

versus protection of natural resources and values. Providing greater flexibility should also be supported by implementation guidance requiring clearer connections between the provisions of each chapter, to make it clear what provision takes precedence where there is a conflict between the outcomes sought.

Providing greater flexibility and connections will avoid the risk of creating a fragmented objective, policy, and rule framework which does not clearly articulate how use and development is to be provided for across different resources and values. In particular, it will better ensure the protection of the environment is not considered in isolation of enabling appropriate use and development to provide for social, economic, and cultural wellbeing. This approach will therefore better achieve integrated sustainable management, including for renewable electricity generation activities.

From Meridian's perspective this will provide it with the ability to more effectively operate and re-consent its existing assets and plan for and develop new generation capacity to assist meet New Zealand's increasing electricity demands, Government targets for renewable energy generation, and climate change commitments in giving effect to the NPSREG.

Meridian proposes that the Regional Policy Statement (S-RPS), Regional Plan (S-RP), District Plan (S-DP), and Combined Plan (S-CP) standards be amended to include an *energy chapter*. In addition, it proposes that the District Wide Matters (S-DWM) standard be amended to provide direction on the matters to be included in the new chapter.

Meridian also proposes that the Regional Policy Statement (S-RPS), Regional Plan (S-RP), District Plan (S-DP), Combined Plan (S-CP), and District Wide Matters (S-DWM) standards be amended to provide more flexible direction on where objectives, policies, methods, and rules relating to infrastructure and energy matters can be located across the different compartmentalised theme chapters.

The specific changes proposed are detailed in **Attachment 1, section 1**.

In addition to the proposed specific changes, Meridian considers the proposed Implementation Guidance for the National Planning Standards, require provision for clear connections between the provisions of each chapter to make it clear what provision takes precedence where there is a conflict between the outcomes sought. This will support the achievement of integrated sustainable management.

Spatial Tools for Energy Generation

Meridian considers that a specific zone should be included in the Area Specific Matters (S-ASM), District Plan (S-DP), and Mapping (F-2) standards for *energy generation*. This would provide another tool for spatial recognition of electricity generation activities in plans, other than the less specific ability to create a special purpose zone, or a precinct.

Energy generation has equivalence with other infrastructure that has been afforded a zone under the standards, specifically ports, airports, and hospitals. While there is the ability to create special purpose zones under the standards for energy generation, the criteria set out in clause 7 of the Area Specific Matters (S-ASM) standard would only allow that where it could not be enabled by another tool such as a precinct or designation.

Under the Spatial Planning Tools (District) (F-4) standard, the precinct tool is to be used to identify an area and apply provisions which modify the policy approach of the underlying zone or refine or modify land use outcomes. The draft implementation guidance, notes that precincts will apply where the purpose of the underlying zone(s) and majority of provisions are still applicable and are relevant. Precincts are therefore dependent on the underlying zone(s) and their policy frameworks. Conversely a zone is to be used to identify or manage an area with common environmental characteristics to achieve an environmental outcome. This is by bundling compatible activities or effects together, and restricting those which are incompatible.

Meridian considers that the scale, nature, and intensity of some energy generation activities is such that they go beyond just requiring modification or refinement of the policy approach of the underlying zone. The majority of the provisions of the underlying zone may not be applicable and relevant. The effects of energy generation activities may predominate over an extensive area where other activities are effectively curtailed, or need to be restricted due to their incompatibility with generation activities. Accordingly, Meridian considers in such situations a specific zone would be appropriate to provide for the spatial recognition of these activities.

Enabling the creation of a separate energy generation zone would also support inclusion of more targeted provisions for renewable electricity generation. For example, provisions which are more enabling for renewable generation given its national significance and benefits could be applied, which recognise the practical implications and constraints of operating and developing generation activities.

Meridian therefore proposes that the Area Specific Matters (S-ASM), District Plan (S-DP), and Mapping (F-2) standard be amended to provide for an *energy generation zone*. The specific changes proposed are detailed in **Attachment 1, section 2**.

Meridian also considers that the designation tool should not be included as a limiting criteria as to when a special purpose zone should be created. The use of designations under the RMA is an optional tool to spatially recognise and enable a public works activity. Including designations as a limiting criteria as to when a special purpose zone can be created would have the effect of elevating its status to a mandatory tool in lieu of creating a zone. Furthermore, renewable electricity generation is not a network utility operation, and accordingly is not able to utilise the designation provisions of the RMA. The specific changes to the Area Specific Matters (S-ASM) are detailed in **Attachment 1, section 2**.

PART 2 – DEFINITIONS AND NOISE AND VIBRATION METRICS STANDARDS

Definitions Standard

The Definitions (CM-1) standard sets standardised definitions for inclusion in planning documents, while retaining flexibility for inclusion of locally defined terms or narrower applications of a term included in the standard. Meridian is generally comfortable with the proposed definitions, with the exception of the following definitions:

- *Building*
- *Drain*
- *Drinking water*
- *Functional need*
- *Reverse sensitivity*

- *Structure*

Meridian's concerns with the proposed definitions, the changes requested, and reasons for those changes, are set out below:

Draft Definition	Changes Requested by Meridian	Reasons
<p><i>Building</i></p> <p><i>means any structure, whether temporary or permanent, movable or fixed, that is enclosed, with 2 or more walls and a roof, or any structure that is similarly enclosed.</i></p>	<p><i>Building</i></p> <p><i>means any structure, whether temporary or permanent, movable or fixed, that is enclosed, with 2 or more walls and a roof, or any structure that is similarly enclosed.</i></p>	<p>Meridian considers the reference in the last part of the definition to <i>structures that are similarly enclosed</i> requires a discretion to be applied as to what structures would ultimately be captured. It is therefore uncertain in its intent and would be difficult to apply in practice. Meridian considers that the definitions should meet best practice drafting principles, and therefore be clear, concise, and avoid subjectivity.</p>
<p><i>Drain</i></p> <p><i>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.</i></p>	<p><i>Drain</i></p> <p><i>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 <u>from land.</u></i></p>	<p>Meridian considers the reference in the definition to the <i>drainage of surface or subsurface water</i> is uncertain as to whether it captures watercourses that are intended to convey water (e.g. a canal for hydro-electricity generation, or irrigation). Meridian considers that water conveyance infrastructure, which supports the use of water, is distinct from drainage infrastructure, which provides for land drainage. Meridian considers the definition should be made clear that it relates to <i>land</i> drainage.</p>
<p><i>Drinking water</i></p> <p><i>means water intended to be used for human consumption, and includes water intended to be used for food preparation, utensil washing, and oral or other personal hygiene.</i></p>	<p><i>Drinking water</i></p> <p><i>means water intended to be used for human consumption, and includes water intended to be used for food preparation, utensil washing, and oral or other personal hygiene.</i></p>	<p>Meridian considers the reference in the definition to <i>water intended to be used</i> requires a discretion to be applied as to what water sources would ultimately be captured. It is therefore uncertain in its intent and would be difficult to apply in practice. Meridian considers that the definitions should meet best practice drafting principles, therefore be clear, concise, and avoid subjectivity.</p>
<p><i>Functional need</i></p> <p><i>means the need for a proposal or activity to traverse, locate, or</i></p>	<p>Retain the existing definition of <i>functional need</i>, and add a new</p>	<p>While not opposed to this definition, Meridian considers that it does not sufficiently recognise and capture the <i>operational</i> needs of activities. Operational needs are those characteristics and constraints of an activity</p>

<p><i>operate in a particular environment because the activity can only occur in that environment.</i></p>	<p>definition of <i>operational need</i>.</p> <p><u>Operational need</u></p> <p><u>means the need for a proposal or activity to traverse, locate, or operate in a particular environment because of technical or operational characteristics or constraints.</u></p>	<p>which may impact on where they may be located. Policy C of the NPSREG in particular acknowledges there are practical constraints associated with the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities. These might for example include the need to design and place wind turbines within a windfarm to minimise turbulence effects. Meridian therefore proposes the addition of a definition of “operational need” recognising the need for activities to be located in a particular area owing to their technical or operational characteristics or constraints. Such a definition would be consistent with that included in the Auckland Unitary Plan.</p>
<p><i>Reverse sensitivity</i></p> <p><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></p>	<p><i>Reverse sensitivity</i></p> <p><i>Means the potential for the operation of an <u>a consented or existing</u> 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 <u>an a consented or existing</u> activity.</i></p>	<p>Meridian is concerned that the definition does not capture consented, but unimplemented activities. Meridian considers it important that consented activities are protected from reverse sensitivity effects caused by the establishment of new adjacent land uses, for the same reasons that existing lawfully established activities are protected. In regard to renewable electricity generation, such protection would give effect to Policy D of the NPSREG which requires decision makers to avoid to the extent reasonably practicable, reverse sensitivity effects on consented and existing renewable electricity generation activities. Recognition of consented activities would also accord with case law which has established that resource consents which have been granted, and are likely to be implemented, form part of the existing environment.</p>
<p><i>Structure</i></p> <p><i>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</i></p>	<p><i>Structure</i></p> <p><i>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</i></p>	<p>The proposed definition reflects the definition of structure in the RMA, with the exception that it also captures buildings, equipment, devices, and facilities <i>located</i> on land, and includes a specific exemption for motorised vehicles. These additional references appear to be intended to capture temporary or moveable structures such as caravans or containers that are not fixed to land, while excluding those structures that can move</p>

<p><i>can be moved under their own power.</i></p>	<p><i>can be moved under their own power.</i></p>	<p>under their own power, such as campervans. Meridian considers there is no need to depart from the RMA definition, and that the RMA definition should be applied within the standards. Flexibility would remain within the standards for local authorities to otherwise define and manage other activities in their plans which do not fall within the definition of <i>structure</i>, such as temporary or portable buildings.</p>
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Noise and Vibration Metrics Standards

The Noise and Vibration Metrics Standard (CM-2) requires rules in planning documents which manage emission of noise to be consistent with the acoustic New Zealand Standards. Meridian is supportive this requirement, and in particular the inclusion of *New Zealand Standard 6808:2010 Acoustics – Wind Farm Noise* in the standard.

The specific wording of the standard under clause 3 however, only requires any plan rule to manage an emission of noise to be consistent with the noise *measurement methods* of the New Zealand Standards. Accordingly, there is no requirement in the standard for plan rules to adopt the corresponding noise *metrics* contained in the New Zealand Standards. Conversely, while clauses 24 and 32 of the District Wide Matters Standard (S-DSM) require any noise related *metrics* must be consistent with the Noise and Vibration Metrics (CM-2) standard, those clauses do not require the *measurement* methods to be consistent with the standard. These inconsistencies between the various noise related clauses in the Draft standards appears to be unintended, and Meridian proposes they be corrected, as set out in **Attachment 1, section 4**.

