-TW: Tangata whenua structure standard — Part 2 of all plans and policy statements~~

~~Click here to enter text.~~

~~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.](#)~~

~~9. S SD: Strategic direction structure standard — Part 3 of District plans~~

~~[Click here to enter text.](#)~~

~~10. S DWM: District wide matters standard — Part 4 of District plans~~

~~[Click here to enter text.](#)~~

~~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.](#)~~

~~11. S ASM: Draft area specific matters standard — Part 5 of District plans, Part 6 — Combined plans~~

~~[Click here to enter text.](#)~~

~~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.~~

~~12. S SAM: Schedules, appendices and maps standard — Part 6 — Regional policy statements, Part 7 — Regional plans, Part 6 — District plans, Part 8 — Combined plans~~

~~Click here to enter text.~~

~~13. F-1: Electronic accessibility and functionality standard~~

~~Click here to enter text.~~

~~a. Standard baseline requirements~~

~~Click here to enter text.~~

~~b. Level 5 requirements~~

~~Click here to enter text.~~

~~14. F-2: Mapping standard~~

~~Click here to enter text.~~

~~a. Zone colour palette~~

~~Click here to enter text.~~

~~b. Symbology~~

~~Click here to enter text.~~

~~15. F-3: Spatial planning tools (Regional) standard~~

~~Click here to enter text.~~

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.~~

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

~~Click here to enter text.~~

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~~

~~17. F-5: Chapter Form standard~~

~~Click here to enter text.~~

~~a. Chapter form~~

~~Click here to enter text.~~

~~b. Rules~~

~~Click here to enter text.~~

~~c. Rule tables~~

~~Click here to enter text.~~

~~18. F-6: Status of rules and other text and numbering form standard~~

~~Click here to enter text.~~

~~a. Status of rules and other text~~

~~Click here to enter text.~~

~~b. Numbering~~

~~Click here to enter text.~~

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

~~Click here to enter text.~~

~~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?

No further comments

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.**~~

DRAFT FIRST SET OF NATIONAL PLANNING STANDARDS

To: Ministry for the Environment
PO Box 10362
Wellington 6143

Email: PlanningStandards@mfe.govt.nz

From:



Attention:
Phone:
Email:



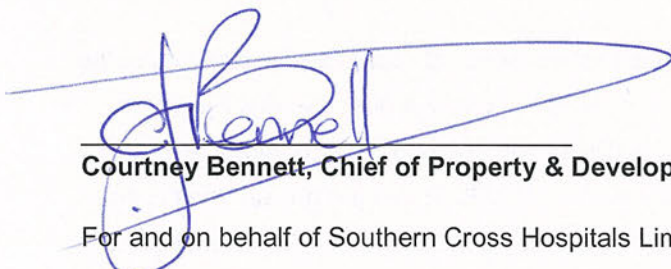
Submitter type: Business

Southern Cross Hospitals Limited (**SCH**) supports in part the draft first set of National Planning Standards.

SCH's submission on the draft first set of National Planning Standards is outlined in the **attached** document.

SCH welcomes the opportunity to discuss the matters raised in this submission further with the Ministry for the Environment.

SCH would also like the opportunity to engage with the Ministry for the Environment at an early stage of the development of the next stage of the National Planning Standards. This is because it is important that the technical requirements for public and private hospitals are understood before proposed provisions are prepared.



Courtney Bennett, Chief of Property & Development

For and on behalf of Southern Cross Hospitals Limited

Dated this 15th day of August 2018

Introduction

SCH has an important role in the New Zealand health sector

1. SCH has the largest network of private surgical hospitals and procedure centres in the country, with 10 wholly owned hospitals as well as ten joint ventures operated in partnership with leading healthcare providers. SCH is part of the Southern Cross Health group (**Southern Cross**). Southern Cross is owned by the Southern Cross Health Trust and comprises of independent, health-related businesses, united by a common brand, a not-for-profit philosophy, and a goal of achieving better value healthcare for New Zealanders. The Southern Cross overall brand purpose is: "Together, we are an indispensable partner in advancing the health and wellbeing of New Zealanders".
2. SCH provides essential social infrastructure and has an important role in the New Zealand health sector. In 2017, 78,000 New Zealanders were treated in a SCH facility. SCH hospitals are equipped with a range of advanced clinical technologies and many offer options such as higher dependency nursing, specialist consulting suites, and on-site imaging and diagnostic technologies. These facilities help to support a wide range of specialist services.

Expansion of the private health sector is essential

3. New Zealand (NZ) has significant projected population growth and an ageing population, which will require expansion in both the public and private healthcare services to keep up with the demand. Specifically, Auckland and the wider Northern region is expected to experience 58% of NZ's population growth. If current models continue, the Northern region will require an additional 2,055 beds, 41 surgical theatres, 1.1 million outpatient contracts and 2.2 million general practitioner consultations.
4. This rapid population growth and ageing population is placing increased pressure on the NZ public health sector. It is projected that acute surgery procedures will increase by 30,000, or 31%, by 2037; and elective surgery procedures will increase by 77,000, or 43%, by 2037. Over the last 3 years, District Health Boards (DHBs) in the Northern region have been struggling to provide publicly-funded surgery services for elective patients as they need to prioritise acute surgeries. This raises doubts about the capacity of DHBs to meet the projected volumes of elective surgery.
5. SCH assists by taking some of the elective surgery load that would otherwise have looked to the public system. In addition to this, 25% of SCH surgeries in Auckland over the past five years have been directly publicly-funded by ACC and by DHBs with the public sector hiring SCH's facilities to meet public healthcare targets. It is important that SCH and the private health sector can continue to deliver the same proportion of surgeries going forward, to avoid increasing the pressure on the public health sector, and any increase to the waiting list. It is therefore a collective effort of both the public and private health sector to increase the operating resources,

surgical beds and theatres to maintain an acceptable level of patient surgery thresholds and waiting lists.

6. Further to general growth in surgery numbers, the medical environment is rapidly changing. As medical technology continues to advance and become better equipped to extend and improve life, specialists are increasingly integrating their services. Hospitals are beginning to expand their facilities to provide a range of healthcare facilities and focus on the wider goal of improving recovery from health issues and overall wellbeing.
7. To meet this additional demand and changing medical environment, it is critical that SCH can redevelop and expand its existing hospital facilities.

The current planning framework is unfavourable to private hospitals

8. SCH has hospitals within eight different districts. These hospitals are subject to a range of different zoning. Six of SCH's hospitals are zoned residential and three are zoned business. This zoning predominantly has limited provision for hospitals and associated facilities and restricts SCH's ability to expand without facing expensive consenting processes.
9. SCH's Christchurch hospital is zoned Specific Purpose (Hospital) zone, which seeks that the evolving healthcare facility needs of Christchurch City and the wider region, are supported by the efficient development of hospital sites, whilst also recognising the amenity values of the surrounding environment. This is a good example of appropriate zoning for both public and private hospitals.
10. In addition to unfavourable zoning, district plans often fail to adequately define 'hospital'. This can lead to an overly narrow approach, which fails to recognise the associated services that are important for the operation of the hospital and providing healthcare.

Submission on the National Planning Standards

11. SCH's hospitals and healthcare facilities are likely to be affected by the implementation of the National Planning Standards.
12. SCH's specific comments on the provisions of the National Planning Standards and relief sought are contained in Table 1 below.

Table 1: Submissions on the Draft National Planning Standards				
Submission no.	Draft National Planning Provision	Draft National Planning Section	Submission	Relief Sought
1	Regional Policy Statement	S-RPS: Draft Regional Policy Statement Structure Standard, Part 4 – Themes, p.8	Support in part The Draft Regional Policy Statement Structure Standard primarily focuses on themes relating to the management of the natural environment. The themes proposed do not consider urban growth and form, development, or the provision of social infrastructure in general. This is important for SCH as hospitals are critical social infrastructure. These facilities are located in urban areas. In addition, the themes do not recognise or support the National Policy Statement on Urban Development Capacity 2016 (NPS). District and regional plans have an important role in managing activities and social infrastructure in urban areas. The identification of issues, objectives and policies for use and development in the urban environment in the Regional Policy Statement (RPS), including the proper provision of social infrastructure, is necessary to achieve integrated management of natural and physical resources within a region. SCH seeks the inclusion of a new RPS theme within the Draft Regional Policy Statement Structure Standard that addresses use and development to guide and manage urban growth and form within regions, and provide for social infrastructure.	Inclusion of a new RPS theme of 'Urban growth and form' within Part 4 of the Draft Regional Policy Statement Structure Standard to address use, development and growth and social infrastructure within urban areas.
2	District – Wide Matters	S-DP: Draft District Plan Structure Standard, p.14	Support in part The Draft District Plan Structure Standard	Inclusion of a new section within the Draft District Plan Structure

		and S-CP: Draft Combined Plan Structure Standard, p. 19.	and the Draft Combined Plan Structure Standard generally provides for all district-wide matters; however, it does not include a transport section. SCH and healthcare facilities are often required to provide for specified amounts of parking under the relevant district plan. A standardised transport section within District Plans would provide a specific location and easy identification of relevant transport provisions, including location, number and design of parking, loading and access. A standardised transport section within this Draft Standard will ensure consistency of transport planning provisions including their location and format in District Plans throughout the country.	Standard and the Draft Combined Plan Structure Standard specifically for transport provisions.
3	Special Purpose Zone – Hospital Zone	S-DP: Draft District Plan Structure Standard, p.17; S-CP: Draft Combined Plan Structure Standard, p. 19; and S-ASM: Draft Area Specific Matters Standard, p. 42.	Support and support in part The Draft District Plan Structure Standard and the Draft Combined Plan Structure Standard enables a Council to provide an additional special purpose zone that <i>“must only be created when the proposed land use activities and anticipated development within the defined area:</i> a. <i>are significant to the district or region</i> b. <i>could not be enabled by any other zone</i> c. <i>could not be enabled by the introduction of an overlay, precinct, designation, development area, or specific control.”</i> The Draft National Planning Standard provides for special purpose zones, such as the Airport Zone, Hospital Zone and Education Zone. The sites subject to these Special Purpose Zones are also commonly designated. Both designations and special purpose zones are used to manage specific	Retain the special purpose hospital zone; the Draft District Plan Structure Standard and the Draft Combined Plan Structure Standard. Amend the purpose statement for the special purpose hospital zone as follows: <i>The purpose of the Hospital zone is to provide primarily for ~~the ongoing operation of a locally or regionally important primary~~ medical <u>and surgical</u> facilities, and associated health-care services and healthcare facilities.</i>

			land use activities, such as airports, hospitals and educational institutions, that are significant to the district and would not be supported by other zones. SCH supports the introduction of a special purpose hospital zone that will cater for specific land use activities associated with the operation and maintenance of hospitals (public and private) and associated facilities. SCH and other healthcare providers are unable to obtain designations for hospitals and associated facilities. Therefore, a special purpose hospital zone is essential to ensure that public and private hospitals are subject to appropriate planning controls. SCH considers that the current purpose statement for the hospital zone is overly limited. A broader purpose is required to ensure that both public and private healthcare facilities are provided for and to also address surgical facilities. The current purpose statement also provides for the operation of these facilities but does not recognise the need for development. It is considered 'operation' is not required and could be interpreted to be overly restrictive. Amendments to the hospital purpose statement are proposed that support the operation and development of public and private hospitals and associated facilities.	
4	Hospital	CM1: Draft Definitions Standard, p.79	Support in part It is appropriate to provide a definition of 'Hospital' in the proposed activity definitions within the Draft National Planning Standard to be applied nationwide. A definition for 'Hospital' is proposed, which includes public and private facilities, medical	In the Draft Definitions Standard, add a new definition of 'Hospital' as follows: <u>Hospital</u> <u>means a public or private facility that provides for medical or</u>

			or surgical treatment, and healthcare services. This definition, including its non-exclusive list of associated activities, is sufficiently broad to address the range of services and specialist healthcare at public and private hospitals. As addressed in the introduction to this submission, private hospitals are important social infrastructure. They provide an alternative service for medical and surgical treatment for people that would otherwise go to public facilities, particularly for elective surgery. Private hospitals are crucial for the healthcare sector's ability to meet future demands. Including this definition will ensure that both public and private hospitals and their associated facilities will be provided for in a consistent manner in district plans.	<u>surgical treatment of, and healthcare services for, people. It includes:</u> (a) <u>helicopter landing and ambulance facilities;</u> (b) <u>medical research and testing facilities;</u> (c) <u>medical and health consultant suites;</u> (d) <u>first aid and other health-related training facilities;</u> (e) <u>rehabilitation facilities;</u> (f) <u>palliative facilities and hospices;</u> (g) <u>supported residential care;</u> (h) <u>hospital maintenance and service facilities;</u> (i) <u>mortuaries;</u> (j) <u>accessory offices and retail activities, including pharmacies, food and beverage outlets and florists;</u> (k) <u>accessory commercial facilities including banks and drycleaners; and</u> (l) <u>conference facilities.</u>
5	Social Infrastructure	CM1: Draft Definitions Standard	It is important that social infrastructure is provided for in the proposed definitions in the Draft National Planning Standard, to support the provision for social infrastructure as a regionally important matter, as addressed in submission point 1 above. SCH seeks the inclusion of a definition for 'Social infrastructure' in the Draft Definitions Standard.	In the Draft Definitions Standard: Add a new definition for 'Social infrastructure' as follows: <u>Social infrastructure:</u> <u>means assets that accommodate social services such as health (hospitals), education (schools and universities), cultural, religious, state housing, justice</u>

				<u>(police stations, courts, community corrections activities and prisons) and community recreation (halls, sports stadiums and parks).</u>

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Hastings District Council Submission to the Ministry for the Environment on the Draft National Planning Standards

13 August 2018

Submitted by Email to: planningstandards@mfe.govt.nz

1. Introduction

- 1.1. Thank you for the opportunity to provide feedback on the Ministry for the Environment's first set of draft National Planning Standards.
- 1.2. The Hastings District Council is in principle supportive of the intent and objectives of the National Planning Standards. However, in their current proposed form it is submitted that the outcome will be contrary to the overall objectives sought.
- 1.3. This submission covers the Standards in general terms and what the changes mean in the context of the Proposed Hastings District Plan. This submission also includes some suggested refinements to improve their implementation and better meet the overall intent and objectives of the Standards.
- 1.4. Any opportunity to provide additional input to the establishment of a set of National Planning Standards and discuss the points raised in this submission would be welcomed.
- 1.5. The main contact for this submission is Anna Sanders, Senior Environmental Planner Policy (Special Projects) who can be contacted on [REDACTED] or [REDACTED].

2. Proposed Hastings District Plan Policy Framework and General Comments on the Draft National Planning Standards

- 2.1 It is understood that the Standards seek to achieve balance between standardisation across plans while enabling local authorities the local variation needed for attaining local planning outcomes. However, as drafted it is considered unlikely that this will be the outcome achieved. In order to achieve the requirements of some of the Standards, Council will need to significantly change its policy framework, which we believe is contrary to the overall intent.
- 2.2 The Hastings District Council has only recently undertaken an extensive review of its District Plan. Decisions were notified in September 2015, with appeals yet to be fully resolved. In undertaking the review, a “place based” approach was adopted. This was in response to the extensive consultation carried out and the wishes of our community who sought recognition of distinctiveness of place. The result is a plan framework, including zones, which is formulated on community derived objectives, and reflects the environmental outcomes sought by our community. The Resource Management Act 1991, was founded on this premise. A participatory system of developing environmental policy at both district and regional levels. Evidence that the plan zones are representative of community derived objectives, is that no appeals were lodged on the Proposed Plan pertaining to the zones themselves or the plan framework.
- 2.3 This draft Standard proposes to simplify the package of zones and to minimise the use of zones where other planning tools such as overlays or precincts, can be used to introduce district provisions to achieve the variation needed to achieve local planning outcomes. It is submitted however, that precincts appear to being used to compensate for a lack of zones. The heavy use of precincts will result in a range of issues; precincts acting as pseudo zones as the underlying zoning becoming overridden by precincts, confusing and perhaps conflicting policy direction, sets of provisions that bear little resemblance to the underlying zone and won’t enhance plan usability and precincts which in some cases will overlap. Interpretation issues will likely result. Subtleties can sometimes be more easily introduced, by slightly broadening the number of zones and plan standards rather than creating the need for a precinct or overlay.
- 2.4 It is submitted that more flexibility needs to be built into the zones as Councils should have options as to how best to differentiate character and development through plan provisions. The names of the zones in the Standard will result in issues for Hastings. It is proposed that the residential zones are based on the density provided for in the zones. In the Hastings context it is topography, location or community and/or outcomes that determine zone names. The naming of zones using density as the determinant encourages the segregation of residential densities. Our experience with a recent residential rezoning is that this is not a desirable outcome and that variety of house types and section sizes should instead be the goal particularly in urban areas. As an attempt to create some zone flexibility, special purpose zones have been suggested. This will not resolve the issues identified as the location of these zones will be separated from the grouping of like zones.
- 2.5 While it appears Councils will have latitude to decide what zones apply where, it is the guidance notes that establish the zone characteristics themselves. Caution needs to be exercised with the establishment of these guidance notes, as it is likely that these characteristics will be heavily relied on in implementing the first set of national planning

standards and determining zone application. Their intent needs to be very clear and written in a much broader manner to allow Councils greater ability to fit their existing zones into the zone framework proposed without having undue challenges to these from submitters (especially given that in our case we have recently been through this process and the appeals on the District Plan did not question any of the zones themselves or the zone framework).