Most of the specific noise standards listed in Table 30 of the standard have been developed as they don't fit within the requirements of *NZS6801:2008 Acoustics – Measurement of Sound*, and *NZS6802:2008 Acoustics – Environmental Noise*. The requirement in clause 4 of the standard that any plan rule to manage an emission of noise must be consistent with the assessment methods in section 6 rate level, and section 7 LMAX in *New Zealand Standard 6802:2008 Acoustics – Environment Noise*, therefore creates a conflict with the other standards in Table 30. Meridian proposes that clause 4 be deleted, as set out in **Attachment 1, section 4**.

PART 3 – IMPLEMENTATION OF DRAFT NATIONAL PLANNING STANDARDS

The National Planning Standards will be required to be implemented within 5 years of gazettal, or 7 years for those local authorities who have completed or are in the advanced stages of completing a review of a planning document. All standards are to be implemented without using the RMA First Schedule process. That is with the exception of the implementation of district plan zonings under the Area Specific Matters (S-ASM) standard, and changes that need to be made to planning documents to avoid duplication or conflict with the standards, but fall outside the scope of consequential amendments.

Each local authority will need to determine how best to go about amending their planning documents, based on the state of their current planning framework, scheduled timeframes for review, resourcing constraints, and outcomes of stakeholder and community engagement.

Meridian considers that implementation of the standards is likely to be difficult for some local authorities. In particular, regional councils under the Regional Plan Structure Standard (S-RP) will be required to combine their regional plans into a single plan, with the option of a separate coastal environment plan. This will be challenging given regional councils often have multiple plans of different vintages, formats, and stages of review. These plans may also be subject to ongoing changes. For example, regional land and water plans may be subject to phased plan changes to give effect to the National Policy Statement on Freshwater Management, which itself has been subject to an ongoing programme of Government changes.

The above issues are demonstrated by the state of Southland region's current RMA planning framework, as set out in **Figure 1** below:

Plan	Status	Required Review Commencement Date (Approx.)
Southland Regional Policy Statement	Operative October 2017	October 2027
Regional Coastal Plan	Operative March 2013	Review has commenced
Regional Air Plan	Stage 1 Operative October 2016 Stage 2 still be notified (deferred pending review of National Environmental Standard on Air Quality)	October 2026 for stage 1 provisions, and later for stage 2 provisions.
Proposed Regional Land and Water Plan	Subject to appeals. Intended to be operative in 2019. Freshwater Management Unit (FMU) plan changes are intended to be notified between 2019 and December 2025 (as per councils current published NPSFW implementation programme)	Potentially required by 2029, and later for FMU specific provisions
Southland District Plan	Operative January 2018	January 2028

Figure 1 – Status of Southland Regional Council's RMA Planning Framework

Combining and amending plans in the context of an existing planning framework which is fragmented, and unsettled will be very difficult to achieve. It would almost certainly require the use of an RMA First Schedule process to integrate the plans, particularly where there is currently a lack of alignment between them. Furthermore, given the strong relationship between the definitions of a plan and the related provisions, it is considered that the definitions standard will drive substantial amendment of plan provisions, that would necessitate using a First Schedule process.

The relationship of the regional policy statement to other lower order documents is also an important consideration. Given the hierarchy that applies to RMA planning documents, it is considered that regional policy statements will need to be amended to align with the standards early within the implementation timeframes. This will provide certainty of direction for other planning documents, including the district plans of territorial authorities in each region. The draft standards in their current form do not recognise that distinction, which could lead to fragmented planning within a region where there is a lack of co-ordination between the local authorities.

Meridian considers that the substantial changes needed to implement the standards may drive a behaviour of local authorities bringing forward scheduled reviews of their plans. This will enable the comprehensive change, integration, and amendment of plans to align with the standards. The advantage for local authorities would be to avoid the need for First Schedule processes to first implement the standards, and to then undertake plan reviews again within a relatively short timeframe. That is with its resulting integration, community engagement, and resourcing complications.

These implementation issues present a number of implications for resource users. The substantial changes that will be needed to combine, integrate, and amend planning documents of each local authority to align with the standards, will likely create an unsettled planning framework. The potential bringing forward of scheduled plan reviews to achieve this will also reduce the life span of planning documents under which resource users rely upon to make operational and future development decisions. Un-coordinated implementation of the standard where interrelated planning documents are amended in isolation from one other also could lead to a fragmented planning framework, with a resulting reduced certainty of direction.

Significant uncertainty would be caused for resource users such as Meridian who rely on plan stability in order to manage and re-consent their existing assets, and plan and develop new generation capacity to assist meet New Zealand's increasing electricity demands, Government targets for renewable electricity generation, and climate change goals and commitments.

Given the above, Meridian proposes that the standards should be amended to address the following:

- Require local authorities to notify their amended planning documents within 10 years of the gazettal of the standards, so as to align more closely with the statutory timeframes for commencing plan reviews under section 79 of the RMA.
- Retain the flexibility for regional councils to have separate regional plans for the coastal environment, air quality, and land and water matters based on the new regional plan structure.

The requirement to notify an amended planning document within 10 years is sooner than the requirement to commence a review under section 79 of the RMA, however would set a definite period for implementation of the standards.

The changes will collectively provide greater flexibility as to when councils choose to implement the standards in light of the circumstances of their current planning framework. It would also potentially reduce the need to bring forward plan reviews which would reduce the life span of existing planning documents under which resource users like Meridian rely upon to make operational and future development decisions. Meridian considers the benefits and avoided costs of aligning implementation

of the standards with normal plan review processes, would outweigh the broader costs associated with a longer implementation timeframe to achieve the benefits from standardisation.

Meridian hopes this submission is helpful in determining the final form of the National Planning Standards. Meridian would like the opportunity to discuss the issues raised with the Ministry prior to finalisation of the standards.



Andrew Feierabend

For and behalf of Meridian Energy Limited

17th day of August 2018

ATTACHMENT 1 – CHANGES REQUESTED BY MERIDIAN TO THE NATIONAL PLANNING STANDARDS

Section 1 - Changes to Structure of Planning Documents to Ensure Integrated Management

Amend Table 3 in the Regional Policy Statement Structure (S-RPS) standard as follows:

Chapter	Section	Instruction
PART 4 – THEMES		
<i>Infrastructure and energy</i>		<i>If infrastructure and energy matters are addressed in the regional policy statement they must be included in the infrastructure and energy chapter, except that matters may be addressed in other chapters to the extent required to achieve an integrated plan objective, policy, and rule framework.</i>
<i>Energy</i>		<i>If energy matters are addressed in the regional policy statement they must be included in the energy chapter, except that matters may be addressed in other chapters to the extent required to achieve an integrated plan objective, policy, and rule framework.</i>

Amend Table 4 in the Regional Plan Structure (S-RP) standard as follows:

Chapter	Section	Instruction
PART 4 – THEMES		<i>If the local authority chooses to address matters on a theme basis, this part and any part of its relevant accompanying chapters must be used.</i>
<i>Infrastructure and energy</i>		<i>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, except that matters may be addressed in other chapters to the extent required to achieve an integrated plan objective, policy, and rule framework.</i>
<i>Energy</i>		<i>If the local authority chooses to address matters on a theme basis and energy matters are addressed in the regional plan they must be included in the energy chapter, except that matters may be addressed in other chapters to</i>

		<u>the extent required to achieve an integrated plan objective, policy, and rule framework.</u>
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Amend Table 5 in the District Plan Structure (S-DP) standard as follows:

Chapter	Section	Instruction
PART 4 – DISTRICT WIDE MATTERS		Local authorities must implement the District Wide Matters Standard (S-DWM)
<i>Infrastructure and energy</i>		<i>Local authorities must consider whether other sections should also be included in this chapter and include them if they are required.</i>
<u>Energy</u>		<p><u>Infrastructure and energy matters are addressed in the infrastructure and energy chapters, except that matters may be addressed in other chapters to the extent required to achieve an integrated plan objective, policy, and rule framework.</u></p> <p><i>If the local authority has a coastal environment, it must provide a coastal environment section in the location identified. The Noise and Vibration Metrics Standard (CM-2) must be implemented through the noise section.</i></p> <p><i>If the local authority chooses to protect trees for heritage or other community value reasons, it must provide a Protected trees section in the location identified.</i></p> <p><i>If the local authority has waterways on which activities occur that require management, it must provide an Activities on the surface of water section in the location identified.</i></p> <p><i>If the local authority has mining activities that require management, it must provide a Mining section in the location identified.</i></p>

Amend Table 6 in the Combined Plan Structure (S-CP) standard as follows:

Chapter	Section	Direction
PART 3 – REGIONAL POLICY STATEMENT		If a regional policy statement is part of the combined plan this part must be used.