- 2.6 It is envisaged that the proposed Low Density Residential Zone would primarily apply to our Districts coastal settlements. The issue with our coastal communities fitting neatly into this zone is that the characteristics identified in the guidance note appear to envisage a narrow range of non-residential activities whereas the current Hastings District Plan provisions of the coastal settlements zone envisaged a more tailored response appropriate to coastal environments, such as camping grounds, visitor accommodation and in the case of Waimarama, land based primary production.
- 2.7 It is proposed in the Standards that “Neighbourhood Commercial” zone and the proposed “Local Commercial” zone be used. The term ‘commercial’ suggests that only business related activity will occur in this zone. The term centre should instead be used, as this better reflects the broad range of activities that occur in these locations. In Flaxmere as a local example, we currently have a Community Residential Zone which incorporates a swimming pool, community centre and library complex as well as open space parks and a Council owned area identified for potential future housing. Broadening the zone name change to “Neighbourhood Centre” and “Local Centre”, would better reflect the wide range of activities that establish, better supporting the existing objectives for the Flaxmere Village centre, to create a vibrant community hub.
- 2.8 The Napier City Council have submitted that consideration be given to aligning the draft Open Space Zones with those introduced by The New Zealand Recreation Association (NZRA). Hastings District Council is supportive of this suggestion, as we have used the seven NZRA categories as a basis for our open space zones as part of our recent plan review. The basis for this approach is to align with our Reserve Management Plans which are based on the NZRA adopted categories. This has meant that consistency and efficiency in managing reserves across different legislation and ensure that plan provisions align with the primary purpose of our open spaces.
- 2.9 Included within the Plan is the Plains Production Zone which recognises the growing powerhouse of the Hastings District. It is the focus for cropping, viticulture and orcharding in the region and in these activities it is nationally significant. The key to its productivity is the versatile land resource which provides flexibility into the future for changing productive land uses. Retaining this land for production purposes is a principle that forms one of the Council's cornerstones for sustainability of the District's natural and physical resources.
- 2.10 A review of the guidance on specific zones, suggests that the Plains Production Zone best fit would be the proposed Rural Production Zone. However, traditionally in the Hastings context the Rural Zone and Plains Production Zone have had very different policy frameworks and provisions that sit alongside them. These differences are based on current and potential land uses but also their different attributes. In reviewing the characteristics guidance notes it currently provides very little distinction between a Rural Zone and a Rural Production Zone, with the only point of difference being that the latter ‘may discourage land fragmentation into small lots’. It is submitted in the Hastings context that this is not a sufficient enough distinction.

- 2.11 It is also submitted that the Heretaunga 'Plains' as a term is well embedded in the Hastings context (could equally be applied to other versatile soils situations nationally) and it is Council's preference that this terminology be retained.
- 2.12 Included within the Proposed Hastings District is the Nature Preservation Zone (Section 5.5). It applies to an area of land covering the Cape Kidnappers and Ocean Beach area, generally defined by the 'Cape Sanctuary' nature preserve predator proof fence, but extending further south than the southern extent of the fence, to the Council Ocean Beach Surf Club Reserve. The introduction to the zone appended to this submission as **Attachment A**, provides a useful summary of the landscape values and multiple values present in this area.
- 2.13 Initially this land was zoned rural, but was changed as a result of our recent plan review to protect its special landscape and cultural values and supports the preservation, and conservation initiatives and existing farming and commercial operations of the owners, as well as providing additional eco-tourism, eco-education and eco-residential opportunities that are respectful of the environment. This section was subject to plan appeal and resolved through a substantive mediation process and consent order.
- 2.14 A review of the proposed zones and characteristics guidance suggests that the current best fit for this zone would be a Conservation Zone, its built form, amenity and activities outlined as:
- *The zone is dominated by largely undeveloped open areas with particular natural, ecological, scenic, landscape, cultural and/or historic values.*
 - *These zones are influenced by conservation mechanisms that provide for long-term management of the land. Significant physical modification of the land is not anticipated within this zone.*
 - *Often in public ownership (eg, national parks, forest parks, bush reserves).*
 - *Provides a specific underlying conservation focus and may have special conservation mechanisms (eg, QEII covenants), with an allowance for recreation activities.*
- 2.15 It is submitted that while the Nature Preservation certainly has these qualities, in this instance the land concerned is largely in private rather than public ownership and it is not explicit whether commercial activities which are mutually supportive and appropriately managed are appropriate. Even though the characteristics are seen as guidance for Councils, it is submitted that these characteristics will be heavily relied on in determining appropriate zones and if commercial activities are not seen as appropriate within a Conservation Zone then a separate zone should be established. Also use of the word Conservation has quite different connotations to that where a mixture of values and sometimes competing activities (albeit restricted) might be appropriate.
- 2.16 In summary, it is submitted that the limited zones proposed and extensive use of precincts and overlays to achieve the variation sought by the Standards, has the potential to require re-notification of fundamental components of our plan. Precincts and overlays while a useful planning tool in some circumstances should not be heavily relied on in the Standard to provide variation in attaining local planning outcomes. The approach suggested in Hastings case will lead to re-litigation of the size and shape of the zones and layers that exist.

3. Implementing National Direction - Urban Growth

- 3.1 The objectives of the National Policy Statement on Urban Development Capacity (NPS-UDC) apply to all local authorities, with differing policies depending on urban growth levels. Hastings District Council is considered a medium growth area under this NPS. As a medium growth area, Council is required to provide sufficient ongoing development capacity to meet existing growth needs as well as medium and long term growth needs.
- 3.2 Under the draft Standards, due consideration would appropriately need to be given by Hastings District Council to NPS-UDC in S-DP Draft District Plan Structure Standard under Part 1 – Introduction and General Provisions ‘National direction instruments’ and also has the discretion to similarly include it under Part 3 Strategic Direction. The inclusion of national direction instruments is supported as it improves their visibility and their application locally. Council however is not supportive of a requirement to include the detail on where these align, duplicate and conflict with provisions in the plan. The benefits in doing this are not clear and appears to add a layer of unnecessary detail which could result in interpretation issues. The Standards should set out the regional approach to implementing national direction and more appropriately any sections of the plan which include rules relevant to the national instrument.
- 3.3 From the draft Standards it is not clear how urban growth is to be dealt with under regional planning documents. Hastings District Council is particularly interested in this relationship not only as an identified medium growth area under NPS-UDC but has a partner to the Heretaunga Plains Urban Development Strategy (HPUDS). HPUDS is a combined strategy developed in conjunction with the Hawkes Bay Regional Council and Napier City Council to address regional growth issues over the next 30 years.
- 3.4 The functions of both District and Regional Councils under Sections 30 and 31 of the Act require the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity of housing and commercial land. HPUDS was developed as a local response to planning across boundaries and collaboration between Councils and is embedded in the Regional Policy Statement. The mandatory requirements of Sections 30 and 31 do not seem to have been given due consideration in the mandatory requirements of the regional standards. It is not clear from the Regional Standards if urban growth is to be dealt with as a special topic or as a subset under the land section. As all Councils are required to address these sections of the Act, Regional Policy Statements and NPS, it is submitted that the urban growth issue needs further consideration. As urban growth has been made a priority by central government and is a key issue for this Council and others, it is suggested that it not be dealt with as a special topic or as a subset of the land section but separately.

4. Consequential Amendments & Implementation Timeline

- 4.1 It is proposed that local authorities must amend their documents in accordance with section 58I of the RMA within 5 years of gazettal or 7 years in the case of specified local authorities. The proposed criterion for councils to be included within the two year extension is that:
- The council has notified, or is due to notify, the decisions version of an RMA plan, or a partial decision that encompasses the majority of the plan, between April 2016 and April 2019.***
- 4.2 In establishing this criterion consideration was given to councils which have recently carried out a major plan review and the cost and legal challenges that may happen if their plan structure and elements are changed again within a short time period.

- 4.3 Hastings District Council has recently undergone a major plan review at substantial cost with decisions notified in September 2015, falling slightly outside the April 2016 criterion date. While decisions were made in September 2015, some appeals still remain outstanding and require further funding and resource allocation to resolve. Resolution of these appeals include advancing our residential growth areas through a Streamlined Planning Direction and in the case of another substantive structure planning work. Making the plan operative is also now reliant on the decision of a High Court appeal which is in its infancy.
- 4.4 Ideally Council does not wish to incur further costs and legal challenges that may happen if their plan structure and elements are changed again within a short time period.
- 4.5 Further to this, it has been suggested by the Ministry for the Environment that the introduction of a number of these Standards can be introduced by way of consequential amendments, under Section 58I of the Resource Management Act as the content of plans won't actually be changing. Incorporating the Standards into the Proposed Hastings District Plan will require content to be substantially reworked. It is Council's opinion that a number of these Standards can't be considered as consequential amendments as they go beyond the scope of duplication and conflict and that a full Schedule 1 process will need to be adopted to implement the Standards.
- 4.6 If the Standards are adopted as proposed, this leaves Council in a position where within a short period of time of undertaking a plan review, it is faced with having to use a Schedule 1 process to implement the Standards. Schedule 1 processes are costly, lengthy and ultimately subject to Environment Court appeal. Council will also be left having to explain to its community why it is having to change its plan again, with limited if not no benefit in environmental outcomes as outlined in the Section 32 Report. Having to implement the Standards will also mean that other programmed planning work which has been scheduled by Council will not occur during this period.
- 4.7 To avoid placing Councils in this position it is suggested that ten years be given to implement the Standards, so that they can occur within their normal District Plan review cycles.
- 4.8 Alternatively, if the Ministry is not of a mind to amend the implementation timeline to ten years then even though Hastings District Council falls outside the dates specified in the criterion, it does meet the elements considered in setting it. Hastings District Council therefore seeks that the criterion be amended to allow for its September 2015 decisions date and that it be granted a two year extension, giving it 7 years to implement any standards (acknowledging that it has 1 year to implement changes associated with functionality and accessibility).

5. District Wide Matters - Sites of Significance to Mana Whenua, Marae and Papakāinga Developments

- 5.1 Council rather than the use of the term Sites of significance to Māori has a preference for the term Sites of significance to 'Mana Whenua'. This is because it more appropriately recognises cultural importance and spiritual beliefs to specific areas and guardianship of these areas by mana whenua in our wider community/district. It is understood that this is becoming a more widely appropriate way of recognising these relationships. Further thought should therefore be given to the use of this term in the Standards.

- 5.2 Under the draft District Plan Structure Standard, Part 4 - District Wide Matters it provides for 'Community values' which includes Sites of significance to Māori. It is anticipated that this be for the inclusion and protection of waahi taonga sites. What is not explicit is if it is anticipated that this similarly includes Marae and Papakāinga developments or that these provisions sit within the zones themselves.
- 5.3 The Proposed Hastings District Plan, as the result of a 2013 plan review includes specific provisions for Papakāinga development as a District Wide Activity on Māori land. This Section of the Plan has been designed to ensure that Papakāinga development provides for Māori who would like to develop their traditional lands and to meet their housing needs and cultural aspirations.
- 5.4 A District Wide Activity was chosen as it provides the greatest opportunity for Māori to develop both large and small scale Papakāinga depending on their situation and objectives. We have concerns that by requiring Papakāinga to be identified through Zones, that this will limit the potential for developments within the District, and which hapū can undertake developments due to the costs involved. Hastings District currently has the highest level of Papakāinga Development in the country, and is proving extremely successful in providing social housing needs for Māori, we would be concerned by any changes to the plan which may reduce development or its importance. Council would like to continue to enable for this type of development to occur as a District Wide Activity. For similar reasons it is submitted that Marae be treated in the same way.

6. Mapping Standard (F2)

- 6.1 The Hastings District Council sees the benefits in standardising matters such as the colour palette for zones and key symbology. To a certain extent harmonisation with Napier City Council maps occurred as part of our recent plan review, as it enables easy comparison of plans locally. Local councils use the same mapping software, which further assists with familiarity and ease of comparison. Also a standard data requirement will assist in creating consistent data sets.
- 6.2 However, as proposed the draft Mapping Standard (F2) needs further refinement to enable ease of comparison. As proposed the zoning colour scheme and the symbology used does not improve usability. At the moment, the proposed zone colour palette does not appropriately differentiate between zone groupings or hierarchies. This results in a map that is less intuitive to the user as different land uses and clusters are difficult to distinguish. To overcome this, instead, one colour palette should be used for a zone grouping and graduations of that shade indicates different zones in that grouping.
- 6.3 The following comments regarding some of the proposed symbology is outlined in the table below to improve legibility and accuracy:

Symbology Proposed	Comment
	Heritage item (building or structure) - this symbology should be amended so that it is more relevant to the New Zealand context.
 (Geometry polygon RGB 98, 49, 3 Outline width: 5)	Heritage area – if a symbol is used for heritage item then amend the colour proposed to the same colour as the symbol for heritage item (building or structure) outlined above.
	Protected tree – amend this symbol to one that has cleaner lines.
	Protected tree group – amend this symbol to a polygon rather than a point so the tree group extent is better defined.
 (Geometry polygon Fill: RGB 204, 229, 232 Outline: RGB 150, 197, 216 Default transparency: 40%)	Hazard polygon – amend the colour of this polygon (Coastal hazard; Flood hazard; Volcanic hazard and Fault hazard) as blue should be used for water features. Also consider whether a different colour should be used for these four features to more readily distinguish between them.

6. Definitions

- 6.1 Hastings District Council acknowledges the intention of greater consistency in definitions across RMA plans. However, the standardisation of some of these terms will have an impact on the Proposed Hastings District Plan, namely changing policy intent. This will require Council (after recently having done it) to review and re-write parts of its plan to ensure any policy approach and rules created are consistent with the terms defined in this Standard.
- 6.2 Some of the specific problems experienced by the proposed definitions in the context of the Proposed Hastings District Plan are identified in the table below:

Definition as Proposed by Standard	Proposed Hastings District Plan Definition	Issue/s
Visitor Accommodation: means land and/or buildings used primarily for accommodating non-residents, subject to a tariff being paid.	Visitor Accommodation: means any premises used for transient accommodation for not more than 50 days in any twelve month period by any given individual, including motels, holiday or tourist flats, hostels, homestays, boarding houses, private hotels, motor and tourist lodges, but does not include camping grounds, any premises used for the sale of liquor and seasonal accommodation.	The definition as proposed will capture all buildings being rented for non-residents, including residential dwellings, this will be very difficult to monitor and does not represent what is generally anticipated for visitor accommodation. As a couple of examples, by definition it will capture Air B and B and Recognised Seasonal Employer (RSE) worker accommodation. There is currently seasonal worker shortages in Hawkes Bay and Council is currently working on a plan change to deal with the RSE accommodation issue.
Structure: means any building, equipment, device or other facility made by people and which is fixed to or located on land; and includes any raft, but excludes motorised vehicles that can be moved under their own power.	Structure: Has the same meaning as in the <i>Resource Management Act 1991</i> and any subsequent amendments. The RMA currently defines structure as meaning “ <i>any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft</i> ”.	Why is the definition proposed in the Standard different to that in the RMA when cross referencing has occurred elsewhere?