	<i>Infrastructure and energy</i>	<i>If infrastructure and energy matters are addressed in the regional policy statement on a theme basis they must be included in the infrastructure and energy section, except that matters may be addressed in other section to the extent required to achieve an integrated plan objective, policy, and rule framework.</i>
	<i>Energy</i>	<i>If energy matters are addressed in the regional policy statement on a theme basis they must be included in the energy section, except that matters may be addressed in other sections to the extent required to achieve an integrated plan objective, policy, and rule framework.</i>
PART 4 – REGION WIDE MATTERS		Local authorities must implement the District Wide Matters Standard (S-DWM) to the extent it is relevant.
<i>Infrastructure and energy</i>		<i>If the combined plan does not include a district plan, and the local authority chooses to address infrastructure and energy matters on a theme basis, this chapter must be used, except that matters may be addressed in other chapters to the extent required to achieve an integrated plan objective, policy, and rule framework.</i>
<i>Energy</i>		<i>If the combined plan does not include a district plan, and the local authority chooses to address energy matters on a theme basis, this chapter must be used, except that matters may be addressed in other chapters to the extent required to achieve an integrated plan objective, policy, and rule framework.</i>
<i>Infrastructure and energy</i>		<i>If the combined plan includes a district plan then local authorities must implement the District Wide Matters Standard (S-DWM).</i>
<i>Energy</i>		<p><i>If the combined plan includes a regional plan, regional plan provisions may be integrated with the implementation of the General District Wide Matters Standard (S-DWM).</i></p> <p><i>Infrastructure and energy matters are addressed in the infrastructure and energy chapters, except that matters may be addressed in other chapters to the extent required to achieve an integrated plan objective, policy, and rule framework.</i></p> <p><i>The Noise and Vibration Metrics Standard (CM-2) must be implemented through the Noise and Light section.</i></p>

Amend the District Wide Matters Standard (S-DWM) as follows:

Infrastructure and Energy chapter (S-IE)

- 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.~~
- 22 ~~— The Infrastructure and energy chapter must be consistent with the:~~
- a. ~~Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009~~
 - b. ~~Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016.~~
- 23 ~~— If relevant to a local authority, the following matters must be addressed in the Infrastructure and energy chapter unless provided in a special purpose zone, requirement or designation, or matters need to be addressed in another chapter to achieve an integrated plan objective, policy, and rule framework:~~
- a. ~~objectives, policies and methods including rules if any, relating to the operation, maintenance, upgrading and development of infrastructure including where relevant:~~
 - i. ~~state highways and local roads~~
 - ii. ~~railways~~
 - iii. ~~airports~~
 - iv. ~~ports~~
 - v. ~~electricity generation, transmission and distribution~~
 - vi. ~~wastewater, stormwater and drinking water infrastructure~~
 - vii. ~~other network utilities not listed~~
 - viii. ~~bulk storage and transmission of fuel or energy~~
 - ix. ~~street furniture~~
 - x. ~~any buffer corridor area provisions required for the national grid~~
 - b. ~~a statement about the zoning status of roads; eg, the adjoining zoning applies to the centre line of the road~~
 - c. ~~provisions to manage reverse sensitivity effects between infrastructure and other activities.~~
- 24 ~~— Any noise related metrics must be consistent with the Noise and Vibration Metrics Standard (CM-2).~~
- 25 ~~— The Infrastructure and Energy chapter must refer to any relevant applied Special Purpose Zone (eg, Airport zone, Port Zone, Hydro-electricity Generation Zone).~~

Energy Chapter (S-E)

- 26 The 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.
- 27 The Energy chapter must be consistent with the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.
- 28 The following matters must be addressed in the Energy chapter unless provided in an Energy generation zone, special purpose zone, precinct requirement or designation, or matters need to be addressed in an another chapter to achieve an integrated plan objective, policy, and rule framework:
- a. objectives, policies and methods including rules if any, relating to the operation, maintenance, upgrading and development of energy infrastructure including where relevant:
 - i. electricity generation, transmission and distribution
 - ii. any buffer corridor area provisions required for the national grid and energy generation
 - b. provisions to manage reverse sensitivity effects between energy infrastructure and other activities.
- 29 Any noise related metrics and measurement methods must be consistent with the Noise and Vibration Metrics Standard (CM-2).
- 30 The Energy chapter must refer to any relevant applied Energy Generation Zone, or Special Purpose Zone.

Section 2 - Creation of a Separate Energy Generation Zone

Amend the Area Specific Matters (S-ASM) standard as follows:

Discretionary direction	
8. 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.	
Zone	Purpose statement
<u>Energy generation zone</u>	<u>The purpose of the energy generation zone is to identify and provide for the operation, maintenance, upgrading, and development of large scale energy generation facilities, buildings, and structures, and the resources which energy generation rely on.</u>

Amend the District Plan Structure (S-DP) standard as follows:

Chapter	Section	Instruction
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PART 5 – AREA SPECIFIC MATTERS		Local authorities must implement the Area Specific Matters Standard (S-ASM) as specified below.	
<i>Special purpose zones</i>	<i>Airport zone</i>	<i>For the zones that the local authority chooses, the zones must follow the order, and the chapter and section headings, set out in this standard.</i>	
	<i>Port zone</i>		
	<u><i>Energy generation zone</i></u>		
	<i>Hospital zone</i>		
	<i>Education zone</i>		<i>If only one zone is chosen under a chapter heading, the section heading becomes the chapter heading and the provisions are housed there.</i>
	<i>Stadium zone</i>		
	<i>Future urban zone</i>		
	<i>Maori cultural zone</i>		
	<i>[Additional Special Purpose] Zone</i>		

Amend the Mapping (F-2) standard to include a symbol, and colour pallet for an Energy generation zone.

Section 3 - Definitions

Amend the Definitions (CM-1) standard as follows:

Term	Definition
<i>building</i>	<i>means any structure, whether temporary or permanent, movable or fixed, that is enclosed, with 2 or more walls and a roof, or any structure that is similarly enclosed.</i>
<i>drain</i>	<i>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 <u>from land</u>.</i>
<i>drinking water</i>	<i>means water intended to be used for human consumption, and includes water intended to be used for food preparation, utensil washing, and oral or other personal hygiene.</i>
<u><i>operational need</i></u>	<u><i>means the need for a proposal or activity to traverse, locate, or operate in a particular environment because of technical or operational characteristics or constraints.</i></u>
<i>reverse sensitivity</i>	<i>means the potential for the operation of a <u>a consented or existing</u> lawfully established activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which</i>

	<i>may be sensitive to the actual, potential, or perceived adverse environmental effects generated by an a <u>consented or existing</u> activity.</i>
<i>structure</i>	<i>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.</i>

Section 4 - Noise and Vibration Metrics

Amend clause 3 of the Noise and Vibration Metrics (CM-2) standard as follows:

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.

Amend clauses 24 and 32 of the District Wide Matters Standard (S-DSM) as follows:

Any noise related metrics and measurement methods must be consistent with the Noise and Vibration Metrics Standard (CM-2)

Delete clause 4 of the Noise and Vibration Metrics (CM-2) standard as follows:

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

**SUBMISSION FROM THE ROYAL FOREST & BIRD PROTECTION SOCIETY OF NEW ZEALAND INC
ON THE DRAFT FIRST SET OF NATIONAL PLANNING STANDARDS**

To: Ministry of the Environment
PlanningStandards@mfe.govt.nz

Date: 17 August 2017

Organisation: Forest and Bird

[REDACTED]
[REDACTED]

Contact: Natasha Sitarz
Resource Management Planner

Tel: [REDACTED]

Email: [REDACTED]

Submitter type: NGO

INTRODUCTION

1. Forest & Bird is New Zealand's largest and longest-serving independent conservation organisation, with many members and supporters. Its mission is to be a voice for nature, on land, in fresh water, and at sea, on behalf of its members and supporters. Volunteers in 50 branches carry out community conservation projects around New Zealand. It has nine branches in the Auckland region alone.
2. In support of the society's objectives, it has been involved in resource management processes around New Zealand for many years, at the national, regional, and district level. It routinely submits on regional and district plan provisions, and advocates in the Environment Court in relation to plan provisions relating to biodiversity, landscape and natural character and some resource consents. It is particularly interested to ensure that the environmental bottom lines established in national policy statements in order to give substance to the "protective" element of Part 2 of the RMA are given effect to in regional and district plans.
3. It is therefore particularly interested in how the National Planning Standard will ensure that those matters of national importance are protected.

4. Forest and Bird does not take a position of support or opposition to the standards. We support the concept of plan standardisation, but have some concerns with aspects of the standards and do not support the adoption of the standards in their current form.
5. We have set out our comments and concerns following the headings of the draft document on the follow parts of the Planning Standards:
 - a. Overall and general comment
 - b. S-DWM: Draft District Wide Matters Standard
 - c. S-ASM: Draft Area Specific Matters Standard
 - d. S-SAM: Draft Schedules, Appendices and Maps Standard
 - e. F-1: Draft Electronic Accessibility and Functionality Standard
 - f. F-3: Draft Spatial Planning Tools (Regional) Standard
 - g. F-4: Draft Spatial Planning Tools (District) Standard
 - h. CM-1: Draft Definitions standard
 - i. CM-2: Draft Noise and Vibration Metrics Standard
 - j. Submission form question: Future Planning Standards

Overall and general comment

Scope of changes without Schedule 1 process

6. Determining what is a consequential change and what is not will be complicated in many instances. The one year timeframe is likely to be challenging, and guidance as to what is a consequential change could assist councils and submitters.
7. Relief sought:
 - a. MfE to provide guidance to assist the implementation the planning standards including consequential amendments. This guidance should include:
 - i. examples of the scope of change which fits within “necessary” amendments;
 - ii. at what point council should be undertaking Schedule 1 process rather than struggling to include a definitions which results in multiple complex consequential changes.

Purpose and Planning hierarchy

8. The first paragraph in each section/standard S-RPS, S-RP, S-DP and S-CP etc, sets out the purpose for which the standards were developed and states the application to the standards

to the relevant RPS or Plan. This is very repetitive. This purpose or reason for developing the standards could instead be incorporated into an overall purpose statement.

9. Given the mandatory nature of the Standards, particularly the directions in the Area Specific Matters Standard and through interpretation of Definitions, some potential conflict and interpretation issues are likely to arise in applying the Standards to plan provisions that also give effect to other national direction such as NPSs. An overall purpose statement and explanation of the planning hierarchy would be helpful. This could be included on Page 4 as part of the "Overview".
10. **Relief sought:** Add the following under Draft national planning standard overview (page 4):
"The purpose of the National Planning Standards (Standards) is to provide greater consistency of Resource Management Act 1991 plans and policy statements developed in New Zealand. These Standards do not override other national instruments. In making and changing policy statements and plans, this standard and other RMA national instruments must be given effect to."

Recognition in plans -Approach to mandatory standards

11. A number of the mandatory directions require that "local authorities must consider" the inclusion of sections or matters within their plans.
12. It would be helpful for Councils to be transparent about the process they have undertaken to give consideration to these matters. This could usefully be specified in s 32 evaluation reports.
13. Relief sought: Provide guidance in relation to implementing the standards to demonstrate that councils have considered mandatory considerations.

S-DWM: Draft District Wide Matters Standard

14. We support the inclusion of "methods" as a mandatory provision in district plans. This will provide clear measures for implementation and enable monitoring of plans to demonstrate compliance with the Planning Standards.

Natural Environment Values chapter (S-NEV)

15. We support the inclusion of a specific chapter on Natural Environment Values chapter (S-NEV). However, some of the terms for matters which are to be addressed in plans are uncertain in terms of the directive wording of the NZCPS and s6 RMA provisions. There is also some uncertainty as to which matters under clause 6 are to be addressed if any.
16. Forest & Bird supports the inclusion of 6 a. and b. and the wording of these clauses is appropriate (subject to our alternative suggestion below).
17. The *intent* of clause 6c. is supported, which appears to be to incorporate the sustainable management purpose s5(2)(b) into provisions relating to the coastal environment. However the phrase does not capture s 6(a) or NZCPS terminology. Safeguarding life supporting

capacity of air, water soils, and ecosystems is part of the RMA's sustainable management purpose. It is not relevant to all aspects of the coast, and conversely it does not capture all aspects of coastal natural resources that are important. If it is intended to refer to s 6(a) the reference should be to preservation of natural character from inappropriate subdivision, use and development.

18. Nor is it clear what systems are being referred to. While the NZCPS does refer to life-supporting capacity" in Policy 23(1(f) this is in relation to discharges and mixing zones which is no relevant to district council functions. Objective 1 of the NZCPS sets out to "safeguard... the coastal environment and sustain its ecosystems.", however the directive policies of the NZCPS refer to preservation and protection.
19. An alternative approach could be to simply refer to "matters relating to the territorial authority's functions and duties in relation to the coastal environment".
20. The wording of Clause 7 does not reflect the wording of Policy 13(1)(a) of the NZCPS which refers to "areas" of the coastal environment which have outstanding natural character. To ensure consistency and integration with the wording which gives effect to the NZCPS under Clause 6b of the standards, the term "areas" should be included in the Clause 7 of the standards relating to natural character. The term "landforms" is not used in the RMA. The term "natural features" which is used in the RMA, is missing from Clause 7.
21. Under Clause 7 a. it is not clear whether the identification of landscapes, landforms and natural character valued by the community is an alternative or additional consideration for councils.
22. As for Clause 6c above, the wording under Clause 7b does not capture the NZCPS terminology nor s6(a).
23. There is no reference in the District Wide matters standard to the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers. This is a matter of national importance under s 6 and should be provided for in either the natural environment values chapter or the community values chapter.
24. Relief sought:
 - a. Amend clause 6: " If clause 5 applies then the following matters are to be addressed in combined plans or district plans, and they must be located in the *Coastal Environment* section:
 - b. **Either** Retain 6a. and 6b. as drafted and amend 6 c. to refer to objectives, policies and rules that preserve the natural character of the coast from inappropriate subdivision and development
 - c. **Or** amend Clause 6 to refer to the district council's functions and duties in relation to the coastal environment.

- d. Amend clause 7 as follows: “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 areas section:
- e. Amend clause 7a. as follows: “the identification of landscapes, landforms and natural character areas that are outstanding, significant or valued by the community
- f. Clarify meaning of “landforms” or replace with “natural features”.
- g. **Either** Amend clause 7 b. to refer to objectives, policies and rules to protect outstanding natural features and landscapes from inappropriate subdivision and development
- h. **Or** amend Clause 6 to refer to refer to the district council’s functions and duties in relation to landscapes, natural features and areas of natural character.
- i. Include a place for provisions relating to public access in the natural environment or community values chapter.

S-ASM: Draft Area Specific Matters Standard

- 25. This Standard is directed at district plans, but this is not clear from the title.
- 26. Under clause 7b. the specific matters standards recognises an overlay as an alternative to additional special purpose zone. However while the mandatory directions (page 45) include a Precincts chapter, a Development Areas chapter and a Designation chapter, there is no requirement or discretion in relation to the inclusion of overlays. Like those chapters, overlays are a spatial tool (Table 23). The absence of a chapter requirement is confusing.
- 27. Relief sought:
 - a. Amend title to Draft Area Specific Matters Standard for District Plans
 - b. Amend the areas specific matters standards to include a section setting out requirements for overlays. This should include:
 - i. any requirements necessary for the identification of areas/sites shown on the overlay in a Schedule.
 - ii. That all areas identified in an overlay must be set out in a schedule as per the Draft Schedules, Appendices and Maps Standard
 - iii. Any consistency requirements with the Draft Mapping Standard

Zone chapters (S-ZONES)

- 28. Of concern to Forest and Bird is the specific wording under the Discretionary direction clause 8 which sets out the purpose for each zone, and which, as stated in the first paragraph, “the

zone provisions must fulfil". It is essential that purpose statements are not framed in a way that has the potential to override environment protection considerations.

29. When making or changing plans, zone purpose statements will be relevant to the framing of objectives, policies and methods for the zone. If a zone is to "prioritise" or "provide primarily" for a particular purpose, the objectives policies and rules for the zone will need to do just that. In reality, a range of activities and natural values may be found within any zone. The integrated management of new activities with those other activities and values is the essence of sustainable management. The zone purpose statements are unhelpful in that regard.
30. Forest and Bird supports the use of a general description of each zone. However the directive nature of the Planning Standards in association with the directive wording of the zone purpose statements has the potential to conflict with:
 - a. the purpose for the Act, in particular s6 and s7 and with giving effect to national policy statements, and
 - b. the provisions of plans using those zones, which may use different terms (such as "consider providing for" or "enable in appropriate circumstances") in relation to activities in the zone, in recognition of the need to ensure appropriate emphasis is placed on use and protection of the natural and built resources and features of a zone in an integrated way.
31. The table of zone purpose statements is also prefaced by the words "each zone option contains a purpose statement which the zone provisions must fulfil", which makes the purpose statements even more directive, and less able to be integrated with other planning considerations.
32. The terms "provide" and "enable" carry the implication that the activity referred to would have to be provided for or enabled within the plan ahead of other activities and considerations. This creates an inconsistency with the purpose of the Act which requires that the enabling part of s 5 is undertaken while:
 - (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.
33. Section 6 of the Act also sets out matters of national importance which are to be recognised and provided for. Any zoning purpose to provide or enable an activity may also be inconsistent with giving effect or complying with other national direction.
34. While the term "provide" is used with the term "primarily", thus implying that other activities may occur in the zone, the term primarily is subjective and the direction to "provide" sets an overriding requirement which the zone provisions must fulfil (clause 8).

35. The use of the term “prioritise” is particularly concerning as it means that Councils will have to prioritise that activity despite other values or activities within the zone. For example, in the Rural production zone councils must “prioritise” primary production, which may conflict with protection of significant natural areas, protection of waterways, or provision of other activities such as public access or electricity transmission.
36. There is no similar mandatory purpose statement required for overlays, precincts etc. Overlays have a “function” (Table 23), which does not have to be fulfilled, and which is stated in a neutral way, i.e. “...has been determined to have distinctive values...that require management”. This difference in approach is likely to result in the zone purpose statements (which must be fulfilled) having priority over objectives for overlays and precincts. Similarly, district-wide matters like water quality standards and provisions for maintenance of indigenous biological diversity will have less priority than the zone purpose statements.
37. As such the zoning approach set out in the Planning Standards appears to be inconsistent with the sustainable management purpose of the Act.
38. In relation to any additional zones that the Council may choose to use, the term “manage” has been used. That term is more neutral and therefore preferable to describe the correct approach for integrated management within zones. We suggest a term that describes expected zone composition is better again than a verb that carries an implication of a particular outcome.
39. Relief sought:
- a. Zone purpose statements should be renamed zone description statements, and should be for guidance only and not an aspect of the Standards that must be implemented.
 - b. Amend Clause 8 as follows: “The local authority must choose at least one of the following zones to use in its ~~their~~ Plan. Each zone option contains a ~~purpose statement which the zone provisions must fulfil.~~ description which distinguishes the zone from other zones.”
 - c. Set out a general purpose statement, for the application of the zone chapter approach within plans, after clause 5. This should include:
 - i. That zone description statements are for guidance only and do not override provision for other resources, features and activities within the zone.
 - d. Amend the Clause 8 heading “Purpose statement” to read “Zone description”.
 - e. Amend the “zone descriptions” for each zone so that wording such as “provide” “enable” and “manage” are not used.

- f. Amend the wording of Residential Zone as follows: “The ~~purpose of the~~ Residential zone is a zone where to provide primarily for residential activities in areas of suburban character are expected to be located.”
- g. Amend other zone descriptions in a like manner. Include a list of the activities which the zone seeks to manage. e.g. residential, commercial, recreational etc, as part of the description.
- h. Amend the Airport zone: “The ~~purpose of the~~ Airport zone is ~~to where:~~ enable the ongoing operation and future development of airports and the surrounding airfield and aerodrome are expected to occur. Activities reasonably expected within these zones includes:
 - ~~enable~~ associated operational areas and facilities
 - ~~enable~~ operations relating to the transportation of people and freight
 - ~~provide for~~ aeronautical (or aviation) activities of airports, as well as operational, administrative, commercial and industrial activities associated with airports.”
- i. For consistency with defined terms use “ancillary activities” rather than “activities that support”, e.g. in the Rural zone description.

Precincts chapter (S-PREC)

40. Clause 9 is not clear as to what “additional provisions” or the modification of “land use outcomes” are, and whether this refers to the provision set in the District wide matters standard or the Zone purpose statements or something else. If this is intended to refer to the Zone purpose (description) statement, this should be made clear.
41. The relationship between the precinct chapter and the chapters under the District wide matters standard, and how they fit into a plan, is not clear. An example template would help.
42. Relief sought:
 - a. Clarify what underlying “land use outcomes” refers to and how additional provisions are to be determined.
 - b. Include direction for cross referencing to any chapters related to the modified approach

New Overlay chapter

43. The District Wide Matters Standard does not refer to overlays, despite overlays being a frequently used spatial planning tool that is referenced in the Spatial Planning Standard.
44. Relief sought:

- a. Provide for overlays in the district wide matters standard in a similar manner to precincts.

Development Areas chapter (S-DEV)

45. Unlike precinct chapters, development areas chapters are not authorised to include rules. If the intention is to ensure that rules apply more broadly across a district, we support that approach.
46. It is not clear why provisions relating to Development Areas are to be deleted from the plan once the development is complete. These provisions remain relevant, for example where new applications for consent relating to the Development Area are made, that are contrary to the objectives & policies of the original area. A particular example: the Development Area may provide for more intensive development in part of the Area, but also include areas set aside for ecological or recreational purposes to compensate for the greater intensity. If provisions to that effect are removed once the development is complete, the context for assessing new applications for activities that would reduce the size of the reserved areas is missing.
47. Relief sought:
 - a. Delete clause 17.