Height: means the vertical distance between ground level at any point and the highest part of the structure immediately above that point.	Height of a building: shall be the vertical difference between the ground level and the highest or relevant part of a building except that no account shall be taken of that part of a building comprising of: (a) Lift wells, elevator and stair bulkheads, roof water tanks and cooling towers (together with their enclosures) (b) Chimneys, lightning rods, flues, spires, flagpoles, aerials, and wire, chain, link or other open or transparent fences and such finials and similar parts as constitute only minor decorative features. (c) Dormer windows. See Appendix 68 - Figure 6.	Currently our definition provides some exclusions to building height and therefore height in relation to boundary requirements, which are considered to have minor effects. The definition as drafted will create substantial restrictions on our development community. Council seeks that the inclusion of these exemptions be investigated for inclusion in any proposed definition.
Coverage: means the percentage of the net site area covered by the footprint of structures as identified in the relevant rule.	Building coverage: means that portion of a site which is covered by buildings, including overhanging or cantilevered parts of buildings (including any part of the eaves and/or spouting projecting more than 0.6 metres measured horizontally from the exterior wall). The following shall not be included in building coverage: (a) Unroofed pergolas; (b) Underground carparking with landscaping above; (c) That part of eaves and/or spouting or bay windows projecting 0.6 metres or less horizontally from any exterior wall; (d) Earthen terracing 1 metre or less in height with landscaping above of sufficient depth to allow drainage; (e) Satellite dishes; (f) Any swimming pool or tank which is not defined as a building, and	The Council definition currently excludes eaves, which protrude from the building by less than 0.6 metres which are considered to have minor effects. The definition as drafted will create substantial restrictions on our development community. Council seeks that the inclusion of these exemptions be investigated for inclusion in any proposed definition.

	(g) Crop protection devices and crop support structures.	
Net Site Area: means the total area of the site, but does not include: a) any area of land that legally provides access to another site: b) any area of land used primarily for legal access to a rear site: c) any area of land subject to a designation that is intended to be taken or acquired under the Public Works Act 1981.	Net Site Area: means a single contiguous site area set aside for the exclusive use of its owners, leasees or tenants and shall exclude all common use areas, (excluding easements for water, power, phone, sewer and stormwater), access lots or access strips and entrance strips but in the Rural Areas/Zones shall also include the total of two or more such areas separated by any common use areas, access lots or access strips. See Appendix 68 - Figure 9 .	The removal of the word 'contiguous' has significant implications for our Plains Production Zone subdivision rules which are particularly restrictive to protect the versatile nature of these soils and to retain or create productive units. Council therefore seeks the addition of the word contiguous into the proposed definition.

7. Conclusion

- 7.1. Hastings District Council's submission outlines a number of areas where the Standards, as currently drafted, will have significant impact on the Hastings District Plan. Council requests that the Standards are amended, as indicated in this submission, to enable council to incorporate these standards without having to review the Hastings District Plan's policy framework and/or to notify a plan change for the consequential amendments that are out of scope.
- 7.2. In addition, the Hastings District Council requests that it be given ten years to implement the Standards. This will align with its plan review cycle, reducing costs to its community and allowing integration of changes that require the Schedule 1 process.
- 7.3. Council also requests that the Ministry for the Environment provide extensive communication support to explain to the public the intent and content of the Standards, particularly if the requested ten year plan review cycle suggestion is not adopted.

Attachment A

5.5 NATURE PRESERVATION ZONE

5.5.1 INTRODUCTION

“This Zone relates to a specific area which includes Cape Kidnappers and the majority of Ocean Beach. This area is considered special by many for a number of reasons, often due to the experiences of people from visiting the Cape via the Department of Conservation reserve, and Ocean Beach via the road access to the Surf Club reserve and the Waipuka bach settlement.

The area has a long association of Maori history and therefore includes many sites of significance to Maori, including wāhi taonga and archaeological sites relating to Maori settlement and occupation. In te reo Maori, Hawke Bay (of which Cape Kidnappers marks the south eastern extent) is known as Te Matau a Maui (the hook of Maui). The Cape itself is known as Te Kauwae a Maui. Heading south from Te Kauwae a Maui is Puapua (also known as Flat Rock), the bay known as Rangaiika, a section of beach known as Matarau, then Whakapau (being the headland defining the northern end of what is commonly known as Ocean Beach). The long stretch of beach to the south of Whakapau is known as Haupouri (literally meaning 'sad wind', a reference to the beach's exposure to the south). The Waipuka land block is located at the southern extent of Haupouri. This includes the Waipuka bach settlement, the Waipuka Stream and the end of Ocean Beach Road, all of which are located beyond the southern boundary of the Nature Preservation Zone.

The landscape backdrops are significant (and include land mapped as an outstanding landscape see the [Natural Features and Landscapes Section](#) of the Plan) and for the most part fall within private property. A feature unique to this Zone is that the owners of the two largest properties within the Zone have a vision and commitment to the ecological preservation and enhancement of the environment within it. This is exemplified by their investment in a predator proof fence and predator control program, which has resulted in the virtual elimination of introduced predators from the wider Cape Kidnappers (Te Kauwae a Maui) peninsular area within the fence, which stretches from the dunes of Haupouri, across the hills to the cliffs forming the southern extent of Te Matau a Maui (Hawke Bay).

The success of this dedication to ecological enhancement and predator control has resulted in permissions being granted for the release of rare native bird species into the 'Cape Sanctuary' (ecological preserve). The area within the predator proof fence is unique to such areas within New Zealand, insofar as it is not solely an area preserved for wildlife. The Nature Preserve Zone also includes working pastoral farms, and at Cape Kidnappers an international golf course and tourist lodge. Immediately south of the Ocean Beach end of the Zone, a range of existing buildings are established, including the surf club and a small bach community. Further to the north within the Zone there is an established woolshed and equestrian centre, along with various farm buildings, stock yards, dwellings and visitor accommodation units. On the natural side it includes a significant area of sand dunes, a regenerating Kanuka/Manuka forest and fragile coastal environments. Other areas of significance include the paleofaunal significance of the sand dunes and surrounds which have preserved the remains of previous flora and fauna to occupy the area. This area is also culturally rich and, as well as the Maori history referred to above, is also important to early This area has previously been included within the Rural Zone. However, the unique circumstances and opportunities of the area necessitate a special specific zoning which both protects its special values and supports the preservation, and conservation initiatives and existing farming and commercial operations of the owners, as well as providing additional eco-tourism, eco-education and eco-residential opportunities that are respectful of the environment. Overall therefore, the basis for creation of the Nature Preservation Zone was to encompass the multiple values present in this area, and to ensure a balance between appropriate

social and cultural interaction with the environment, continued economic sustainability, and ecological preservation, restoration and conservation.

The biodiversity being conserved and enhanced in this area represents part of the natural heritage of New Zealand. Most people have few chances to experience this in their everyday lives. This separation of people from their natural heritage has been the dominant philosophy of conservation policies in the past. Because of this separation, few New Zealanders have accepted responsibility for caring for this heritage which has resulted in conservation being left to government agencies. The universal presence of introduced predators and weeds means that conserving native biodiversity requires active intervention and considerable cost. Enhancing the depleted biodiversity carries far higher costs. It is only through the actions of concerned people and finance from responsible developments that this situation will be reversed as is happening in this Zone. Accommodating people and enhancing their interaction with their natural heritage as well as achieving income from such interactions in a way that sustains the natural and cultural heritage values that are present, are key parts to ensuring the future of New Zealand's special biodiversity.

Eco-tourism is a mechanism by which this unique area and its wildlife can be visited and experienced by people. The regulatory provisions of this Zone are therefore designed to allow the continuation of the existing uses and to provide opportunity for the development of buildings and facilities that support the conservation initiatives in providing shelters and facilities for volunteers, along with buildings and facilities to support eco-tourism and eco-education.

Planning controls set thresholds or consent requirements to ensure that such activities sustain and do not undermine, ecological, archaeological, Maori-cultural and landscape values. This combination of unique values also means that some activities that are permitted in the Rural Zone (Industrial Activities being an example) are not appropriate in the more sensitive environment of the Nature Preservation Zone”.

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*	
Organisation (if applicable)	
Address	
Phone	
Email*	

Submitter type*	Individual	☐
	NGO	☐
	Business / Industry	☒
	Local government	☐
	Central government	☐
	Iwi	☐
	Other (please specify)	☐

[Click here to enter text.](#)

* 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

Our submission is representative of professional planners within [REDACTED] and our comments are not necessarily representative of any of our clients.

[REDACTED] generally supports standardising the format, terminology and definitions of plans prepared under the Resource Management Act 1991 (RMA) to improve their ease of use and accessibility, particularly on small screen digital platforms (such as mobile devices). We believe that a key objective of this project should be to ensure that all RMA plans are digitalised and useable on the small screens of digital mobile devices, which is how most information on the internet is being consumed.

[REDACTED] also asks whether the project should be delayed until a decision has been made on whether to reform the RMA. Some of our comments refer to the appropriateness of zoning as a default setting for District Plans, when overseas methods of managing land uses may be more appropriate in dense and complex urban settings. Whatever form standardisation takes, [REDACTED] position is that it must not stifle innovation or roadblock adoption of overseas best-practice.

2. S-RPS: Regional policy statement structure standard

No specific comment on this topic.

a. Parts 3 and 4 – Core policy statement provisions

No specific comment on this topic.

b. Part 5 – Evaluation and Monitoring

No specific comment on this topic.

3. S-RP: Regional plan structure standard

No specific comment on this topic.

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

No specific comment on this topic.

b. Part 6 – Evaluation and Monitoring

No specific comment on this topic.

4. S-DP: District plan structure standard

[REDACTED] supports, in principle, the intention of standardising the structure of District Plans throughout New Zealand to improve their ease of use. [REDACTED] works with District Plans, nationwide, on a daily basis and we acknowledge that it can take time to adjust to the structure, format, and written style of each District Plan.

Our observation is that an activity-based approach is easier for non-planners to navigate because the majority of the rules that apply to a site are located within a single chapter. The approach is appropriate for authorities where there is comparatively fewer local issues, or there is comparatively less complex local issues to address. In our experience, District Plans for smaller rural authorities can successfully cover all of the rules that apply to a land use zone within the one chapter (for instance, subdivision, natural hazards, earthworks, etc.). The advantage is that most of the answers to most of the questions are contained within the one chapter and the risk of overlooking a critical provision is greatly reduced.

An activity/ zoned based approach is appropriate for most projects, pursued by people with the widest range of

backgrounds (e.g. garages and residential extensions).

However, where there are a range of more complex resource management issues at play or a range of competing issues to manage (particularly in larger urban areas), it has been our experience that such an approach struggles to concisely list all of the rules and development controls that may apply, and the readability of the District Plan consequentially suffers. In such cases, [REDACTED] supports separating issues into topic-based layers from base activity/ zone base layers, with the objectives/ policies/ rules set-out in separate chapters of the District Plan from the zone rules. [REDACTED] generally accepts that a topic based/ effects based approach can provide much needed structure to a District Plan, simplifying the readability of the District Plan by reducing the number of rules contained within a chapter in comparison to if a zone based/ activity based only approach were adopted.

[REDACTED] preference is to roll-out a Combination Plan Approach (topic and zone based) as a standardised format because it can be adapted to suit a variety of local circumstances. [REDACTED] also believes that the combination approach provides greater scope to insert additional chapters/ overlays overtime, as issues arise, without losing the coherence of each zone chapter. The drawback of having to read the entire plan to reach a conclusion can be addressed through professional assistance and as e-plan software evolves overtime.

In our experience, separate topic chapters work best for managing resource management issues that apply across all or most zones within a District, such as Significant Natural Areas, heritage features, or other specific management areas. Overlays are widely understood and it is easy to link rules to objectives and policies and issues. [REDACTED] is of the opinion that the layers themselves should only be standardised when the assessment criteria used in their application are also standardised and consistently applied throughout the country. For instance, the value of Category A and B listed heritage features is understood throughout the country because it is based on standard assessment criteria.

Precincts and Structure Plan areas are more challenging to address through a combination approach, particularly in situations where some of the base rules of a zone apply alongside rules of the precinct or structure plan may apply instead of others. [REDACTED] suggests that the usability of the District Plan may improve if precinct and structure plan rules stand on their own as a complete rule set without relying or cross-referencing rules of a base zone. This approach will also make it easier to separate plan changes to zone provisions that may or may not be suitable for the precinct/ structure plan area.

5. S-CP: Combined plan structure standard

(See above comments)

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

No specific comment on this topic.

a. Introduction chapter

No specific comment on this topic.

b. How plan works chapter

No specific comment on this topic.

c. Interpretation

No specific comment on this topic.

d. Plan integration

No specific comment on this topic.

e. Formation of standards with tangata whenua

No specific comment on this topic.

f. National direction

No specific comment on this topic.

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

No specific comment on this topic.

a. Recognition of iwi/hapū chapter

No specific comment on this topic.

b. Tangata whenua local-authority relationships chapter

No specific comment on this topic.

c. Iwi and hapū planning documents chapter

No specific comment on this topic.

d. Consultation chapter

No specific comment on this topic.

e. Use of te reo Māori

No specific comment on this topic.

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

No specific comment on this topic.

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

No specific comment on this topic.

a. Natural Environment Values Chapter

No specific comment on this topic.

b. Environmental Risks Chapter

No specific comment on this topic.

c. Community Values Chapter

No specific comment on this topic.

d. Infrastructure and Energy Chapter

No specific comment on this topic.

e. Subdivisions Chapter

No specific comment on this topic.

f. General District Wide Matters Chapter

In our opinion the risk of standardising zone content is that it could limit Councils' ability to respond to specific space-related requirements which can differ significantly between cities and regions in New Zealand and even between different areas within the same city. Standardizing the zones themselves will provide sufficient consistency across the country and assist national-level data collection without restricting spatial specificities.

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

No specific comment on this topic.

a. Zone framework (individual and range)

The proposed standard zones- whichever option is adopted – will inevitably result in canonising zoning as the only available planning tool for urban development for the long-term future and we question if this is the intended approach by the proposed National Planning Standards, particularly as this is not a prescribed requirement under the Resource Management Act for plan making. Zoning may not always be the best way to achieve mixed use areas within the urban environment because, due its inherent segregation of land uses, zoning cannot in isolation facilitate the sustainable goal of vibrant mixed developments envisaged in larger urban areas. Furthermore, zoning cannot guide a cohesive development on land with segregated ownership, whereas the adoption of alternative planning tools, such as form-based codes, can ensure coherent development within a longer period of time on land where individual lots are owned by different owners. [REDACTED] considers that further review is required to allow flexibility in terms of available planning tools in the National Planning Standards by enabling other methods to be used such as form-based coding, or similar.

b. Purpose statements

No specific comment on this topic.

c. Additional special purpose zones and criteria

No specific comment on this topic.

d. Precincts chapter

No specific comment on this topic.

e. Development areas chapter

No specific comment on this topic.

f. Designations chapter

No specific comment on this topic.

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

No specific comment on this topic.

12. F-1: Electronic accessibility and functionality standard

[REDACTED] believes that having a consistent national GIS platform would be important to ensure that users have a consistent experience across the country, regardless of the software they are using.

a. Standard baseline requirements

No specific comment on this topic.

b. Level 5 requirements

No specific comment on this topic.

13. F-2: Mapping standard

██████████ supports the proposed mapping standards and agrees that it would be helpful to have them standardised. However, we also think that it would be good to not rely on colours alone to distinguish zoning. One possibility could be to have a small label to specify zoning (e.g. MHU for the Residential Mixed Housing Urban zone in Auckland). Switchable layers could further assist the visual appearance of the maps by allowing the user to choose which map information is visible.

██████████ also supports the use of standard scale for maps as long as there are a number of options available depending on the size of the detail required by the user (i.e. 1:20, 1:50; 1:100; 1:200; 1:250; 1:500; 1:1000; 1:2000; 1:2500; 1:5000).

a. Zone colour palette

██████████ thinks that the choice of colour should avoid the use of complementary colours (e.g. red-green or yellow-blue) within the same map to assist colour blind people and avoid the use of very subtle colour differences which may be difficult to differentiate between due to differences in computer monitor colour settings or printer colour settings.

b. Symbolology

No specific comment on this topic.

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

No specific comment on this topic.

a. Range of tools

No specific comment on this topic.

b. Zone

No specific comment on this topic.

c. Overlay

No specific comment on this topic.

d. Specific control

No specific comment on this topic.

e. FMU

No specific comment on this topic.

f. Airshed

No specific comment on this topic.

g. Area

No specific comment on this topic.

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

No specific comment on this topic.

a. Range of tools

No specific comment on this topic.

b. Zone

No specific comment on this topic.

c. Overlay

No specific comment on this topic.

d. Precinct

No specific comment on this topic.

e. Specific control

No specific comment on this topic.

f. Development areas

No specific comment on this topic.

g. Designation

16. F-5: Chapter Form standard

No specific comment on this topic.

a. Chapter form

No specific comment on this topic.

b. Rules

No specific comment on this topic.

c. Rule tables

No specific comment on this topic.

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

No specific comment on this topic.

a. Status of rules and other text

No specific comment on this topic.

b. Numbering

██████████ supports the use of consistent numbering systems as it would make the use of district plans much more straightforward and efficient.

18. CM-1: Definitions standard

██████████ supports some standardisation of Plan definitions to address variation. ██████████ has provided general feedback on standardising definitions and not commented on the specific draft definitions that have been provided on Page 77 of the Draft National Planning Standards document.

Standardising definitions will have noticeable impact where the terminology is frequently used and is common between Plans, but where there can also be a small differences in the purpose of the terminology. For instance, ██████████ has encountered small differences between the intent of an “impervious surface.” In some Districts, a low slatted deck and an in-ground swimming pool are defined as impervious surfaces because this definition is used to manage character and amenity, in addition to stormwater issues. In other areas, it is only a stormwater management tool and slatted decks are excluded.

██████████ notes that definitions within RMA plans are generally specific to the application of the rule of a Plan. For instance, it is common for a definition relating to home occupations to be embedded with specifics around the number of people working at the site. ██████████ is therefore concerned that standardising definitions may trigger the redrafting of rules. This may compromise the significant investment made on redrafting the second generation plans if not phased in over time.

Terminology such as ‘height in relation to boundary’ or ‘yard,’ which are fundamentally rules that vary from zone to zone depending upon the outcome that they seek to achieve, are best described outside of the definition chapter and within the rule itself in order to reduce the number of cross-references within the Plan. Professional, standardised diagrams could be created and made available to Council’s to include within plans to explain these terms.

██████████ is of the opinion that it would be beneficial to standardise the definition of ‘building height,’ as there is significant variation between plans on how it is measured and what is excluded.

██████████ is of the opinion that nesting tables (a table within a table) is not an effective way of presenting information, particularly as information is now being displayed digitally on the internet and being consumed on mobile devices with small screens, where it is not easy to view information in table form. Statistics show that more information is now being accessed from mobile phones and tablets than desktop computers. Also of note is that Facebook’s web browser (accessed via mobile phone), is now that the third most used web browser, behind Chrome (1st) and Safari (2nd).

██████████ is strongly of the view that whatever form RMA plans take, they must be digitally accessible and easily consumed on mobile devices.

a. Individual definition

██████████ has chosen not to make a submission on the individual draft definitions listed in Table 29 of the Draft National Standards (Definitions Table).

However, to emphasise the points that we have raised in Section 18 of this submission, ██████████

██████ notes that the proposed definition of 'building' (to include an enclosed space and to define everything else as a 'structure'), will trigger many changes to the rules of a Plan as many Plans include structures within the definition of building.

b. Additional definitions

No specific comment on this topic.

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

██████ supports standardising how earthworks, noise and light spill are measured. For instance, ██████ has experienced variation in how the volume of earthworks is calculated. In some Plans, volume is calculated with cut and fill being calculated separately and added together to determine compliance. In other Plans the calculation is based on the total amount of earth that is being disturbed, with no double-up on cut and fill totals for example, 100m³ of cut and 100m³ of fill is 100m³ of earthworks, not 200m³ of earthworks as in other Plans).

The NPS provides the opportunity to also resolve the following matters relating to earthworks:

- Whether or not 'fill' over 1m in height above natural ground level is defined as 'building coverage'.
- Whether earthworks relating to landscaping is excluded from the metric.
- Whether engineered material (e.g. metal) is included in the metric.
- Time period during which earth is moved (e.g. twelve month period).

██████ strongly supports the logic of standardising how noise and vibration is measured and for aligning District Plans to NZ Standards. Removing variation would allow Acoustic Engineers to focus on the issue rather than to explain how a Plan might differ from a NZ Standard.

██████ would have reservations where the standardisation of metrics would in effect standardise the rule. Therefore, ██████ supports leaving the maximum and minimum thresholds to Council's to reflect local situations, following consultation with the local community.

a. Technical support

No specific comment on this topic.

20. Implementation

██████ generally supports the timeframes for local authorities to implement the mandatory requirements of the NPS, so that the changes are rolled out with the next plan review.

a. ePlanning implementation

No specific comment on the timing of digitalising plans. However, ██████ believes that through the guidance provided by the NPS, local authorities should be aiming to draft plans that are easier to use on small screen devices.

b. Timing

██████ generally supports the timeframes for local authorities to implement the mandatory requirements of the NPS, so that the changes are rolled out with the next plan review.

c. Support

No specific comment on this topic.

d. District plan structure guidance

No specific comment on this topic.

e. Regional policy statement and regional plan structure guidance

No specific comment on this topic.

f. District plan spatial planning tools and zone framework guidance

No specific comment on this topic.

g. Regional plan and policy statement spatial tools guidance

No specific comment on this topic.

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

No specific comment on this topic.

i. Additional guidance materials required

No specific comment on this topic.

21. Future content for standards

No specific comment on this topic.

a. Utilities provisions

No specific comment on this topic.

Other comments

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

No further comments.

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.

Rural Contractors New Zealand Submission

Draft National Planning Standards

To: Ministry for the Environment
PO Box 10362
WELLINGTON 6143

Email: planningstandards@mfe.govt.nz

Name of Submitter: Rural Contractors New Zealand Incorporated

Address for Service: Graeme Mathieson
Mitchell Daysh Limited
[REDACTED]
[REDACTED]
[REDACTED]

Telephone: [REDACTED]

Email: [REDACTED]

I confirm that I am authorised on behalf of Rural Contractors New Zealand Incorporated to make this submission.

1 OVERVIEW

- 1.1 Rural Contractors New Zealand Incorporated ("Rural Contractors NZ") generally supports the direction of the Draft National Planning Standards subject to the amendments which are outlined in this submission.
- 1.2 In this submission we have provided:
- General submissions on the Draft National Planning Standards (**Section 2**); and
 - Specific submission points on the Draft National Planning Standards, including relief requested (**Attachment A**).

2 GENERAL SUBMISSION

- 2.1 Rural Contractors New Zealand Incorporated ("RCNZ") is the only national association and the leading advocate for rural contractors in New Zealand representing the interests of contractors engaged in a wide range of activities and is an Affiliated Member of Federated Farmers. RCNZ monitors central and local government policies and plans. It maintains close relations with a wide number of organisations, government departments and other bodies.

- 2.2 There has been a growing trend in the share of rural contracting in total agricultural production with an estimated 1100 rural contractors nationwide. This has been indicative of a trend toward greater specialisation and contracting out of the inputs to rural production. Contractors are used for the skills they have gained through specialisation, the machinery and technology they can offer, and as a substitute for other labour.
- 2.3 The main industry users of services from the rural contracting industry are horticulture and fruit growing, livestock cropping and farming, dairy and cattle farming, forestry, and services to agriculture and hunting and trapping. Specific examples of rural contractor services include:
- Aeration;
 - Cultivation;
 - Earth moving;
 - Fertilising;
 - Grain and seed harvesting;
 - Land clearing and development;
 - Park and reserve maintenance;
 - Root raking;
 - Spraying;
 - Windrowing;
 - Hay and silage making;
 - Drilling;
 - Farm drainage;
 - Hedge and shelter cut;
 - Mowing;
 - Ploughing;
 - Aerial and land spraying;
 - Track maintenance;
 - Cartage;
 - Fencing;
 - Forestry;
 - Horticulture;
 - Mulching;
 - Viticulture.
- 2.4 Rural contractors make a significant contribution to rural communities, by providing off-farm work and casual workers for the farming sector and contributing to the economic and social health of local areas. Due to the nature of their business and the clients they serve, rural contractor depots are typically established in rural areas. The scale of rural contractor depots can vary from relatively small-scale seasonal operators, some of whom have established the business as a logical extension of an existing farming operation, to larger larger-scale businesses operating solely as a rural contractor depot.
- 2.5 Rural contractors are critical in ensuring the prosperity, security, and sustainability of New Zealand's pastoral and forestry sectors which are the backbone of our economy and their continued success is essential to this country's living standards. Sound planning is required to ensure that activities that are integral to the rural industry such as rural contractors are sufficiently recognised, provided for and protected for future generations in terms of key planning documents such as the National Planning Standards.

3 SPECIFIC SUBMISSION POINTS

3.1 Rural Contractors NZ's specific submission points are provided in Attachment A.

3.2 In respect of all of those submission points in Attachment A, Rural Contractors NZ seeks:

- Where specific wording has been proposed, words or provisions to similar effect;
- All necessary and consequential amendments, including any amendments to the provisions themselves or to other provisions linked to those provisions submitted on, and including any cross references in other chapters; and
- All further relief that are considered necessary to give effect to the concerns described above and in Attachment A.

Signature:

RURAL CONTRACTORS NEW ZEALAND INCORPORATED

by its authorised agents Mitchell Daysh Limited



G.J. Mathieson

Date:

17 August 2018

ATTACHMENT A: RURAL CONTRACTORS NZ'S SUBMISSIONS ON THE DRAFT NATIONAL PLANNING STANDARDS

REF	PROVISION	PAGE	SUPPORT OPPOSE	RURAL CONTRACTORS NZ COMMENTS	RELIEF SOUGHT
1	S-ASM: Draft Area Specific Matters Standard Zone chapters (S-ZONES) Discretionary Direction 8 Rural Zone and Rural Production Zone	43-44	Support in part	Discretionary Direction 8 states that the local authority must choose at least one of the zones listed in a following table to use in their Plans, and that each zone contains a Purpose Statement which the zone provisions must fulfil. However, it is noted that the relevant table includes both a "Rural Zone" and a "Rural Production Zone". The "Purpose Statement" for the Rural Zone is as follows: <i>The purpose of the Rural Zone is to provide primarily for primary production activities. The zone may also provide for a limited range of activities which support rural production.</i> The "Purpose Statement" for the Rural Production Zone is as follows: <i>The purpose of the Rural Production Zone is to prioritise primary production activities that rely on the productive nature of the soils, intensive primary production, and also providing for associated rural industry.</i> It is not clear why there needs to be both a Rural Zone and a Rural Production Zone. The Purpose Statement for each zone provides for primary production activities, however the Rural Zone also provides for "a limited range of activities which support rural production" while the Rural Production Zone also provides for "intensive primary production" and "associated rural industry". It is not clear why it is considered appropriate to provide for "intensive primary production" and "associated rural industry" within the Rural Production Zone and not within the Rural Zone. Similarly, it is not clear why it is considered appropriate to provide for "a limited range of activities which support	Within the table in Discretionary Direction 8, delete the Rural Production Zone and retain the Rural Zone with the following amendments to the "Purpose Statement": <i>The purpose of the Rural Zone is to provide primarily for primary production activities and <u>intensive primary production, and also to provide for associated rural industry and.</u> ~~The zone may also provide for a limited range of activities which support rural production or have a functional need to locate in the rural area.~~</i>

REF	PROVISION	PAGE	SUPPORT OPPOSE	RURAL CONTRACTORS NZ COMMENTS	RELIEF SOUGHT
				<i>rural production</i>" in the Rural Zone but not the Rural Production Zone. Intensive primary production, rural industry and other activities which support rural production could have a functional need to locate throughout the rural area. For example, it is considered that a rural contractors depot would not be classified as "<i>associated rural industry</i>" but would likely fall within the ambit of "<i>a limited range of activities which support rural production</i>". Accordingly, it is considered that there should not be a Rural Production Zone and Rural Zone, but only a single Rural Zone which provides for a full range of typical rural activities (via the Purpose Statement). This would avoid potential confusion and a situation where a Council selects either one of the two zones (which would then potentially exclude the subsidiary activities specified in the other Rural Zone), or both of the zones (where the location of the specified activities would be potentially restricted to one or the other of the zones for no apparent reason). Further, it is considered that the Purpose Statement should include activities which have a "<i>functional need</i>" to locate in rural areas. This would provide greater certainty to Rural Contractors NZ in terms of ensuring rural contractor depots would be adequately provided for. It is also noted that while the term "<i>functional need</i>" is defined within the Definitions Standard, it is not used anywhere in the Draft National Planning Standards (despite being a commonly used term in the policy frameworks of Regional Policy Statements, and Regional and District Plans in terms of providing direction on the sort of activities that can establish in rural areas).	

REF	PROVISION	PAGE	SUPPORT OPPOSE	RURAL CONTRACTORS NZ COMMENTS	RELIEF SOUGHT
2	CM-1: Draft Definitions Standard Table 29: Definitions Table Definition of "functional need"	82	Support in part	In the Draft Definitions Standard, the definition for "functional need" is: <i>"means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment"</i> The definition is potentially overly restrictive because it may still be <u>possible</u> for a proposal or activity to traverse, locate or operate within other environments, however there is typically an environment (or environments) that are best suited. For example, even though a rural contractor depot could potentially locate within an urban area (e.g. Industrial), there is more of a functional need to locate in rural areas due to the close association with primary production activities. In some cases, rural contractor depots have been established as a logical extension of an existing farming operation for seasonal work. Further, it is essential that rural contractor depots are in close proximity to the primary production market they service to minimise travel time and operating cost.	Amend the definition for "functional need" as follows: <i>"means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity <u>has specific requirements to locate</u> can only occur in that environment"</i>

17 August 2018

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

By Email: planningstandards@mfe.govt.nz

Dear Sir/Madam,

Please find **enclosed** a submission on the Draft National Planning Standards on behalf of Clarke Group Management Limited.

Please do not hesitate to contact the undersigned if you have any questions.

Yours faithfully,

Haines Planning Consultants Limited



Craig Moriarty | Principal

2164 CLARKE GROUP DNPS SUB CVR LTR



CLARKEGROUP

SUBMISSION BY CLARKE GROUP MANAGEMENT LIMITED

ON THE DRAFT NATIONAL PLANNING STANDARDS

Introduction

1. Clarke Group Management Limited (Clarke Group), c/o Haines Planning Consultants Limited at the address for service below, makes this submission on the Draft National Planning Standards ("DNPS").
2. Clarke Group Management Limited (Clarke Group) presently develops quality affordable fully-furnished residential accommodation in strategic areas of Auckland that is close to infrastructure such as airports, train stations, bus stops as well as town centres, local shops and other amenities. Currently, Clarke Group own and manage four of its developments located throughout Auckland.
3. The 'Clarke Group Residential Development Model' consists of multi-bedroom (typically five bedroom) dwellings established as independent household units with each bedroom having its own ensuite and tea making facilities. Each multi-bedroom dwelling consists of a communal kitchen, living room and laundry room areas.
4. Although the Clarke Group's developments are presently all located within Auckland, opportunities to provide affordable fully-furnished residential accommodation in other New Zealand centres with housing shortages is currently being explored.
5. It is noted that endorsement of the Clarke Group Residential Development Model has been received from central government, with Housing New Zealand purchasing four Clarke Group developments in Auckland in 2017. The Clarke Group Model therefore fulfils an important "social housing" function by offering comfortable living environments that clearly have a place within the spectrum of accommodation types, particularly in high growth centres.

Scope of Submission

6. This submission relates only to Section CM-1: Draft Definitions Standard of the Draft National Planning Standards as the draft definitions relate to the Clarke Group Residential Development Model.

Submission

7. Acknowledging the drafting principle that the definitions should not be de-facto rules and that councils can add inclusions or exclusions that are deemed necessary in its rules and/or performance standards, the submitter supports in part the New Zealand Government's Draft National Planning Standards, as identified in the attached Schedule (**Annexure A**) and for the reasons set out therein.
8. The submitter requests the Ministry for the Environment to adopt the decisions set out in the "Decision Requested" column of Annexure A, together with any additional or consequential changes needed to substantively address the submission points.
9. If there is any opportunity to do so, Clarke Group wishes to be heard in support of this submission.
10. Clarke Group would be pleased to discuss the content of this submission with the relevant staff at the Ministry for the Environment.