S-SAM: Draft Schedules, Appendices and Maps Standard

48. Forest & Bird supports the inclusion of a schedule chapter and table template. Because matters set out in schedules may also be shown spatially on the Planning maps it would be helpful for the “site identifier” to include any map reference where relevant.
49. The example in clause 5 suggests that outstanding natural features and landscapes are one item, however in practice landscapes should be listed separately from features.
50. In the standards under the Schedules, Appendices and Maps standard (page 48) clause 6 requires the inclusion of a schedule for district wide overlays. It is unclear why a schedule would not be required for any regional overlays (note our comments below on Spatial tools standard relating to overlays).
51. Clause 7, 8 and 9 provide direction in relation to “appendices” and “topics”. However there is no introductory sentence such as for schedules under Clause 3 to set out whether an appendix is required or what chapter it sits within. In addition there is no explanation of the term “topic” and it is uncertain if this should apply to any matters set out under the general or specific district plan matter standards.
52. Relief sought:
 - a. In Table 17 include that a “site identifier”, includes the “identification used on the planning maps”

- b. Amend the example in clause 5 to refer only to outstanding natural features.
- c. Amend the S-SAM Draft Schedules, Appendices and Maps Standard, Mandatory directions clause 6 as follows: “All the sites/areas and their values that have been identified in a district ~~wide~~ or regional overlay must be listed within a schedule.”
- d. Clarify the directions in relation appendices and topics to address comments above.

F-1: Draft Electronic Accessibility and Functionality Standard

ePlan Electronic Accessibility and Functionality Scale

- 53. We support the move to searchable e-plan documentation. Searchable pdf versions of plans where the whole plan can be searched at one time for a particular term or key words and where text can readily be selected for copy and past should be standard features. Availability for easy downloaded as separate chapters or whole plan, and where original formatting is easily retained, is supported.
- 54. We suggest that delayed implementation is not necessary for ePlan migration (unlike some other aspects of the standards). There are compelling efficiency reasons to have all councils move to e-plan format as soon as possible for both operative and proposed plans.
- 55. Relief sought:
 - a. delete Instruction 2 of Table 19
 - b. clarify at scale 1 (Figure 1) that the PDF version will be searchable across whole plans and chapters.

F-2: Draft Mapping Standard

- 56. It would be helpful to add standard symbologies for outstanding natural features, outstanding natural landscapes, significant natural areas, wetlands and other areas of natural value referred to in section 6 or national policy statements.
- 57. Relief sought: include additional standard symbologies for those matters.

F-3: Draft Spatial Planning Tools (Regional) Standard

- 58. Table 23 sets out the spatial components of Regional plans, policy statements and combined plans.
- 59. This includes a description of the function for each spatial tool and how this is to be represented. In relation to Overlay the function sets out a requirement that the area, feature or item is identified following a region-wide assessment. This requirement inappropriately limits the ability for councils to identify specific areas or features which may be identified pursuant to a survey that is not region wide, including features which the

Council becomes aware of as a result of specific surveys carried out in the context of a resource consent application.

60. Relief sought:

- a. amend the Function for Overlay to enable region-wide and local assessment. For example: “An overlay spatially identifies an area, feature or item that ~~following a region-wide assessment~~ has been determined to have distinctive values or environmental risks that require management.”.
- b. If zone purpose statements are not amended as sought above, amend the Overlay “function” to be a purpose statement that must be fulfilled.

F-4: Draft Spatial Planning Tools (District) Standard

61. Table 24 sets out the spatial components of district plans and combined plans.

62. This includes a description of the function for each spatial tool and how this is to be represented. In relation to Overlay the function sets out a requirement that the area, feature or item is identified following a district wide assessment. This requirement inappropriately limits the ability for councils to identify specific areas or sites which may be of specific concern or subject to a development proposal. For example a significant natural area may have been identified for a specific site.

63. Relief sought:

- a. amend the Function for Overlay to enable district wide and local assessment. For example: “An overlay spatially identifies an area, feature or item that ~~following a district wide assessment~~ has been determined to have distinctive values or environmental risks that require management.”

CM-1: Draft Definitions standard

64. Standardising definitions will result in numerous changes in operative plans becoming necessary, and could also inadvertently change the interpretation and application of matters determined through court processes. In our view the use of the Schedule 1 process is critical to ensuring a fair process and avoiding unintended consequences. Such changes are unlikely to fall into the “consequential” category. Guidance in that regard would be helpful.

65. Forest & Bird supports the principles used when drafting definitions (consultation document) and notes that these principles were recently considered with approval by the Environment Court (*DGC v Invercargill City Council* [2018] NZEnvC 8).

66. The Standard requires that where a term is defined in the Standard, the same term may not be used in other ways in plans. This makes sense to the extent that it standardises the definition of that term, but terms like “best practicable option (defined in the RMA and Standard in relation to discharges) are often used for other purposes in planning eg in

relation to route or site selection or mitigation plantings. It would be useful to clarify that a term may be used and defined for purposes unrelated to the specified definition.

67. RMA definitions apply “unless the context otherwise requires” which is an important caveat to ensure illogical applications of definitions are avoided. The Planning Standards should similarly provide that definitions apply unless the context otherwise requires.

Table 29: Definitions Table

68. Comments on specific definitions with relief sought set out as amendments to draft definitions and meaning using underline and ~~strike-out~~:

Definition/term	Meaning	comment
Addition	<u>in relation to a building</u> means any works undertaken to an existing building which has the effect of increasing the gross floor area <u>and/or</u> <u>height</u> of that building	<p>The definition appears to be intended to relate to buildings. However the term “addition” is quite commonly used in circumstances which differ to that defined. For example “addition of water¹”, “addition to the requirement in the RMA” etc. The Standard would require those other common uses to use a different word. This could result in unintended outcomes and unclear plan provisions.</p> <p>It is unclear how a plan will word any provisions relating to an “addition” which affects the height of a building.</p> <p>The term alteration is often used in relation to structures. This has a similar meaning and could be restricted by the definition unless the definition is specifically in relation to buildings.</p> <p>Guidance on the implementation of this definition in relation to similar terms like “alteration” and “extension” of structures would be helpful.</p>
ancillary activity	means an activity that either provides <u>necessary</u> support to, or is incidental <u>and</u> subsidiary to, the a primary activity on the <u>same site</u>	<p>The definition is uncertain as it appears to apply to both activities which are necessary for (ancillary/subsidiary) and those that are a result of (incidental) undertaking the primary activity.</p> <p>Oxford living dictionaries online: Ancillary - Providing necessary support to the primary activities or operation of an organization, system, etc</p>

¹ ECan Land and Water Plan

		<p>Incidental activities are different, as they carry a connotation of unanticipated impacts and are more like effects than activities.</p> <p>As written the definition appears to only apply to the primary activity on a site, rather than to a primary activity, of which there could be many on a site.</p> <p>MfE will need to include guidance in relation to the mandatory inclusion of this definition. That guidance should address, that any addition or amendment to plans to include this definition must ensure that rules do not change the effect or requirements of rule for any specific activities or effects where an activity may not be considered “ancillary”.</p>
best practicable option		<p>Support use of the s2 RMA interpretation. However this only applies in relation to a “discharge of a contaminant or an emission of noise”.</p> <p>It would be helpful to provide guidance on whether the term can be used in relation to other activities/effects</p>
building	<p>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</p>	<p>As written the definitions of building and structure are circular.” – see comments on “structure”.</p> <p>Generally support the definition of “building” as it clarifies the common meaning by setting out a requirement for 2 or more walls. However the last phrase creates uncertainty as to what “similarly enclosed” would include under the definition of “building”. This appears an unnecessary to interpreting the definition.</p> <p>Collins dictionary: <u>a building is a structure that has a roof and walls</u></p>
structure	<p>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</p>	<p>The definition of structure is different to the RMA definition but no reasons are given for the difference. We consider the RMA definition should be used:</p>

	be moved under their own power.	<p>structure means any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft</p> <p>As worded the definition is uncertain as it may apply to pivot irrigators. Such irrigators are more appropriately considered as a structure than a vehicle. Pivot irrigators are managed for their impacts on visual amenity similar to other structures.</p>
Earthworks	means any land disturbance that changes the existing ground contour or ground level	The implications of this definition in relation to the definition in the NESPF should be considered and addressed.
Land disturbance	means the alteration to land, including by moving, cutting, placing, filling, <u>drilling</u> or excavation of soil, cleanfill, earth or substrate land	Land disturbance by drilling should be included.
Fertiliser	(a) means any substance or biological compound that is— (i) applied to plants or soils, whether in solid or liquid form; and (ii) supports or sustains the growth, productivity or quality of soils, plants or, indirectly, animals; but (b) does not include livestock and human effluent, or pathogens	We note that plan amendments will be required where a plan treats effluent as fertiliser.
Functional need	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.	<p>Support the definition as worded. It would be useful to clarify whether a functional need includes the need to locate where a particular resource is. We do not support a definition of functional need that includes operational need. The term functional need is used in the NZCPS and does not appear to extend to operational need. If operational need is to be addressed, it should be by way of separate definition.</p> <p>Recognition that this relates to a particular “environment” is important. This is consistent with how it is applied to give effect to the NZCPS in recognition of the</p>

		<p>CMA as a particular environment. It is the environment rather than a particular site which is important in determining a functional need.</p>
groundwater	<p>means water occupying openings, cavities, or spaces in soils or rocks under the surface of the land <u>and includes such water which is exposed to air through human activities.</u></p>	<p>It is not clear whether the definition applies to ground water that has been exposed eg through drilling. In such circumstances, the water should not cease being groundwater.</p>
height - DP	<p>means the vertical distance between ground level at any point and the highest part of the structure immediately above that point</p>	<p>Height can be an issue in ONFLs. Especially if the building extends up the slope but it is only the height on lower wall that is considered by plan.</p> <p>The definition should be amended to provide for hill sites, or guidance for the use of this definition on sloping sites that more than one height measurements must be considered for both the lower and highest ground level for any structure on a sloping site could be provided.</p>
height – RP/RPS	<p>means is the vertical distance between the highest part of a structure and a reference point. The reference point outside the coastal marine area is ground level unless otherwise stated in a rule. The reference point inside the coastal marine area is mean sea level</p>	<p>Amend the definition to provide for hill sites or set out guidance for the use of this definition that more than one height measurements must be considered for both the lower and highest ground level for any structure on a sloping site.</p> <p>Ideally two separate definitions of height should be avoided.</p>
intensive Indoor primary production	<p>means primary production activities that involve the production of fungi, livestock or poultry that principally occur within buildings</p>	<p>It is not clear if the definition is only intended for intensive indoor farming. Intensive outdoor farming is also a matter which is defined in some plans. There is potential for this definition to preclude a similar definition for other intensive farming situations.</p> <p>The interpretation of this definition is also uncertain as to what “principally occurring within buildings” means. Determining what is “principally” is subjective and could be considering on the basis of area per property or months of the year.</p>