Craig Moriarty - Haines Planning Consultants Limited

On behalf of Clarke Group Management Limited

Date: 17 August 2018

Address for Service: Clarke Group Management Limited

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Attention: [REDACTED]
Telephone: [REDACTED]
Email: [REDACTED]

2164 CLARKE GROUP DNPS SUB

■ **Annexure A**

Clarke Group Management
Limited Submission Table



CLARKE GROUP MANAGEMENT LIMITED: Submission on National Planning Standards

Additions are shown in **bold**, *italics* and underlined and deletions are shown with a ~~strike through~~. Existing plan text is shown in *italics*.

	Draft Term	Draft Definition	Support/Oppose	Reasons	Decision Requested
	Part: TEXT				
1.	Allotment	Has the same meaning as in section 218 of the RMA (as set out below). <i>“Means—</i> <i>(a) any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not—</i> <i>(i) the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or</i> <i>(ii) a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or</i>	Support	Ensures consistency between the RMA and Regional and District Plans.	Adopt the draft term and definition as part of the NPS.

CLARKE GROUP MANAGEMENT LIMITED: Submission on National Planning Standards

Additions are shown in **bold**, *italics* and underlined and deletions are shown with a ~~strike through~~. Existing plan text is shown in *italics*.

Draft Term		Draft Definition	Support/Oppose	Reasons	Decision Requested
Part: TEXT					
		<i>(b) any parcel of land or building or part of a building that is shown or identified separately—</i> <i>(i) on a survey plan; or</i> <i>(ii) on a licence within the meaning of Part 7A of the Land Transfer Act 1952; or</i> <i>(c) any unit on a unit plan; or</i> <i>(d) any parcel of land not subject to the Land Transfer Act 1952."</i>			

CLARKE GROUP MANAGEMENT LIMITED: Submission on National Planning Standards

Additions are shown in **bold**, *italics* and underlined and deletions are shown with a ~~strike through~~. Existing plan text is shown in *italics*.

Draft Term		Draft Definition	Support/Oppose	Reasons	Decision Requested
Part: TEXT					
2.	Amenity Values	Has the same meaning as in section 2 of the RMA (as set out below). <i>"Means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes."</i>	Support	Ensures consistency between the RMA and Regional and District Plans.	Adopt the draft term and definition as part of the NPS.

CLARKE GROUP MANAGEMENT LIMITED: Submission on National Planning Standards

Additions are shown in **bold**, *italics* and underlined and deletions are shown with a ~~strike through~~. Existing plan text is shown in *italics*.

	Draft Term	Draft Definition	Support/Oppose	Reasons	Decision Requested
	Part: TEXT				
3.	Habitable room	<i>Means any room in a residential unit, visitor accommodation, educational facility, commercial activity or healthcare facility used for the purposes of teaching or respite care or used as a living room, dining room, sitting room, bedroom, or similarly occupied room.</i>	Support	Clear definition.	Adopt the draft term and definition as part of the NPS.

CLARKE GROUP MANAGEMENT LIMITED: Submission on National Planning Standards

Additions are shown in **bold**, *italics* and underlined and deletions are shown with a ~~strike through~~. Existing plan text is shown in *italics*.

	Draft Term	Draft Definition	Support/Oppose	Reasons	Decision Requested
	Part: TEXT				
4.	Net site area	<i>Means the total area of the site, but does not include:</i> <i>a) any area of land that legally provides access to another site:</i> <i>b) any area of land used primarily for legal access to a rear site:</i> <i>c) any area of land subject to a designation that is intended to be taken or acquired under the Public Works Act 1981.</i>	Support	Clear definition.	Adopt the draft term and definition as part of the NPS.

CLARKE GROUP MANAGEMENT LIMITED: Submission on National Planning Standards

Additions are shown in **bold**, *italics* and underlined and deletions are shown with a ~~strike through~~. Existing plan text is shown in *italics*.

	Draft Term	Draft Definition	Support/Oppose	Reasons	Decision Requested
	Part: TEXT				
5.	Outdoor living space	<i>Means an area of open space for the use of the occupants of the residential unit or units to which the space is allocated.</i>	Support in part	Support the clear definition. However, with reference to this submission further below, if accepted, the definition requires the inclusion of the new term "non-permanent residential unit".	Adopt the draft term and definition as part of the NPS but if accepted, the definition requires the inclusion of the new term "non-permanent residential unit" as defined below: "Means an area of open space for the use of the occupants of the residential unit, <i>non-permanent residential unit</i> or units to which the space is allocated."
6.	Residential activity	<i>Means the use of land and buildings by people for the primary purpose of living accommodation.</i>	Support	Support the clear comprehensive definition providing for a diverse range of residential activities that have similar environmental effects.	Adopt the draft term and definition as part of the NPS.

CLARKE GROUP MANAGEMENT LIMITED: Submission on National Planning Standards

Additions are shown in **bold**, *italics* and underlined and deletions are shown with a ~~strike through~~. Existing plan text is shown in *italics*.

	Draft Term	Draft Definition	Support/Oppose	Reasons	Decision Requested
	Part: TEXT				
7.	Residential unit	<i>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.</i>	Support / Oppose	Support comprehensive definition providing for a diverse range of residential accommodation scenarios that have similar environmental effects. Oppose the omission of “boarding house” from the definition standards of the National Planning Standards. For clarity, “boarding house”, a common place residential type that has distinct effects, needs to be distinguished from other forms of residential accommodation such as “residential unit”, “non-permanent residential unit” and “visitor accommodation” defined under the National Planning Standards.	Adopt the proposed definition of “residential unit” and include a new additional definition for “<u>non-permanent residential unit</u>” as below: <u>“Means a building or part of a building that is used for the primary purpose of living accommodation for a period of 6 to 12 months and must include shared kitchen, living and dining facilities.”</u> Alternatively, to capture the ordinary meaning of “household”, it is requested that the definition of “residential unit” be amended to read: <u>“Means a building or part of a building that is used for a residential activity exclusively by one household, and must include a living room or living space and sleeping, cooking, bathing</u>

CLARKE GROUP MANAGEMENT LIMITED: Submission on National Planning Standards

Additions are shown in **bold**, *italics* and underlined and deletions are shown with a ~~strike through~~. Existing plan text is shown in *italics*.

Draft Term	Draft Definition	Support/Oppose	Reasons	Decision Requested
Part: TEXT				
				<i>and toilet facilities."</i> Notwithstanding a council's ability to include minimum "residential unit" size standards, the requested amended definition will ensure a "residential unit" is functional and able to provide for the day to day needs of its occupants. Furthermore, adopt the proposed definition of "boarding house" as below: <u>Has the same meaning as section 66B of the Residential Tenancies Act 1986.</u>

CLARKE GROUP MANAGEMENT LIMITED: Submission on National Planning Standards

Additions are shown in **bold**, *italics* and underlined and deletions are shown with a ~~strike through~~. Existing plan text is shown in *italics*.

	Draft Term	Draft Definition	Support/Oppose	Reasons	Decision Requested
	Part: TEXT				
8.	Reverse sensitivity	<i>Means the potential for the operation 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.</i>	Support	Clear definition.	Adopt the draft term and definition as part of the NPS.
9.	Visitor accommodation	<i>Means the use of land and/or buildings primarily for accommodating non-residents, where a tariff is paid.</i>	Support	Clear definition.	Adopt the draft term and definition as part of the NPS.

AgResearch Limited Submission
Draft National Planning Standards

To: Ministry for the Environment
PO Box 10362
WELLINGTON 6143

Email: planningstandards@mfe.govt.nz

Name of Submitter: AgResearch Limited ("AgResearch")

Address for Service: Graeme Mathieson
Mitchell Daysh Limited
[REDACTED]
[REDACTED]
[REDACTED]

Telephone: [REDACTED]

Email: [REDACTED]

I confirm that I am authorised on behalf of AgResearch Limited to make this submission.

1 OVERVIEW

- 1.1 AgResearch Limited ("AgResearch") generally supports the direction of the Draft National Planning Standards subject to the amendments which are outlined in this submission.
- 1.2 In this submission we have provided:
- General submissions on the Draft National Planning Standards (**Section 2**); and
 - Specific submission points on the Draft National Planning Standards, including relief requested (**Attachment A**).

2 GENERAL SUBMISSION

- 2.1 AgResearch is New Zealand's largest Crown Research Institute ("CRI") with four Agricultural Research Campuses and 11 Agricultural Research Farms, employing about 750 staff nationwide. Formerly known as the New Zealand Pastoral Agriculture Research Institute Limited, it was created as a CRI in 1992 out of the research arm of the Ministry of Agriculture and Fisheries (MAF) and the agriculture section of the Department of Scientific and Industrial Research (DSIR).
- 2.2 AgResearch's purpose is to enhance the value, productivity and profitability of New Zealand's pastoral, agri-food and agri-technology sector value chains to contribute to economic growth and

beneficial environmental and social outcomes for New Zealand. This sector is the backbone of our economy and its continued success is essential to this country's living standards.

- 2.3 The Company works with stakeholders to develop leading-edge scientific solutions for a range of national and international customers, including government agencies, industry bodies and private companies. AgResearch is the lead CRI in the areas of pasture based animal production systems, new pasture plant varieties, agricultural-derived greenhouse gas mitigation and pastoral climate change adaption, agri-food and bio-based products and agri-technologies and integrated social and biophysical research to support pastoral sector development.
- 2.4 Historically, the majority of AgResearch's research facilities (e.g. Research Campuses and Research Farms) were provided for by way of designations (for "research purposes" or similar) in relevant District Plans (as a result of MAF and the DSIR having requiring authority status by being a government department). The effect of the designations was to enable agricultural research activities to be undertaken without the need for land use consent. When AgResearch was created as a CRI in 1992, it was no longer part of a government department, so did not have requiring authority status and the ability to designate.
- 2.5 To replace the use of designations, AgResearch has been actively seeking suitable zoning provisions that adequately recognise and provide for research related activities at the various Research Campuses and Research Farms (either during District Plan reviews or by way of private plan change applications).
- 2.6 The following table summarises the current zoning provisions relevant to each of AgResearch's research facilities:

Research Facility	District	District Plan Zoning Provisions
Ruakura Research Campus (and Research Farm)	Hamilton City	Knowledge Zone
Tokanui Dairy Research Farm	Waipa District	Scheduled site provisions in the Rural Zone
Grasslands Research Campus (and Research Farm) and Hopkirk Research Institute	Palmerston North City	Institutional Zone
Aorangi Research Farm	Manawatu District	Currently Rural Zone but in the process of seeking scheduled site provisions in an upcoming Rural Zone review.
Ballantrae Research Farm	Tararua District	Rural Zone
Woolfords Block	Rangitikei District	Scheduled site provisions in the Rural Zone (originally part of the Flockhouse Research Farm)
Kaitoke Research Farm	Upper Hutt City	Scheduled site provisions in the Rural Zone
Lincoln Research Campus	Selwyn District	Business 3 Zone
Lincoln Research Farms	Selwyn District	Outer Plains Zone
Winchmore Research Farm	Ashburton District	Scheduled site provisions in the Rural B Zone

Research Facility	District	District Plan Zoning Provisions
Invermay Research Campus	Dunedin City (in the Proposed Dunedin City District Plan (Proposed 2GP))	Major Facilities (Invermay and Hercus) Zone
Invermay Research Farms	Dunedin City (in the Proposed Dunedin City District Plan (Proposed 2GP))	Scheduled site provisions in the Rural Taieri Plains Zone
Woodlands Research Farm	Southland District	Scheduled site provisions in the Rural Zone

2.7 In terms of AgResearch's core Research Campuses (n.b. Ruakura, Grasslands, Lincoln and Invermay), all four are provided for by way of Special Purpose Zone (n.b. Knowledge Zone (for Ruakura), Institution Zone (for Grasslands), Business 3 Zone (for Lincoln) and Major Facilities (Invermay & Hercus) Zone for Invermay.

2.8 Each Special Purpose Zone not only provides for AgResearch's activities within the respective Research Campus, but also typically provides for a range of other research, innovation, education and other compatible activities either within the same Campus or located nearby in the general area.

2.9 For example, AgResearch's Grasslands Research Centre is located within the Institutional Zone in the Palmerston North City District Plan. However, the Institutional Zone also covers a range of other research, education and health institutions (and the New Zealand Fire Service) in the general area, including (but not limited to):

- (i) Massey University;
- (ii) Hokowhitu Campus;
- (iii) Plant and Food Research;
- (iv) Landcare Research;
- (v) Fonterra Research and Development Centre;
- (vi) New Zealand Agricultural Greenhouse Gas Research Centre;
- (vii) New Zealand Leather and Shoe Research Association; and
- (viii) Ministry of Primary Industries;
- (ix) Palmerston North, Ashhurst and Bunnythorpe Fire Stations;
- (x) Mid-Central Health Palmerston North Hospital and Crest on Carroll Street and Crest on Grey Street Private Hospitals.

2.10 Similarly, AgResearch's Ruakura Research Centre Campus is located within the Knowledge Zone within the Hamilton City District Plan which primarily provides for research, innovation and education related activities. A range of other research organisations are also located within the Ruakura Research Centre Campus, and the Tai Wananga Secondary School was established within existing Campus buildings in 2012. The Waikato Innovation Park and the University of Waikato are located near the Ruakura Research Campus and are also provided for within the Knowledge Zone. AgResearch is increasingly providing educational opportunities for visitors, school and tertiary students in relation to research and innovation activities undertaken.

- 2.11 A range of other research, innovation and education organisations are also located in or nearby AgResearch's Lincoln and Invermay Research Campuses. The Lincoln Research Campus has the same Business 3 zoning as the nearby Lincoln University, and the two organisations undertake joint research ventures together. The Invermay Campus has the same Major Facilities zoning as the nearby University of Otago Hercus Taieri Resource Unit, and also undertakes research ventures with the University of Otago.
- 2.12 In terms of AgResearch's Research Farms, two of the eleven Research Farms (n.b. Ruakura and Grasslands) have the same zoning as the corresponding Research Campus due to their relatively small size and close proximity. In terms of the remaining nine Research Farms, six are provided for by way of "scheduled site" provisions (within a Rural Zone), and the other three are zoned Rural with no scheduled site provisions (although it is noted that AgResearch is in the process of seeking scheduled site provisions for the Aorangi Research Farm as part of an upcoming review of the Rural Zone provisions in the Manawatu District Plan). Accordingly, the majority of AgResearch's Research Farms are provided for by way of "scheduled site" provisions within a Rural Zone (similar to the Precinct approach referred to in Mandatory Directions 9-12 of the Draft National Planning Standards).
- 2.13 In the Draft National Planning Standards, Chapter S-ASM (Draft Area Specific Matters Standard), Discretionary Direction 8 specifies the different zones that a Council can choose to use in a District Plan. Mandatory Direction 6 states that a local authority may include additional special purpose zones in accordance with Direction 7. Mandatory Directions 9-12 provide for the use of "Precincts" within a zone, while Mandatory Directions 13-17 provide for the use of "Development Areas".
- 2.14 AgResearch's activities would not be adequately provided for within the Purpose Statement for any of the listed zones within Discretionary Direction 8. Accordingly, there would appear to be the following three options available in terms of ensuring that there are appropriate zoning provisions in place for research facilities:
- (i) As part of the review of the Draft National Planning Standards, introduce a new listed zone within Discretionary Direction 8 that adequately provides for research, innovation and education facilities.
 - (ii) Rely on Mandatory Direction 6 for District Councils to introduce a new Special Purpose Zone in their respective District Plan that adequately provides for research, innovation and education facilities within their District; or
 - (iii) Rely on Mandatory Directions 9-12 to introduce a Precinct within an existing zone.
- 2.15 It is considered that either Options (i) or (ii) above would be more appropriate for a Research Campus, and Options (ii) or (iii) would be more appropriate for a Research Farm.
- 2.16 AgResearch's submission primarily seeks to ensure that the National Planning Standards would adequately provide for AgResearch's existing and future activities consistent with the approaches taken in existing District Plans.