		<p>The definition does not describe what is “intensive” to distinguish from “primary production”.</p> <p>There is an inconsistency between this definition and “primary production” as it appears only fungi, livestock or poultry can be “intensive” and only where buildings are involved.</p> <p>Include guidance on implementation of the definitions to clarify that green house or covered crops where the structure is not a building will need to be addressed by specific reference to those structures within plan provisions.</p>
primary production	<p>a) means any agricultural, pastoral, horticultural, forestry or aquaculture activities for the purpose of commercial gain or exchange; and</p> <p>b) includes any land and auxiliary ancillary buildings used for the production of the products that result from the listed activities; but</p> <p>c) does not include processing of those products</p>	<p>New term “auxiliary” why not ancillary – a defined term?</p> <p>Auxiliary means supplementary. Subsidiary also means supplementary and subsidiary means ancillary</p> <p>Include guidance on the implementation of this definition to clarify that “processing” will need to be provided for as a separate activity within plan provisions and may be defined where the common meaning is not certain.</p>
reverse sensitivity	<p>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 <u>lawfully established activity on a more recent or proposed activity</u></p>	<p>The definition is complex and is not clear in terms of proposed/new activities that may be considered in a plan.</p>
sewage	<p>means any water that contains any toilet or urinal waste, or any waste in water from industrial or commercial processes</p>	<p>The definition is very broad - would any water with animal urine now be called sewage? The inclusion of “water” creates uncertainty. This suggests that contaminated rivers would themselves be “sewage”.</p>

		It is not clear whether the definition is intended to include animal waste/effluent.
site	<p><u>Do not define</u> means:</p> <p>a) an area of land comprised in a single computer freehold register (record of title as per Land Transfer Act 2017); or</p> <p>b) an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be administered separately without the prior consent of the council; or</p> <p>c) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate computer freehold register could be issued without further consent of the Council; or</p> <p>d) in the case of land subdivided under the Unit Title Act 1972 or the cross lease system, a site is deemed to be the whole of the land subject to the unit development or cross lease; or</p> <p>e) an area of adjacent land comprised in two or more computer freehold registers where an activity is occurring or proposed.</p>	The term site is too context-specific to define. It is regularly used to refer to the “assessment site”(the site that is the subject of an application for resource consent or which permitted activity standards apply to) which may be entirely unrelated to legal boundaries. It is also used in relation to a site that is of importance for its natural values.
special audible characteristic	means sound that has a distinctive characteristic such as tonality or impulsiveness which affects its subjective acceptability.	Request that MfE seek expert advice on whether this definition works in the context of the NZ Acoustic standard and the IOS standards for underwater sound.
stormwater	means water from natural precipitation (including any contaminants it contains) that flows over land or structures (including in a network), to <u>land</u> or <u>to</u> a waterbody or the coastal marine area.	<p>As written the definition excludes stormwater which does not directly discharge to a waterbody or the CMA.</p> <p>Stormwater which flows to land should also be included.</p> <p>This will ensure that plans can integrate the management of all stormwater generating activities, eg for natural hazard management and for connection to reticulated systems.</p>
wastewater	includes sewage, and greywater	Wastewater usually relates to reticulated or managed systems, is that the intent here?

		<p>We note that the definition does not appear to include animal waste from farm sheds or other point source discharges.</p> <p>Does the inclusion of this definition in the Planning Standards preclude similar definitions such as for “effluent” or “animal effluent”?</p>
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CM-2: Draft Noise and Vibration Metrics Standard

- 69. The Acoustic NZ Standards do not provide an appropriate terminology or methodology for measuring underwater sound as the basis for setting limits and considering effects in RMA plans.
- 70. The RMA interpretation of noise is that it includes vibration; however the Acoustic NZ Standards measurement methods do not necessarily include vibration. Vibration is not noise, noise is how humans perceive some sounds, sound is the result of vibration. Vibration is particularly important when considering effects of activities in the marine environment. Excessive environmental vibrations can have deleterious effects on animal health.
- 71. Attempting to apply the Acoustic NZ Standards to measure noise in the marine environment will result in adverse effects on marine fauna. This is because those measurement methods result in significant inaccuracies in the intensity and/or the distance over which noise will travel in the marine environment. Because of the dependence on sound to marine animals, including marine mammals, adverse effects can happen at levels lower than those that cause physical injury. In the same way that regular exposure to consistent elevated sound levels in humans can cause noise associated health consequences that can be physical and/or psychological.
- 72. Vibration in the marine environment may be caused by such things as pile driving, drilling or other activities that impact the sea bed causing vibration.
- 73. Sound propagates differently in water than it does in air as water is a higher density medium. The density and properties of water and how sound travels in it are dependent on a number of factors such as temperature, salinity, depth and the geological substrata.
- 74. The Acoustic NZ Standards are not appropriate to describe noise and vibration underwater. This is because the associated metrics and terminology are different. All terminology for underwater noise and vibration should refer to ISO/FDIS 18405:2017(E) Underwater acoustics — Terminology.
- 75. The ISO Standards specifically consider underwater sound. New Zealand is a participating country in the ISO Standards Technical Committee for Acoustics, ISO/TC 43. This includes a Subcommittee for underwater acoustics (ISO/TC 43/SC 3) to which New Zealand is an

observer.² The standards and research projects under the direct responsibility of ISO/TC 43/SC 3 Secretariat that are currently being developed and pursued are:³

a. ISO 17208-1:2016

Underwater acoustics -- Quantities and procedures for description and measurement of underwater sound from ships -- Part 1: Requirements for precision measurements in deep water used for comparison purposes

b. ISO/DIS 17208-2 [Under development]

Underwater acoustics -- Quantities and procedures for description and measurement of underwater noise from ships -- Part 2: Determination of source levels from deep water measurements

c. ISO/NP 17208-3 [Under development]

Underwater acoustics -- Quantities and procedures for description and measurement of underwater noise from ships -- Part 3: Requirements for measurements in shallow water

d. ISO 18405:2017

Underwater acoustics – Terminology

This is published, and this is what should be used for all terminology moving forwards

e. ISO 18406:2017

Underwater acoustics -- Measurement of radiated underwater sound from percussive pile driving

This is the standard to use for measuring pile driving – this is important for all port related projects

76. Appropriate measurement of underwater sound is necessary for the underwater environment, and needs to be applied to both sound generated underwater as well as noise generated above water, where sound may enter the water environment.

77. ISO/TC 43/SC 3 members are also part of a Joint Working Group under the responsibility of another technical committee: ISO/TC 8/SC 2/JWG 1, Joint ISO/TC 8/SC 2–ISO/TC 43/SC 3 WG: Protecting marine ecosystem from underwater irradiated noise.

78. New Zealand is an observer of the Standard for Marine Environment Protection (ISO/TC 8/SC 2), but may be able to access the information through involvement in ISO/TC 43/SC 3. This Standard would, when developed, be of significant value to NZ.

² <https://www.iso.org/committee/653046.html?view=participation>

³ <https://www.iso.org/committee/653046/x/catalogue/p/1/u/1/w/0/d/0>

79. Relief sought:

- a. Clarify that the Standards in CM-2 do not apply underwater.
- b. Prior to gazettal of the Standards, MfE obtain expert advice on the ISO underwater acoustics standards, and whether the ISO standards should be used as measurement methods for underwater noise.

Future Planning Standards

80. Future planning standards should be considered for the following:

- a. Additional definitions where consistency is desired, such as resulting from the inclusion of the initial definitions into Plans and once the NPS on Indigenous Biodiversity has been gazetted.
- b. To support the implementation of National Standards where more than one standard must be given effect to. For example the NPS ET and the NZCPS.

81. However future Planning Standards should avoid getting into plan detail which has the potential to override other national direction or Part 2 of the Act or councils ability to fulfil their functions. For example the zone purpose statements included in these draft Planning Standards could have such a result.

82. Standardising of plan content for specific activities is already provided for through an NES, it is unclear why the Planning Standards would seek to replace that process.

83. Thank you for the opportunity to provide submissions on the Draft National Planning Standards. We understand there are no formal hearings; however we would be happy to provide further explanation on the points raise in this submission to assist MfE in finalising the Planning Standards. In particular, we would be happy to provide further information from our staff members with knowledge of underwater noise measurement and impacts on marine life, if that would assist.

Natasha Sitarz

Resource Management Planner

On behalf of Forest and Bird

SUBMISSION ON THE DRAFT NATIONAL PLANNING STANDARDS

To Ministry for the Environment

Name of submitter: Lyttelton Port Company Limited (*LPC*)

- 1 This is a submission on the **Ministry for the Environment's** (*MfE*) Draft National Planning Standards (the *Planning Standards*).
- 2 Lyttelton Port Company Limited (*LPC*) is interested in all of the provisions in the Planning Standards. Without limitation, the specific provisions of the Planning Standards that *LPC's* submission relates to are:
 - 2.1 S-ASM: Draft Area Specific Matters Standard;
 - 2.2 F-2: Draft Mapping Standard;
 - 2.3 CM-1: Draft Definitions Standard; and
 - 2.4 CM-2: Draft Noise and Metrics Standard.
- 3 *LPC* wishes to be heard in support of the submission and reserves the right to address other issues once it has read the submissions of other parties.

Introduction

- 4 *LPC* welcomes the opportunity to submit on the Planning Standards. *LPC* is generally supportive of the rationale behind the Planning Standards, but is conscious that the Planning Standards will need to provide adequately for the continued operation, expansion and future development of Lyttelton Port, other ports around New Zealand and strategic infrastructure generally.
- 5 The Planning Standards are likely to have major and wide ranging implications for all planning documents in New Zealand going forward. *LPC* considers it important to be a part of this process to ensure its interests are acknowledged and catered for in the Planning Standards.
- 6 *LPC* spent a great deal of time and resources following the Canterbury Earthquakes in developing a Lyttelton Port Recovery Plan (the *Port Recovery Plan*) and ensuring its interests were provided for more generally in the Christchurch Replacement District Plan. The result has been a planning framework which provides for *LPC* to **recover from significant earthquake damage as well as 'catching up' on many years of lost development opportunities in the earthquakes' aftermath**. *LPC* seeks to ensure that this progress is not inadvertently undone through the Planning Standards.

S-ASM: DRAFT AREA SPECIFIC MATTERS STANDARD

Zone Chapters: S-ZONES

- 7 LPC supports the inclusion of a standardised set of zones and considers it will provide greater consistency for New Zealand planning documents, as well as increasing efficiency for plan users.
- 8 **LPC has particular interests in the special purpose "Port Zone" and supports its inclusion in the Planning Standards.**
- 9 Further, LPC supports the broad purpose statement for the Port Zone but considers it is inadequate in covering the full range of activities that occur at ports generally. For example LPC has a quarry, and inland container terminals at a distance from the other port activities, and a public waterfront, marina and retail office areas that would not be covered under a narrow definition of Port Zone.
- 10 LPC is concerned, however, about the process that will be followed in relation to establishing substantive rules for each zone in the Planning Standards. The content of those rules will obviously significantly impact LPC. LPC intends on participating heavily in consultation with MfE.
- 11 LPC further notes that it also has an interest in any substantive rules established for the other zones due to potential reverse sensitivity issues that may arise particularly where residential activities any are in close proximity to Ports. It has a particular **interest in the definition of "noise sensitive activity"**.

F-2: DRAFT MAPPING STANDARD

- 12 LPC is generally supportive of the mapping standards as set out in this chapter and considers these will improve consistency between planning documents, making them more user friendly for plan users.
- 13 In particular, LPC supports the inclusion of a noise contours overlay for ports and airports in relation to operational noise and in particular for use in land use planning to indicate where noise sensitive activities should not locate.
- 14 Again, LPC will be interested in any substantive rules that are created for the various zones and overlays.
- 15 The drafters need to be cognisant that there are different types of noise sources within Ports and these may need different methods. In particular operational noise is different from construction noise. This distinction is particularly important at Lyttelton as it still has many years of construction activity ahead of it in response to the Christchurch earthquakes. The noise contours overlay concept may not be appropriate for dealing with port related construction noise.

CM-1: DRAFT DEFINITIONS STANDARD

- 16 LPC is concerned about the potential implications that standardised definitions may have throughout all planning documents. The impact of the definitions determined at

this stage can obviously not be fully appreciated; it is only after substantive policies rules are determined that this will occur when a definition is read in context.

- 17 Without limiting its interests in any of the definitions, LPC makes recommendations on the following definitions:

Structure

- 18 LPC is generally supportive of the definition of "structure" but notes that it may not encompass things regarded as structures in the port context.

- 19 For this reason, LPC recommends that the definition for "structure" include reference to "seawall and wharf structure," as follows:

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

- 20 LPC understands that this definition would apply to everyone under the Planning Standards, not just the ports. Therefore, if the above definition is not satisfactory, LPC recommends the definition be amended as follows:

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. And in a special purpose Port Zone, includes seawall and wharf structure.

Infrastructure

- 21 LPC is supportive of the definition of "infrastructure" in the Planning Standards, but also foresees issues with such a broad definition. The Christchurch Replacement District Plan deals with this issue by having a broadly drafted definition of "infrastructure", along with a definition for "strategic infrastructure". This allows for Objectives, Policies and Rules to be more specifically targeted where appropriate.

- 22 LPC therefore seeks the inclusion of a definition for "strategic infrastructure" or similar, which would include Lyttelton Port. LPC notes the importance of the ongoing operation and development of ports as one of New Zealand's major gateways for importing and exporting, and the vital role ports play in the supply chain domestically.

Quarry

- 23 LPC submits that the definition proposed for "quarry" in the Planning Standards is too narrow. It submits that a wider definition of "quarry" would be appropriate, and that the definition should encompass the site or property on which quarrying is undertaken, and associated works within that site.

- 24 LPC recommends this is done through the inclusion of a non-exhaustive list in the definition, as follows:

means an area of land where the excavation and/or blasting, with or without the processing, of minerals and other solid natural substances occurs. It may include the associated processing, storage and transportation of the same material and:

(a) earthworks associated with the removal and storage of over-burden:

(b) processing extracted materials by screening, crushing, washing, and/or mixing them together:

(c) workshops required for the repair of equipment used on the same property:

(d) site management offices:

(e) parking areas:

(f) landscaping; and

(g) quarry site rehabilitation and ecological restoration and any associated clean-filling.

CM-2: DRAFT NOISE AND VIBRATION METRICS STANDARD

- 25 LPC seek clarification around the reference to standards in Mandatory Direction 4. In particular the recommended limits in NZS6802 are not relevant to the Lyttelton Port Zone and this should be made clear.
- 26 **LPC also seeks clarification of the relevance of the reference to "land use planning"** in relation to NZS6809 where Table 30 looks like it is intended to refer to only those parts of New Zealand standards that deal with noise measurement methods.

Signed for and on behalf of Lyttelton Port Company Limited by its solicitors and authorised agents Chapman Tripp



Jo Appleyard
Partner
17 August 2018

Address for service of submitter:

Lyttelton Port Company Limited
c/- Jo Appleyard
Chapman Tripp

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



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

17 August 2018

Dear Sir/Madam,

TCF Submission – National Planning Standards

The NZ Telecommunications Forum Inc (TCF)* welcomes the opportunity to make a submission on the proposed National Planning Standards (NPS).

The TCF is a pan-industry organisation which aims to encourage cooperation and develop standards for telecommunications equipment and services. Our members provide telecommunications services to 95 per cent of telecommunications customers in New Zealand.

Our members are continuously investing in mobile and fixed data networks and systems across New Zealand and as such are significant network utility operators. To support their activities, our members work with Local Government and make submissions on proposed regional and district plan documents to ensure that maintaining, upgrading existing, building new mobile and fixed data networks are appropriately enabled throughout New Zealand.

Every regional and district plan deals with network utility provisions differently meaning there is limited consistency of permitted or consented activities from district to district and from city to city. This contrasts with our members' networks which are generally manufactured and built in a reasonably consistent form to achieve the performance that the equipment is designed for and meet customers' expectation.

Presently, the upgrade and development of telecommunications networks are partially enabled in the road and rural areas throughout New Zealand through the standards of the National Environmental Standards for Telecommunication Facilities Regulations 2016 (NESTF). The S.32 report, page 5, on the NESTF recognised the following benefits:

“The main benefits associated with the proposed NESTF Regulations 2016 are:

- *national consistency and certainty for the telecommunications industry;*
- *reduced consent processing and compliance costs;*
- *reduced time delays for infrastructure deployment;*
- *enabling New Zealanders to realise the benefits of UFB and RBI sooner.*

New Zealand Telecommunications Forum Incorporated (TCF)



The efficiency gains for the telecommunications industry and local government will also enable them have more time and resources to invest elsewhere. Improved telecommunication coverage and services will also contribute to the economic and social well-being of businesses and communities.”

The NESTF has been significantly successful in achieving some national consistency and certainty for the industry. However, our members who are building new infrastructure, both fixed line and mobile, across New Zealand, still rely on regional and district plans to enable new networks primarily outside the road and in urban areas. Consequently, our members are heavy users of planning documents as they seek to evaluate each site as to what is permitted or where resource consents are required. This creates a range of issues including:

- Variation in layout of planning documents, plus limited use of electronic plans and wide use of PDF documents that make it difficult to navigate planning documents;
- Variation in build costs from district to district because the inconsistency in district plan rules and resource consenting thresholds leads to bespoke solutions for each site;
- Time delays in the site acquisition and build programmes through having to undertake complex planning assessments or resource consent applications, in addition to the time local government takes to process and consider an application;
- Uncertainty of outcomes where telecommunications infrastructure and/or associated installation activities are not permitted;
- Planning restrictions, which may reduce optimisation in the design of the network resulting in increased inefficiencies and network risk. Moreover, these restrictions lead sometimes to a less than optimal service experience for customers or to potential users missing out because the facility must be constructed at a height to meet permitted standards that is too low to provide coverage of the full potential user catchment;
- Time and cost of submitting, attending hearings on each plan review process, at which our members seek to tell a consistent story but often achieve inconsistent outcomes. With intensive engagement processes and collaborative efforts, our members are starting to achieve greater consistency of district plan provisions, but it is an ongoing and demanding process with no certainty of outcome;
- Councils face costs for staff time required to prepare telecommunications and network utility provisions in District Plans that are technical and have been described as ‘boring’ to prepare and work on. The resourcing costs of staff and/or consultants to process and monitor resource consents and enforce district plan provisions can be unnecessary; and
- Delays and uncertainty in building new or upgrading telecommunication networks and technology affect customers that rely on communications technologies to be competitive internationally, or other users being able to fully realise the benefits of improved telecommunication coverage and services.

Draft first set of National Planning Standards

The TCF supports the draft set of National Planning Standards. We have some suggestions for amendments and some additional definitions.

Development of additional National Planning Standards

The TCF supports the development of additional National Planning Standards. TCF supported the Ministry for the Environment in establishing the working group in August 2016 to explore the opportunities to develop a National Planning Standard for Infrastructure. The working group continues to work on the preparation of what is now a National Planning Standard for Network Utilities (NPSNU).

The concept for the working party was created via submissions to the Resource Legislation Amendment Bill 2016. That suggested potential content for the National Planning Template (NPT).



Of the range of suggestions put forward, topics relating to infrastructure and utilities are commonly raised. Submissions included the following comments:

- There are high costs for network providers and interested parties to submit on multiple plans, on essentially the same or similar topics;
- Welcomed consistency in resource management plans and policy statements structure and form, in order to reduce complexity, improve the clarity and user friendliness of plans;
- Providing a level of consistency in definitions and terms would be beneficial to all users of the plans;
- It is critical to protect the national grid from inappropriate development; and
- Issues centred on reverse sensitivity.

During the Auckland Unitary Plan and the Christchurch Replacement Plan review processes, many of these network utility providers worked co-operatively to support these plan reviews. In both reviews, the network utility providers participated in mediation sessions and were required to work together to achieve workable provisions for their respective activities. Due to industry-specific technical requirements and knowledge required about each network, Councils have been seeking guidance on what is required to support network utilities. Collaborations in a range of plan reviews have significantly improved the provisions, reduced time and resources required to prepare network utility chapters for Councils and industry alike.

The NPSNU working group has been working closely with Ministry for the Environment and has been able to road test the first planning standards, including the F-5 draft chapter from draft National Planning Standard. Comments are based on the experience of using a range of the draft planning standards but with a focus on the standards for Infrastructure and Energy Chapter provisions.

Standardised structure of document

The following draft standards provide the opportunity for professionals who access regional and district plan documents on a regular basis to know and understand the layout and how the plan is going to work in relation to other chapters of National Environmental Standards:

S-RPS: Regional policy statement structure standard, S-DP: District plan structure, standard, S-CP: Combined plan structure standard, S-IGP: Introduction and general provisions standard – Part 1 of all plans and policy statements and S-DWM: District wide matters standard – Part 4 of District plans.