3 SPECIFIC SUBMISSION POINTS

3.1 AgResearch's specific submission points are provided in Attachment A.

3.2 In respect of all of those submission points in Attachment A, AgResearch seeks:

- Where specific wording has been proposed, words or provisions to similar effect;

- All necessary and consequential amendments, including any amendments to the provisions themselves or to other provisions linked to those provisions submitted on, and including any cross references in other chapters; and
- All further relief that are considered necessary to give effect to the concerns described above and in Attachment A.

Signature:

AGRESEARCH LIMITED

by its authorised agents Mitchell Daysh Limited

A handwritten signature in black ink, appearing to read 'G.J. Mathieson', with a large, sweeping loop at the end.

G.J. Mathieson

Date:

17 August 2018

ATTACHMENT A: AGRESEARCH LIMITED'S SUBMISSIONS ON THE DRAFT NATIONAL PLANNING STANDARDS

REF	PROVISION	PAGE	SUPPORT OPPOSE	AGRESEARCH'S COMMENTS	RELIEF SOUGHT
1	S-ASM: Draft Area Specific Matters Standard Zone chapters (S- ZONES) Mandatory directions 6 & 7	43	Support	In the Zone chapters (S-ZONES), Mandatory Directions 6 and 7 state: 6. <i>A local authority may include additional special purpose zones in accordance with Direction 7 below but must not include any other additional zones.</i> 7. <i>An additional special purpose zone must only be created when the proposed land use activities and anticipated development within the defined area:</i> a. <i>are significant to the district or region</i> b. <i>could not be enabled by any other zone</i> c. <i>could not be enabled by the introduction of an overlay, precinct, designation, development area, or specific control</i> AgResearch's activities would not be adequately provided for within the Purpose Statement for any of the listed zones within Discretionary Direction 8. Because of their significance to the relevant district and regions (and nationally), it is considered that AgResearch's Research Campuses and Farms would qualify for a Special Purpose Zone under Mandatory Direction 7. Accordingly, AgResearch supports the retention of this approach as a viable zoning option for it's research facilities (including in the event that the MfE decides to not introduce a new 'Research or Innovation Zone' (or similar) for research, innovation and education related activities undertaken at or nearby its core Research Campuses (as sought by AgResearch under submission point 2 below)).	Retain Mandatory Directions 6 and 7.

REF	PROVISION	PAGE	SUPPORT OPPOSE	AGRESEARCH'S COMMENTS	RELIEF SOUGHT
2	S-ASM: Draft Area Specific Matters Standard Zone chapters (S-ZONES) Discretionary Direction 8	43-44	Support in part	AgResearch's activities would not be adequately provided for within the Purpose Statement of any of the zones listed in Discretionary Direction 8. AgResearch seeks that consideration be given to introducing a new listed zone that adequately provides for research, innovation and education related activities undertaken at or nearby its core Research Campuses (consistent with the existing approach taken in relation to AgResearch's Invermay, Grasslands, Lincoln and Invermay Research Campuses).	Add a new listed "Research and Innovation Zone" (or similar) within Discretionary Direction 8 with the following (or similar) "Purpose Statement": <i>The purpose of the Research and Innovation Zone is to provide primarily for the ongoing operation of locally or regionally important research, innovation and education facilities and associated activities.</i>
3	S-ASM: Draft Area Specific Matters Standard Zone chapters (S-ZONES) Discretionary Direction 8 Rural Zone and Rural Production Zone	43-44	Support in part	Discretionary Direction 8 states that the local authority must choose at least one of the zones listed in a following table to use in their Plans, and that each zone contains a Purpose Statement which the zone provisions must fulfil. However, it is noted that the relevant table includes both a "Rural Zone" and a "Rural Production Zone". The "Purpose Statement" for the Rural Zone is as follows: <i>The purpose of the Rural Zone is to provide primarily for primary production activities. The zone may also provide for a limited range of activities which support rural production.</i> The "Purpose Statement" for the Rural Production Zone is as follows: <i>The purpose of the Rural Production Zone is to prioritise primary production activities that rely on the productive nature of the soils, intensive primary production, and also providing for associated rural industry.</i> It is not clear why there needs to be both a Rural Zone and a Rural Production Zone. The Purpose Statement for each zone provides for primary production activities, however the Rural Zone also provides for "a limited range of activities which support rural production" while the	Within the table in Discretionary Direction 8 delete the Rural Production Zone and retain the Rural Zone with the following amendments to the "Purpose Statement": <i>The purpose of the Rural Zone is to provide primarily for primary production activities and intensive primary production, and also to provide for associated rural industry and. The zone may also provide for a limited range of activities which support rural production or have a functional need to locate in the rural area.</i> Alternatively, if it can be demonstrated that there are legitimate resource management reasons for retaining both the Rural Production Zone and Rural Zone, make the following amendments to the respective "Purpose Statements". Rural Production Zone <i>The purpose of the Rural Production Zone is to prioritise primary production activities that rely on the productive nature of the soils, intensive primary production, and also providing for associated rural</i>

REF	PROVISION	PAGE	SUPPORT OPPOSE	AGRESEARCH'S COMMENTS	RELIEF SOUGHT
				Rural Production Zone also provides for “intensive primary production” and “associated rural industry”. It is not clear why it is considered appropriate to provide for “intensive primary production” and “associated rural industry” within the Rural Production Zone and not within the Rural Zone. Similarly, it is not clear why it is considered appropriate to provide for “a limited range of activities which support rural production” in the Rural Zone but not the Rural Production Zone. Intensive primary production, rural industry and other activities which support rural production could have a functional need to locate throughout the rural area. For example, AgResearch’s Research Farms are primarily focused on agricultural research activities so may not fit neatly within the ambit of the definition of “primary production” which is: a) means any agricultural, pastoral, horticultural, forestry or aquaculture activities for the purpose of commercial gain or exchange; and b) includes any land and auxiliary buildings used for the production of the products that result from the listed activities; but c) does not include processing of those products. Accordingly, AgResearch seeks greater certainty that it’s Research Farms are adequately contemplated and provided for within the Purpose Statement of any Rural Production Zone or Rural Zone. Further, it is considered that there should not be a separate Rural Production Zone and Rural Zone, but instead a single overarching Rural Zone which provides for a full range of typical and appropriate rural activities (via the Purpose Statement). This would avoid potential confusion and a situation where a Council selects either one of the two zones	<u>industry and activities which support rural production or have a functional need to locate in the rural area.</u> Rural Zone <i>The purpose of the Rural Zone is to provide primarily for primary production activities.. The zone may also provide for ~~a limited range of~~ activities which support rural production <u>or have a functional need to locate in the rural area.</u></i>

REF	PROVISION	PAGE	SUPPORT OPPOSE	AGRESEARCH'S COMMENTS	RELIEF SOUGHT
				(which would then potentially exclude the subsidiary activities specified in the other Rural Zone), or both of the zones (where the location of the specified activities would be potentially restricted to one or the other of the zones for no apparent reason). Further, it is considered that the Purpose Statement should include activities which have a “<i>functional need</i>” to locate in rural areas. This would provide greater certainty to AgResearch in terms of ensuring there is provision for Research Farms (which could then be established by way of a Precinct under Mandatory Directions 9-12). It is also noted that while the term “<i>functional need</i>” is defined within the Definitions Standard, it is not used anywhere in the Draft National Planning Standards (despite being a commonly used term in the policy frameworks of Regional Policy Statements, and Regional and District Plans in terms of providing direction on the sort of activities that can establish in rural areas).	
4	S-ASM: Draft Area Specific Matters Standard Precincts chapters (S-PREC) Mandatory directions 9-12	45	Support	AgResearch's activities would not be adequately provided for within the Purpose Statement for any of the listed zones within Discretionary Direction 8. The majority of AgResearch's Research Farms are provided for by way of “scheduled site” provisions within a Rural Zone (similar to the Precinct approach referred to in Mandatory Directions 9-12). Accordingly, AgResearch supports the retention of the Precinct approach as a viable zoning option for its research facilities (particularly in relation to its Research Farms).	Retain Mandatory Directions 9-12.
5	F-2: Draft Mapping Standard D. Provisions	54-55	Support in part	Under submission point 2 above, AgResearch is seeking that MfE consider introducing a new listed “Research and Innovation Zone” (or similar) that adequately provides for research, innovation and education related activities	If MfE accepts the relief sought in AgResearch's submission point 2, add a new “Research and Innovation Zone (or similar) to Table 21: Zone colour palette table.

REF	PROVISION	PAGE	SUPPORT OPPOSE	AGRESEARCH'S COMMENTS	RELIEF SOUGHT
	Mandatory Directions Table 21: Zone colour palette table			undertaken at (and nearby) its core Research Campuses. If MfE accepts the relief sought in this submission point, the new zone would need to be added to Table 21: Zone colour palette table as a consequential change.	
6	CM-1: Draft Definitions Standard Table 29: Definitions Table Definition of "functional need"	82	Support in part	In the Draft Definitions Standard, the definition for <i>"functional need"</i> is: <i>"means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment"</i> The definition is potentially overly restrictive because it may still be <u>possible</u> for a proposal or activity to traverse, locate or operate within other environments, however there is typically an environment (or environments) that are best suited. For example, there is a functional need for an agricultural research farm to locate in a rural area. While a Research Farm may include a Research Campus area with research related facilities (e.g. offices, laboratories etc) that could be located in an urban area, it is logical and cost effective that it be located on the same property as the research farm.	Amend the definition for "functional need" as follows: <i>"means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity <u>has specific requirements to locate</u> can only occur in that environment"</i>

Tasman District Council

Submission on Draft National Planning Standards

August 2018

1 INTRODUCTION

Tasman District Council thanks the Ministry for the Environment for the opportunity to make this submission in relation to the suite of Draft National Planning Standards. The Council supports the intention of the proposed standards to make plans simpler and cheaper to prepare and easier to navigate for users of multiple plans. Council welcomes the drive for improved accessibility through E-planning requirements. Our analysis shows that the vast majority of plan users access Tasman's plans online. However, the imposition of a large number of prescriptive structure standards that are founded on a paper based system are archaic and unnecessarily costly given the functionality, efficiency and user focussed nature of the proposed electronic standards.

The scale of change that the suite of standards will introduce represents the most significant changes to planning since the introduction of the RMA in 1991. The standards come at a time when there is a large volume of national direction in the form of National Policy Statements that require timely implementation.

As a small unitary authority Tasman District Council does not have the capacity to implement the suite of planning standards at the same time as implementing current National Policy Statements, including the National Policy Statement for Freshwater Management and the National Policy Statement for Urban Development Capacity. In the absence of any clear guidance from Government, the Council will have to make a choice about which national direction it should prioritise.

The lack of testing of the text standards on any existing plans by MFE is perplexing. The complexity of this exercise and the simplistic assumptions that underpin the policy analysis means it is certain the costs and time for compliance with the proposed standards have been substantially under-estimated.

2 TIMING

Tasman District Council (TDC) is about to commence a review of its Tasman Regional Policy Statement and the district plan part of its combined resource management plan. It is likely the associated plan changes will be notified in approximately three to four years. The Council accepts the proposed plans will need to be compliant with the National Planning Standards when they are notified. However, if there is a time requirement to convert the existing plan and policy statement content into the planning standards format, this would be a huge and costly exercise for limited benefit. Producing a revised version of the existing plan just before notifying a proposed plan will create significant confusion for existing plan

users and the community. In addition, if TDC is required to convert its existing plan into the new format then it will have to delay the review of the RPS and district plan (and implementation of national policy statements) as there is not the capacity or budget to achieve both at the same time.

Given the significance of some of the required changes, particularly around structure of chapters, the co-location of rules in each chapter and some definitions, combined with the narrow scope of consequential changes allowed by s58I(3)(d), a Schedule 1 process will be required alongside consequential amendments to translate existing plans to comply with the planning standards.

This will mean it is unlikely that the planning standards can be fully implemented within the expected five year time frame.

As an example, a recent change to the Tasman Resource Management Plan that also involved moving plan text without change resulted in a significant number of submissions to Council that were considered out of scope. This was despite Council being very clear that moving text was out of scope of a plan change. It is likely the same thing would happen with implementing the planning standards on existing plans given the need to use a schedule 1 process for some changes. Submissions that are out of scope still require significant work within the Schedule 1 process, due to the need to report on them prior to decisions being made.

Relief sought:

1. Government provide clear guidance on the relative order of priority for implementing national direction including Planning Standards and National Policy Statements.
2. To reduce the costs and litigation risks of having to use a schedule 1 process to implement the planning standards, it is recommended that the mandatory requirements for plans are aligned with the plan review cycle and transitional provisions provided for (refer section 11 below). This would align with the findings of the cost-benefit analysis. Or alternatively, amend the RMA to allow greater use of consequential amendments [s58I(3)(d)].

3 COMBINED PLAN STRUCTURE STANDARD C-PS

Tasman District Council is a unitary authority. It currently has a separate Tasman Regional Policy Statement (TRPS) and a combined Tasman Resource Management Plan (TRMP). A review of the TRPS and the District plan parts of the TRMP is scheduled to commence in late 2018. The intention is to completely integrate the RPS with the Regional, Coastal and District components into one unitary combined plan. The Coastal components of the TRMP will require review (s79) in three years' time. The fresh water components of the TRMP are currently being changed as the National Policy Statement for Freshwater Management is progressively implemented.

The layering of the draft planning standards in the Combined plan structure, including a separate RPS chapter, make a unitary combined plan subject to significant duplication between higher level plan provisions and district and regional plan provisions. As currently drafted, this issue is an example of where the planning standards have focused on a paper-based structure of plans, rather than fully embracing how electronic plans can and should function in the future.

For an integrated single plan for a unitary authority, scope should be provided to allow RPS level objectives and policies to sit alongside regional and district level objectives and policies for any particular theme or issue. This approach will reduce duplication, and provide clear line of sight for these tiers of provisions. Objectives and policies can easily be identified as either RPS, regional or district level through simple coding and an extension of standard F-6. This approach has been adopted effectively in the proposed Marlborough Environment Plan and is the preferred approach for the next generation Tasman plan.

Further, the standard indirectly prescribes content packaging (eg. infrastructure and energy; not all energy issues are relevant to infrastructure, especially in a unitary plan context); which may lead to further duplication. In addition, there are several mutually conflicting prescriptions on structure and spatial layers where there are unitary jurisdictions in the plan. For Example: (S-VEV) The Coastal Environment section **must** include objectives, policies and methods including rules (if any) to give effect to the NZCPS. Policies 24, 25, 26 and 27 of the NZCPS concern coastal hazards. The Environmental Risks chapter requires the objectives, policies, and methods, including rules (if any) for natural hazards to be located in that chapter.

In short, content should drive structure, not a blanket hierarchy that may not be relevant, so that RPS content should be able to be co-located with RP/DP level content.

Relief sought:

3. Provide flexibility in the combined plan structure to allow complete (vertical) integration of RPS, Regional and district objectives, policies and methods. Put simply, provide an option within the standard to allow RPS provisions to sit alongside Regional and district objectives, policies and methods rather than in a separate chapter.
4. Further clarify where issues are to be addressed within the combined plan standard to avoid duplication of provisions and legal challenge.

4 COASTAL ENVIRONMENT

The Planning Standard provides for the Coastal Environment as a specific chapter/section or even as a separate plan. There is ambiguity as to how councils should deal with regional/district matters that occur both within and outside the Coastal Environment, for example landscape, buildings and land use activities. There is also uncertainty as to how plans should

address land use matters within the Coastal Environment that are separated between land and the CMA, for example, S-ASM requires the Port Zone to be located within Part 6 of the Plan but it is assumed that the seaward portion of the Port Zone should be located in Part 4. There are other coastal uses which straddle the boundary including; marinas, jetties, boatsheds and coastal protection structures. The Planning Standard enables this issue to be addressed in a separate Coastal Environment Plan, but provides no further guidance as to what form the plan will take.

There are no regional zones specified in the Planning Standard; there may be some benefit in providing for common zones, like coastal marine area and marina. Common mapping colours and symbols may also be useful.

Relief sought:

5. That coastal provisions from an existing unitary plan be worked through the draft Planning Standards to evaluate the ease of transfer and the outcome regarding usability. Suggest the Proposed Marlborough Environment Plan would be a useful test plan.
6. Clarity is given regarding where provisions are to be located for the coastal environment, particularly where they straddle the boundary for the coastal environment and between the CMA/land (Part 4/Part 6).
7. Consider including mapping/symbology for commonly used zones (CMA)/areas (Aquaculture)/features (CMA/River boundaries).

5 INTEGRATION

The standards require co-location of rule sets within theme chapters containing objectives and policies where the rules are not zone, precinct or development area rules. As well, each zone, precinct and development area chapter appears to require all provisions from objectives to rules to be included. The consequence of this is that all rules that are overlays or specific controls will have to be forced into potentially competing chapter themes, where any one rule set implements provisions across more than one theme. As well, zone, precinct and development area rules cannot be grouped.

The lack of flexibility to horizontally integrate or group some or all rule sets as a separate structural element whether they apply to any of the spatial planning tool categories in the menu for combined plans as well as regional and district plans, is a needless and arbitrary prescription. Further, there is inconsistency between the listing of allowed spatial planning tools for district and regional plans (F3, F4) and the menu given in the combined plan structure standard (S-CP) under area-specific standards, where overlays and specific controls are not listed.

Where rules are required to be placed next to related objectives, policies and methods, this ignores the networked relationship between sets of rules and the higher plan provisions, and ignores the functionality available in E-plan format. This will lead to arbitrary and misleading packaging where rules implement several sets of higher provisions. There is no

choice provided to allow the best expression of linkages by co-location of provisions. This highlights the weaknesses of the paper-based thinking behind the plan structures that do not reconcile with the ability of E-plans to provide a clear and consistent user experience.

The principle that related objectives, policies and rules should appear together so users can see line-of-sight is a good policy outcome – however this needs to be achieved within the E-Plan functionality – rather than through a specific structural standard as to where any specific rule ‘lives’ within the (paper based) document.

The multiple linkages between modules or single hierarchies of plan provisions at all levels of content can be shown easily by E-plan systems.

Relief Sought:

8. Provide greater horizontal integration flexibility where rules that implement more than one theme can be grouped together – this appears to be rules that are overlay and specific control rules, as these are not listed as separate structural elements in the structure standards under area-specific matters (S-CP, S-RP and S-DP).
9. Provide flexibility in the plan structure standards to allow the best expression of linkages by co-location of rule provisions.

6 URBAN GROWTH AS A SIGNIFICANT ISSUE

The theme of ‘land’ for region-wide matters is huge, when compared with other discrete matters such as air quality, historic heritage, etc. There is a mandatory section for ‘Infrastructure and energy’, but no section relating to urban growth.

The recent insertion of S30(1)(ba) that requires regional councils to establish, implement and review objectives policies and methods to ensure there is sufficient housing and business land capacity has elevated the importance of growth. In addition, all councils are required to meet the requirements of the National Policy Statement on Urban Development Capacity (NPS-UDC) and establish a policy framework within their policy statements and plans to address the matters in this particular national policy statement. TDC is currently a medium growth council on the cusp of the high growth threshold under the NPS-UDC. The absence of a separate Growth theme is a shortcoming given the significance of this issue for councils with growth pressures. To locate this topic, as a special topic, at the end or buried within the ‘land’ section (as implied by the Standard) does not reflect the priority central government and Council, have given this issue.

Relief sought:

10. Allow for further themes or chapters to address urban growth and other significant land issues.

7 DRAFT AREA SPECIFIC MATTERS STANDARD S-ASM

7.1 ZONE FRAMEWORK (INDIVIDUAL AND RANGE)

The draft standard does not provide sufficient choice for the complexity of zones that exists. The number of zones that will be lost will require the Council to re-visit its policy framework that underlies these zones at significant time and cost. It is likely to create a significant reliance on special purpose zones or overlay/precinct provisions to address the limited zone choices. For example Tasman has industrial zones in the rural environment that have specific controls that allow only industries that service the rural sector and production sector to operate. This allows appropriate services for the rural environment while encouraging non-rural industry to locate within the urban environment.

Relief sought:

11. Provide a greater suite of zoning options across residential, rural and industrial.

8 F1: DRAFT ELECTRONIC ACCESSIBILITY AND FUNCTIONALITY STANDARD

8.1 GENERAL SCOPE AND APPLICABILITY OF E-PLANNING FUNCTIONALITY

The vast majority of plan users access plans online. Many councils no longer produce paper based plans. It is vital that the Ministry's thinking around E-plans and E-plan functionality considers what E-plan platforms could and should be capable of in the future, rather than what current E-plans can do. This field is in its relative infancy and new functionality is being created with each new version released by the current range of providers.

In addition, given there are several providers in the industry and the potential for new ones in the future, this may be a source of divergent planning in the future, which may need further consideration in the E-plan accessibility and functionality standard.

It is also important to consider that the efficacy of E-planning is not just about the end user interface for one type of plan end-user (eg resource applicants), but also for plan making processes and policy developers. A single nationally-based E-platform could provide ongoing plan and user-interface consistency, but also the ability for assessment and interrogation of the underlying national database of plan provisions. This could greatly improve the efficiency of the plan making process for every council, and provide the Ministry with means to rapidly assess the efficiency of plans at a national scale. This would be a significant improvement on the current National Monitoring System's reliance on large spreadsheets that are laborious and time consuming for councils to complete for limited value. It could also provide the means for direct implementation of relevant provisions of National Environmental Standards and Policy Statements that do not require Schedule 1.

There are also clear benefits from a cost efficiency perspective of a single platform, compared to every council doing this.

Relief sought:

12. Consider the E-plan and planning functionality in the context of all plan and plan cycle users, and consider the national context and potential benefits of a nationally provided and supported platform.

8.2 PLAN ACCESSIBILITY AND FUNCTIONALITY

The draft standards require a copy of all previous plans under the RMA both at the time they first became operative and the final version before being superseded by the replacement plan to be available from the local authority website (in PDF format).

It is unclear whether this includes a requirement to hold a copy of all data at every plan change stage of the TRMPs life. In Tasman there are several plans that were prepared in the 1990s and which are now of no legal effect as they are superseded by later generation operative plan provisions in the TRMP. In addition the current TRMP since first operative is up to plan change 68 and plan update 60. The draft standard F-1 could be interpreted to mean that there is a requirement to have all historical inoperative plans as well as 68 PDF versions of the plan or 68 plan changes, online. This seems to be largely unnecessary and time consuming to re-create this information for little apparent benefit. The Council is required to hold only operative and proposed plan records (RMA s 35). We have historical plan records in print form to deal with resolving such matters as existing uses and buildings. The very small number of such matters does not justify the requirement in the draft standard F-1 to store electronically all these historical documents.

Relief sought:

13. Clarify the text and mapping requirements and scope for previous plan versions or limit to currently operative and proposed plans not historical, inoperative plans.

8.3 STANDARD BASELINE REQUIREMENTS

The draft standards require the upload of publically accessible, existing digital plan data such as plotted features, polypoints and polygons to www.data.govt.nz in machine readable format in accordance with Open Data principles 2. Setting this up will involve a lot of staff time and it is unclear where the ongoing responsibility for that data resides.

Relief sought:

14. Clarification as to which datasets need to be uploaded, and who has overarching responsibility for data uploaded to this site.

9 MAPPING STANDARD F-2

9.1 ZONE COLOUR PALETTE

The colour palette used for 'low density residential' and 'medium density residential' are too similar.

9.2 HAZARDS SYMBOLOGY

Hazards (coastal, flood, volcanic, fault) are lumped into one generic category which is problematic when displayed spatially. One generic category means that it is impossible to distinguish multiple hazards on one site when overlaid together.

Relief sought:

15. Each hazard should have its own symbology, and recognise that there are several types of hazards within each category of hazard. For example, 'flood hazard' could include freshwater pluvial flooding, seawater inundation, or secondary flow paths.

9.3 ZONES

Councils use different methods for applying zones to roads. This varies from zoning roads separately to extending any particular zone boundary to the centreline of any road.

Relief sought:

16. Confirm that the standard enables discretion for plans to show zones to the centreline of any road, or to show road whether formed or unformed as a separate zone or other spatial planning tool such as an overlay.

10 DEFINITIONS

The definitions standard introduces mandatory definitions that will replace the current plan definitions. This will change the interpretation and application of plan rules that currently rely on those definitions.

This will lead to re-writing plan provisions resulting in repetition and changes to policy and rules in order to comply with the required definitions. The changes required to incorporate definitions will fall outside the scope of consequential amendments and will require a schedule 1 process.

For example the definition of land disturbance applies to soil or clean fill. The current TDC land disturbance definition includes destruction or removal of vegetation, soil disturbance, or earthworks.

Relief sought:

17. Further review and testing of new definitions is undertaken before inclusion in the standards. This is particularly important for regional relevant definitions. Ensure that changes to rules to incorporate plan definitions can be considered as a consequential amendment.

11 IMPLEMENTATION

Greater clarification on how MfE will support local government to implement the proposed standards is essential.

E-Planning implementation

The draft standard requires councils to comply with the initial electronic accessibility standard within one year and further E-plan and E-planning requirements within five years.

Implementation of E-plan will require significant commitment from a large number of key staff within the organisation.

Baseline accessibility and functionality within 12 months of the standards being gazetted is achievable but will draw resources away from the more significant and comprehensive job associated with the full E-plan functionality requirements.

Relief sought:

18. Given the scale and cost of the E-plan task, the 12-month baseline accessibility requirement is withdrawn to allow the resources to be dedicated to the full functionality requirements of the proposed standard.

11.1 TRANSITIONAL PROVISIONS

As requested in Section 2 Council's preferences is for the planning standards to be implemented in alignment with the council's plan review cycle to avoid unnecessary costs and confusion for plan users. This would necessitate the provision for transitional arrangements for both the structure of plans and use of E-plans until the planning standards are fully implemented.

Additionally the financial impact of planning standards has not been accounted for in the current LTP period due to uncertainty of requirements and timing of consultation coming after LTPs had been finalised. This creates difficulties for Councils to find additional funds to implement the proposed standards under current LTPs.

Relief sought:

19. Allowances in implementation time frames should be made to align Planning Standards implementation with the LTP planning cycle so Councils can plan for and obtain the additional funds that will be required to implement the standards.

12 FUTURE CONTENT FOR STANDARDS

The consultation document “draft national planning standards” talks about the draft standards being the first set of planning standards (page 14). Future sets of planning standards could be content based and some are identified e.g. method to identify outstanding natural features and landscapes. How would local authorities be expected to incorporate any future standards where they have operative plans? What would the timing be for those? Are councils going to go through a huge process incorporating the standards and then be faced shortly after with plan changes to incorporate new standards? Or worse still future standards coming out while we are notifying the proposed plan?

Relief Sought:

20. A clear timetable for future standards is provided and a commitment from Government that adequate time will be provided for implementation of future standards that will not lead to continuous changes to plans as standards are rolled out.

13 CONCLUSION

The paper based thinking of the standards requirements are an out of date, misplaced imposition on all local communities with costs vastly greater than benefits. Government as an alternative could invest in future-oriented support for faster and better development of electronic data systems to manage plan text and spatial datasets as E-plans and linked E-planning (development process) functionalities. Instead all councils will spend significant money to rewrite their current plans to comply with the layered, prescriptive requirements of the planning standards. The purpose of "national consistency" in the RMA is vague and is likely to mean only small benefits of slightly reduced consent processing time for some users. By contrast, the costs are significant for all councils whether or not the re-writing of plans can be done within the 5-year window in association with plan reviews.

If the drivers of the standards are greater consistency and usability for plan users then the focus should be on a design led approach that specifies a nationally consistent set of accessibility and usability requirements for electronic based plans that meet users' expectations and needs.

Contact information

Name*	Barry Johnson – Environmental Policy Manager		
Organisation (if applicable)	Tasman District Council		
Address			
Phone			
Email*			
Submitter type*	Individual	☐	
	NGO	☐	
	Business / Industry	☐	
	Local government	☒	
	Central government	☐	
	Iwi	☐	
	Other (please specify)	☐	Click here to enter text.

Fonterra Limited
[REDACTED]
[REDACTED]

17 August 2018

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

Via email: planningstandards@mfe.govt.nz

Dear Sir / Madam

RE FONTERRA LIMITED'S SUBMISSION ON THE DRAFT FIRST SET OF NATIONAL PLANNING STANDARDS

Fonterra Limited (Fonterra) appreciates the opportunity to make a submission on the draft first set of National Planning Standards (Draft Standards).

Fonterra generally supports the Draft Standards, and in particular the proposals to make Resource Management Act (RMA) plans and policy statements simpler to prepare, and easier for plan users to understand, compare and comply with.

Fonterra has 30 manufacturing and two standalone distribution centres across New Zealand. These activities span some 31 local authorities (regional, district and unitary councils), and we make the point that at present no two RMA documents are the same in terms of format, structure and core provisions. This makes transitioning between documents cumbersome and time-consuming, and it has implications for our operations in terms of plan usability, interpretation, application and cost. This variation can also make it difficult for companies that operate nationally implement standardised systems across the country for monitoring compliance, particularly where areas of technical dispute (e.g. noise, carparking and stormwater) exist.

Fonterra considers that the Draft Standards will ultimately reduce compliance costs and plan-complexity, and therefore improve the efficiency and effectiveness of RMA documents for both plan-makers and users. Fonterra also considers that the National Standards should go further to mandate content (e.g. objectives, policies and rules) for areas of technical dispute such as noise, transportation matters and stormwater.

In the attached document, Fonterra has provided:

- A general overview of its activities and operations in New Zealand, including the requirements under the Dairy Industrial Restructuring Act (DIRA);
- Specific submissions on the Draft Standards, focusing on:
 - The structure and format of regional policy statements, regional plans and district plans;
 - The proposed zone options, and the need for an additional “Rural Industrial” zone to recognise and provide for *rural production activities*, as defined in the Draft Standards;

- Key definitions; and
- The noise and vibration metrics standard.

Fonterra considers that there is considerable value in establishing a group of rural industrial activity, including dairy manufacturing, horticultural and timber processing, fertiliser companies, vineyards and meat processors, to develop zone-specific objective, policies and rules for a Rural Industrial Zone.

If you have any questions or require further information, please do not hesitate to contact me on [REDACTED] or via email: [REDACTED]

Yours sincerely



Brigid Buckley

National Policy Manager – Global Operations
FONTERRA CO-OPERATIVE GROUP LIMITED

FONTERRA LIMITED

SUBMISSION ON THE DRAFT FIRST SET OF THE NATIONAL PLANNING STANDARDS

To: Ministry for the Environment

Planning Standards
C/- Ministry for the Environment
PO Box 10362
WELLINGTON 6143
Via email: planningstandards@mfe.govt.nz

SUBMITTER: FONTERRA LIMITED

Contact: Brigid Buckley

Address for Service:

Fonterra Limited

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

I confirm that I am authorised on behalf of Fonterra Limited to make this submission.

1. Overview

- 1.1. Fonterra Limited (Fonterra) appreciates the opportunity to submit on the draft first set of the National Planning Standards (Draft Standards).
- 1.2. Fonterra generally supports the Draft Standards. Fonterra considers that by providing clear and consistent direction on the form and structure of Resource Management Act (RMA) plans and policy statements, the Draft Standards will remove unnecessary variation and uncertainty across these documents. Overall, RMA documents will be simpler to prepare, and easier for plan users to understand, compare and comply with.
- 1.3. Fonterra's 30 manufacturing and two stand-alone logistics sites span across nine regional authorities, three unitary authorities, and 19 district councils – each of whom has a slightly different way of structuring and formatting their required RMA policy statements and/or plans. Consequently no two plans are the same in terms of structure, format and content.

- 1.4. There are significant benefits to all plan users of being able to transition from one planning document to another, as proposed via the Draft Standards, knowing that (for example) the rules for a particular zone will be contained within one place, or the definition of “site” has the same meaning in Whangarei as it does in Dunedin.
- 1.5. Fonterra would support the development of further standards, including those that are content-based or where an area of technical dispute exists. Standardised provisions for noise, stormwater, hazardous substances and transportation would be good examples.
- 1.6. In this submission, we have provided:
- An overview of Fonterra, and their involvement in RMA policy and planning development and resource consenting processes;
 - Specific submission points on the Draft Standards, including:
 - Comments on the proposed structures for regional policy statements, regional plans, district plans, and combined plans, and formatting requirements for planning maps;
 - The need to provide a dedicated “Rural Industrial Zone” to specifically recognise and provide the large number of rural industrial activities across New Zealand, and that the effects associated with these activities and sites are different from those heavy industrial activities that occur in urban environments;
 - Comments on a number of the proposed definitions, and recommendations for amendments to improve the efficiency and effectiveness of RMA planning documents; and
 - Support for the CM-2 Draft Noise and Vibration Metrics Standard, and recommendations to streamline the content of noise and vibration provisions, including objectives, policies, rules and mechanisms such as noise control boundaries, in RMA planning documents.
- 1.7. Given the scale of Fonterra’s manufacturing activities in rural locations across New Zealand, we would appreciate an opportunity to discuss this submission with the Ministry for the Environment (MfE), and to investigate further opportunities to refine specific content for a new “Rural Industrial Zone”. In doing this, Fonterra considers it would be beneficial to work with MfE, and other rural industrial activities, such as fertiliser and meat processing companies, to develop zone-specific objectives, policies and rules.

2. Fonterra Limited

- 2.1. Fonterra is one of the top six dairy companies in the world by turnover, New Zealand's leading exporter of dairy products, and is responsible for more than a third of international dairy trade. Fonterra is owned by approximately 10,600 New Zealand dairy farmers, who supply more than 15 billion litres of milk each year. Fonterra's global supply chain stretches from farms all over New Zealand to customers and consumers in more than 140 countries.
- 2.2. Fonterra is New Zealand's biggest company, and a significant employer, with around 22,000 people employed around the globe. It owns 30 manufacturing sites within New Zealand and processes 84 percent of New Zealand's total milk production (2015/16 season). Last season, Fonterra exported from New Zealand 2.5 million metric tonnes of dairy products to international markets.

Fonterra's obligations under the Dairy Industry Restructuring Act

- 2.3. Fonterra was established in 2001, with 84% of New Zealand dairy farmers voting to confirm the merger of the New Zealand Dairy Board, New Zealand Dairy Group and Kiwi Co-operative Dairies and the passing of the Dairy Industry Restructuring Act 2001 (“DIRA”).
- 2.4. The DIRA requires Fonterra to (amongst other things):

- (a) pick up and pay for milk from farmers who hold shares in Fonterra;
- (b) accept all applications to become a shareholding farmer; and
- (c) accept all applications to increase the volume of milk supplied by a shareholding farmer.

- 2.5. Accordingly, as milk supply grows through either increased production at an existing farm, or via the conversion of other land to dairy, Fonterra is obliged to collect, pay for and process that milk.
- 2.6. Fonterra needs to ensure that its milk processing facilities operate efficiently and can process all milk supplied. The efficient operation of Fonterra's manufacturing sites, without undue constraint, is therefore essential to Fonterra's business.

Milk processing and logistics activities

- 2.7. As previously noted, in New Zealand Fonterra owns and operates 30 dairy manufacturing sites, along with two distribution centres (refer to **Table 1**). In addition to this, Fonterra has a number of smaller milk transfer facilities which serve as a conduit between the point of on-farm milk collection, and the processing facility.

Table 1: Location of Fonterra's milk processing and logistics assets relative to regional, unitary and territorial authorities' boundaries

REGIONAL / UNITARY AUTHORITY (U)	TERRITORIAL / UNITARY AUTHORITY (U)	FONTERRA MANUFACTURING OR LOGISTICS (L) SITE
Northland	Whangarei	Kauri
	Kaipara	Maungaturoto
Auckland (U)	Auckland	Tip Top
		Takanini
Waikato	Hamilton City	Te Rapa
		Crawford Street (L)
	Matamata-Piako	Waitoa
		Morrinsville
	Waipa	Hautapu
		Te Awamutu
	South Waikato	Tirau
		Lichfield
	Rotorua	Reporoa
Bay of Plenty	Whakatane	Edgecumbe
Taranaki	South Taranaki	Etham – Collingwood Street
		Eltham – Bridge Street
		Kapuni
		Whareroa
Manawatu	Palmerston North	Longburn
		Makomako

REGIONAL / UNITARY AUTHORITY (U)	TERRITORIAL / UNITARY AUTHORITY (U)	FONTERRA MANUFACTURING OR LOGISTICS (L) SITE
	Tararua	Pahiatua
Wellington	Kapiti Coast	Kapiti
Marlborough (U)	Marlborough	Tua Marina
Tasman (U)	Tasman	Brightwater
		Takaka
Canterbury	Hurunui	Culverden
	Selwyn	Darfield
	Timaru	Clandeboye
	Waimate	Studholme
Otago	Dunedin	Mosgiel (L)
	Clutha	Stirling
Southland	Southland	Edendale

3. Submission points

S-RPS: DRAFT REGIONAL POLICY STATEMENT STRUCTURE STANDARD

S-RP: DRAFT REGIONAL PLAN STRUCTURE STANDARD

S-DP: DRAFT DISTRICT PLAN STRUCTURE STANDARD

F-2: DRAFT MAPPING STANDARD

- 3.1. Fonterra supports the consistent structure and format for regional policy statements (RPS), regional and district plans proposed in the Draft Standard. Standardisation of mapping symbols and colours is also supported.
- 3.2. Fonterra has 30 manufacturing sites and two standalone distribution centres located across 31 different local authorities. The structure and format of RMA policy statements and plans varies from council to council. For example, and in some cases, a council may have three regional plans to individually cover land and water, air and the coastal environment, whereas others will have a single integrated one, Furthermore, key sections, like the “definitions” section is never in the same place, or rarely called the same name (e.g. glossary, meaning of words, etc.). Furthermore, the colour of zones and representation of features in planning documents also varies significantly between authorities.
- 3.3. Fonterra considers that this variation is unnecessary and inefficient, and has resultantly led to overly complex documents that are difficult and time-consuming to navigate.
- 3.4. Fonterra therefore supports the proposed structures for these documents provided in Table 3, 4, 5 and 6 of the Draft Standards, and the zone colour and symbology proposed in Tables 21 and 22. The proposed structures and formatting requirements will provide clarity and consistency across RMA policy statements and plans. Furthermore, and importantly, they do maintain some flexibility for local authorities to adjust their planning documents to reflect local circumstances and address resource management issues, as well as enable the implementation strategic priorities identified in non-RMA documents.

RELIEF REQUESTED

- 3.5. Fonterra seeks that:

- The Draft Standards provide a consistent structure and format for RPSs, regional plans, district plans and combined plans.
- The Draft Standards provide a consistent format for RMA planning maps.

S-DP: PROVISION OF A RURAL INDUSTRIAL ZONE

S-ASM DRAFT AREA SPECIFIC MATTERS STANDARD

F-4: DRAFT SPATIAL PLANNING TOOLS (DISTRICT) STANDARD

- 3.6. Fonterra supports the continued use of “zones” to demarcate areas whereby “similar” activities are enabled, and incompatible ones discouraged.
- 3.7. Standardising the range and names of zones will help plan users to better understand the purpose of each one. The names of zones applied to Fonterra’s manufacturing activities varies markedly across the country, and includes: Business 3, Heavy Industrial, Industrial 2, Rural and Strategic Rural Industrial Environment. Furthermore, some sites are provided with a generic “Industrial” zoning, and then subject to site-specific overlays.
- 3.8. The Consultation Document, which accompanies the Draft Standards, infers that “unique” zones such as those created for dairy factories or museums are not appropriate, and states that they are “put in place instead of a resource consent or permitted activity rule” (page 17). This is not always correct, and in Fonterra’s experience the use of a specific zone in many circumstances reflect (amongst other things):
 - (1) the long history that the activity has had in that particular location; and/or
 - (2) the specific effects associated with that activity;
 - (3) recognition of changing market preferences and demands, and the short timeframes between identification of the opportunity and the required operation start-date; and/or
 - (4) the importance of that activity to local economic and social well-being.
- 3.9. The promulgation of such zones typically occurs via a Schedule 1 RMA plan change or district plan review process. The technical information associated with these processes is comprehensive, and will reflect the scale and nature of the proposal at hand. Furthermore, these assessments will cover broader environmental effects and area characteristics including the transportation network (road and rail), natural character, air quality, landscape and visual, noise, and positive effects. The difference being that the adverse effects are addressed at the outset of the zone creation as opposed to on a proposal-specific consent-by-consent basis.
- 3.10. Examples illustrating the nature, extent and volume of information required to support a private plan change request for the Synlait Limited and Fonterra manufacturing sites in the Selwyn District can be found via the following links:
 - **Plan Change 43 - Synlait:** <https://www.selwyn.govt.nz/property-And-building/planning/strategies-and-plans/selwyn-district-plan/plan-changes/operative-plan-changes/plan-change-43-synlait>
 - **Plan Change 50 - Fonterra:** <https://www.selwyn.govt.nz/property-And-building/planning/strategies-and-plans/selwyn-district-plan/plan-changes/operative-plan-changes/plan-change-50>
- 3.11. In Fonterra’s experience continued reliance on resource consents (land use) in an evolving environment is an inefficient approach to resource management, and one that is both costly and time-consuming for all parties involved. Furthermore, site-specific controls **do** enable organisations to respond at pace to changing market preferences and demands, and technologies, whereas rigid planning controls can often lead to significant delays and lost opportunities. For example, the timeframes between identifying and/or

securing “demand” for a new product and a new plant to cater for that demand being fully operational can be as short as two years. District plan consenting processes provide little certainty that such tight timeframes can be met, and often compromises are made (particularly around resource consent conditions) to enable this. This leads to a proliferation of s127 variation to resource consents for relatively minor activities that were not foreseen in the current application such as the construction of a maintenance shed. The resultant conditions can also often conflict with the primary consent conditions in terms of information requirements or management, and are therefore difficult to monitor and comply with. A specific zone can alleviate these issues, and more effectively enable changing market preferences and demands.

- 3.12. Whilst Fonterra supports the general list of zone options provided in the Draft Standards, we consider that an additional “Rural Industrial Zone” is required. This dedicated zone would recognise, and provide for those typical rural industrial activities, including dairy manufacturing, fertiliser and meat processing, that have purposely located in the rural environment, to ensure close proximity to the raw material and products that they process, and away from more sensitive activities, including residential dwellings and educational facilities.
- 3.13. Where required, spatial planning tools such as overlays, precincts, specific controls and development areas can be used to spatially define an area to which specific provisions apply in a plan. Fonterra supports these spatial planning tools, and the consistent approach proposed through the Draft Standards.
- 3.14. Fonterra also considers that the further development of content-based standards will provide plan with greater certainty and clarity about what is, and is not, *generally* anticipated in each zone, and under what circumstances.

RELIEF REQUESTED

- 3.15. Fonterra seeks that:
 - The creation of a new **Rural Industrial Zone** that provides for *rural industrial activities* as defined in the Draft Standards; and
 - MfE considers the use of a “rural industrial” group, including dairy manufacturing, fertiliser companies, and meat processors, to develop zone-specific objectives, policies and rules for the new Rural Industrial Zone.

CM-1: DRAFT DEFINITIONS STANDARD

- 3.16. There is considerable variation across the definitions provided in RMA policy statements and plans. Whilst this variation can reflect local circumstances and specific resource management issues, the inconsistency can lead to uncertainty and cost to plan users who become involved in the plan-making process.
- 3.17. Fonterra agrees with the proposal to standardise common definitions. However, Fonterra considers that those definitions provided in RMA should not be restated in lower-order policy statements and planning documents.
- 3.18. **Table 2** below provides specific comments on the definitions proposed in the Draft Standards.

Table 2: Specific comments on definitions proposed in the Draft Standards

DEFINITION	COMMENTS
Boundary	The definition is appropriate, and should be retained.
Community facility	The definition is appropriate, and should be retained.

DEFINITION	COMMENTS
Educational facility	The definition is appropriate, and should be retained.
Footprint, Gross floor area, Net floor area	The definitions are appropriate, and should be retained. Fonterra considers that there may be issues associated with retrofitting these definitions into existing policy statements and plans.
Functional need	The definition is appropriate, and should be retained.
Habitable rooms	The definition should be extended to include any habitable room in papakaia housing. The definition of <i>habitable room</i> is critical to determining the adverse effects of (for example) an activity's noise emissions on a sensitive activity.
Industrial activity	The definition is appropriate, including the provision of logistics and distribution activities.
Notional boundary	The definition is appropriate and will provide national consistency when considering the adverse effects of (for example) an activity's noise emissions on a sensitive activity.
Reverse sensitivity	Fonterra supports the definition of reverse sensitivity, and in particular the recognition that the adverse effects may be <i>perceived</i> is supported. Reverse sensitivity is a key issue for large industrial activities, and it is often the perception of effects rather than actual effects that generates the complaint. It is considered that the definition should also note that reverse sensitivity arises in situations whereby the effects-generating activity is actually compliant with its resource consent conditions or permitted activity standards in plans.
Rural industry	The definition is appropriate, and should be retained.
Sensitive activity (new)	It is considered that a new definition of <i>sensitive activity</i> should be provided in the Draft Standards. This term is frequently defined in RMA policy statements and plans to manage (in particular) reverse sensitivity effects whereby setbacks (for example) are provided to manage potential conflicts between incompatible activities.
Sewage, Wastewater	The definition of sewage is supported. However, it is considered that further clarity needs to be provided around "wastewater" as this definition is critical to the implementation of policies and rules to manage its treatment and discharge at a regional level. For example, the treatment and discharge of industrial and trade premise (manufacturing) wastewater is different from sewage due to the contaminant loads, and their human-health risks.
Stormwater	The definition is appropriate, and should be retained.
Wetland	A definition of <i>wetland</i> is supported, however it is noted that there are a number of different types of wetlands, including natural ones, and those that are constructed to treat stormwater (for example). Recognising these differences is critical to ensuring that appropriate management regimes are provided in RMA policy statements and plans.

- 3.19. A key issue in terms of the new definitions proposed will be how these will be implemented into existing RMA policy statements and plans. For example, there is variation in how the term *site* is currently defined (i.e. per Certificate of Title (CTs), per property, collection of CTs, etc.).

RELIEF REQUESTED

- 3.20. Fonterra seeks that:

- The definitions provided in the Draft Standards are retained and/or amended as outlined in **Table 2** above.
- That consideration be given to how retrofitting the definitions mandated by the Draft Standards into existing RMA policy statements and plans, and the development of mechanisms to address situations whereby the original intent of an associated rule changes as a result of the new definition.

CM-2: DRAFT NOISE AND VIBRATION METRICS STANDARD

- 3.21. The inclusion of a Noise and Vibration Metrics Standard as part of the Draft Standards is supported by Fonterra. Fonterra also supports the definition of *notional boundary* as outlined in the previous section.
- 3.22. Requiring rules in district plans to reflect the latest version of the relevant acoustics New Zealand standards will provide greater consistency, and remove some of the variation that currently exists.
- 3.23. In Fonterra's experience there is much dispute amongst acoustic consultants on noise-related matters. This often comes to the fore during a district plan review whereby industry professionals hold different opinions on (for example) daytime and night-time noise periods, notional boundary distances, what is to be included in noise emissions calculations, etc. The costs of this on-going debate is borne on both the council and submitters.
- 3.24. In this regard, Fonterra considers that the Draft Standards should mandate further acoustic-related matters, including:
- Defining daytime and night-time noise periods (e.g. 0700 to 1900 for daytime, and 1900 to 0700 for night-time);
 - Clearly defining what is and what is not included in the definition of *noise* for the purposes of assessing noise emissions associated with an activity;
 - Identifying where compliance is to be measured (e.g. at the property boundary or notional boundary);
 - Promoting the use of noise control boundaries to manage noise emissions from large-scale heavy and rural industrial activities;
 - Setting internal noise limits for habitable rooms in *new* sensitive activities where these proposed to establish within proximity of existing industry (e.g. 30-35 dB L_{Aeq} in any habitable room);
 - Defining *noise sensitive activities*; and
 - Setting the framework for noise management plans as a mechanism to manage noise emissions from activities.

RELIEF REQUESTED

- 3.25. Fonterra seeks that:
- The development of content-specific National Standards for noise and vibration is prioritised.
 - The development of content-specific National Standards for transportation, hazardous substances, and stormwater are also prioritised.

Submission ends.