TCF supports the proposals in each of the standards and is pleased to see that for councils that have recently completed plan reviews have seven years to transition to the planning standards format.

The TCF also considers the use of discretionary direction for zones is appropriate as it enables the right level of flexibility depending on the type/scale of city or district provisions that the planning document covers.

The requirement for a colour palette as per Table 21 on page 54/55 is not supported as it fails to recognise the cost of printing colour and environmental issues. Moreover, the colour palette, especially when printed, is not always easy to read without symbols. Our members' environmental sustainability policies include a focus on limiting printing and where printing is necessary, to enable that in black and white. In our members' opinion, the planning standard needs to enable printing in black and white only. Therefore we support the development of a black and white palette of symbols and/or abbreviations.



The requirement to set out details of which rules are more lenient or stringent than the NES under S-IGP table 15 is supported. This will provide clarity for plan users.

F-1: Electronic accessibility and functionality standard

Currently 97% New Zealanders have the ability to access electronic planning documents. Mobile and fixed line access via the rural broadband and ultra-fast fibre projects, will lead to the ability to access these just about anywhere in NZ. Access is continually being improved by the rollout of new technology and networks, including 5G.

The requirement to transition to electronic plans is critical for New Zealanders and will significantly improve access to planning documents and the planning process for everyone. Users will be able to access the document as required and read the information relevant to any proposal they are considering. This will significantly reduce the time it takes to find relevant provisions and improve access to the right information, resulting in improved administrative processes. Consequently, for our members, this will improve their ability to assess telecommunication projects across the New Zealand.

F-2: Mapping standard, F-3 and F-4: Spatial planning tools (District) standard

The requirement to have printed maps should be a discretionary. An electronic plan provides the ability to print the material relevant to a particular project, including the plans. For Councils that continue to use and search pdf documents, the requirement to have printed plans/maps is important.

F-5: Chapter Form standard & F-6: Status of rules and other text and numbering form standard.

Part of the work that has been completed for the development of the NPSNU, is the use of the standard template format in F6. Some of our members' experience of transferring information from a Christchurch District Plan type of format to the new layout is that it is reasonably straight forward and creates an easy-to-use and understand document. The user is able quickly understand the status of the activity and what happens if the rules are infringed. Whilst initially drafting provisions in this format takes a bit of getting used to, it should not be a barrier or reason not to use or incorporate the planning standards.

CM-1: Definitions standard

Our members consider that the following definitions need to be added or altered. During drafting of the NPSNU document, a wide range of new definitions or alterations will be required to ensure that the NPSNU functions and is interpreted as intended. Our members consider that it is too narrow only to recognise a "functional need". "Operational need" should also be included as it is in the Auckland Unitary Plan and Christchurch District Plans":

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

The definition of "Height" while simple to read is open to interpretation and will potentially trigger a lot of consequential plan changes to height rules in plan function. The definition on how height is measured is in direct conflict with NESTF 2016 regulation 7(6). Our members consider this conflict should be recognised and resolved potentially by the inclusion of the NESTF height measurement regulations.

Designations format

Our members consider that the format and information requirements for a designation are appropriate, as these will help ensure everyone has access and knowledge about what a requiring authority can execute on a designated site.



Future content for standards – Utilities provisions

We support the development of content standards such as the draft NPSNU that is currently being developed. Network utilities are core infrastructure that all new Zealanders rely upon. To that extent there should be consistency of the regulatory framework but flexibility to recognise the geographical variation of standards in appropriate circumstances. Such flexibility could include how telecommunication facilities or mobile sites are permitted such as in the Queenstown Lakes District outstanding national landscape or on the Canterbury plains.

Our members consider that NPSNU should resolve all the issues identified on page two of this submission. Collaboration between the technical experts and local and central government with drafting controlled by an independent expert, plus inputs and comments from other stakeholders means what may be viewed as a technical and 'boring' chapter to prepare by those writing plans, is replaced by the draft NPSNU. In addition, it resolves the difficult issue of integrating the NESTF 2016 into district plans for telecommunications provisions for telecommunication operators that do not rely on the NESTF 2016 such as Councils.

The TCF would welcome the opportunity to present its views in person if required.

Yours faithfully,



Geoff Thorn

Chief Executive Officer

New Zealand Telecommunications Forum (TCF)

*TCF members Enable, Ultrafastfibre and Vocus have not supported this submission.





Ministry for the Environment (MfE)
National Planning Standards (NPS)

TE ARAWA RIVER IWI TRUST (TARIT) ENVIRONMENTAL STRATEGIC GOALS
Whakamarohitia Nga Wai o Waikato

Introduction:

TARIT has its genesis in the Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010. The Trust represents the three Te Arawa River Iwi; Ngati Tahu-Ngati Whaoa, Ngati Kearoa-Ngati Tuara, Tuhorangi - Ngati Wahiao, who assert manawhenua kaitiakitanga, ahi ka and mana whakahaere over the Waikato River and its tributaries that run through it's rohe.

TARIT is committed to environmental sustainability and strategic goals:

1. Mana Tangata: Enabling our people to participate in the restoration and protection of the Waikato River, tributaries and environs.
2. Mana Taiao: Implementing measures to restore and protect the Waikato tributaries and environs.
3. Mana Matauranga: Upholding tikanga preserving wahi tupuna and enhancing matauranga of Te Arawa River Iwi.

Statement of Intent:

It has been useful to assess the MfE National Planning Standards/Tangata Whenua Provisions against our multiple TARIT ACCORDs (A-T), Joint Management Agreements (JMA-T), Environmental Management Plan (EMP-T) and Fisheries Plan (FP-T) which would include further and expected environmental analysis. Therefore the concept of support extends to templating headings assisting consistency of contents and location of areas within national, local and district plans. TARIT supports being able to locate its co governance, integrated management areas and location of our A-T, JMA-T, EMP-T and FP-T concerning national planning policy statements, regional and district planning, recognising TARITs statutory and TARIT affiliate kaitiakitanga status; ahi ka, mana whakahaere, mana whenua, whakapapa and whakapumautanga.

MfE NPS recommended readings refer to Section 32 (including other readings) beyond the case of a core basic planning template structure for plans. In these cases TARIT supports best practice resources enhancing our Iwi capacity and capability in quality planning outcomes, acknowledging additional funding resource is required. An example is the recent report on Treaty Settlements, Whakataunga Tiriti (Waikato Regional Council), an additional example is our dual Iwi concern for funding to support contribution for implementing treaty settlement arrangements, in our case for TARIT to fulfill Our Iwi aspirations and to achieve contract over appropriate aspects of environmental management to Our Iwi kaitiaki (TARIT Area B) and other measures by which we may have influence on environmental decision making, control of our taonga and our tikanga practices.

In alignment with Section 32 the development of high level documents may be prepared by Council or Iwi and offer summary information for planning purposes therefore, TARIT supports that these documents do not supersede EM-T, FP-T or TARIT affiliate Iwi Environmental Management Plans and does not negate (through standardised planning) the need for fair, by firstly determining what fair is for TARIT and proper engagement prior to consultation with our local Iwi and whanau.

In addition TARIT must be provided with the opportunity to make a further submission/or submissions on areas affecting or influencing our key interest areas (e.g. especially freshwater) pursuant to clause 8 of the schedule 1 of the RMA, especially given changes to planning documents themselves will require Ministerial (national, district or local) review triggering potential subsequent submission processes.

We would like to remain updated receiving fair and sufficient prior information and the right to request additional information sufficient for the purposes of TARIT decision making on any progress and changes, along with the opportunity to respond (and including giving consent) regarding new, amended or additional information accordingly.

We look forward to working with you through our Crown ACCORD and JMA relationships. If, you have any queries please, direct these through to Itania (Itty) Nikolao - Policy Analyst, [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*	Rebecca Beals
Organisation (if applicable)	KiwiRail Holdings Ltd
Address	[REDACTED]
Phone	[REDACTED]
Email*	[REDACTED]

Submitter type*	Individual	<input type="checkbox"/>
	NGO	<input type="checkbox"/>
	Business / Industry	<input type="checkbox"/>
	Local government	<input type="checkbox"/>
	Central government	<input type="checkbox"/>
	Iwi	<input type="checkbox"/>
	Other (please specify)	<input checked="" type="checkbox"/> State Owned Enterprise

* 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

KiwiRail support National Planning Standards as an initiative that has the potential to provide for nationally consistency. Substantive content would also be supported.

2. S-RPS: Regional policy statement structure standard

[Click here to enter text.](#)

a. Parts 3 and 4 – Core policy statement provisions

KiwiRail support that a specific chapter for Infrastructure and Energy is proposed within the RPS Structure Standard

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

KiwiRail support a specific Infrastructure and Energy chapter being provided in the Regional Plan Structure Standard.

In terms of Historic Heritage and the ability for Regional Council's to include rules, KiwiRail note that this is limited to coastal heritage matters. Objectives and Policies can be included on heritage for land and water, however methods are excluded under the RMA therefore clarity would be supported in this provision as well.

b. Part 6 – Evaluation and Monitoring

[Click here to enter text.](#)

4. S-DP: District plan structure standard

KiwiRail support that Infrastructure and Energy are identified as District Wide Matters.

5. S-CP: Combined plan structure standard

KiwiRail support that the more recently reviewed Combined Plans have seven years to amend their Plans to accord with the Combined Plan Structure Standard.

KiwiRail support that in the Combined Plan approach, the Mandatory Directions include the requirement at point 5 that provisions need to be clearly identified as being regional coastal plan, regional plan or district plan.

KiwiRail support that Infrastructure and Energy are specifically provided for through the chapter headings for Regional Policy Statement, Regional Plan and District Plan provisions in a combined plan approach.

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

Section 8(b) identifies a requirement that an explanation of how certain provisions, zones, overlays, designations etc all relate to each other. This invites a difference of approach between authorities, when KiwiRail submit that the relationship between these elements should be consistently applied nationally. KiwiRail would therefore support that specific direction is provided as to how these elements all relate to each other, to ensure a consistent approach is adopted nationally.

c. Interpretation

KiwiRail support that abbreviations are specifically identified as being able to be included and explained, and that they are to be listed independently to definitions of terms.

d. Plan integration

[Click here to enter text.](#)

e. Formation of standards with tangata whenua

[Click here to enter text.](#)

f. National direction

KiwiRail support that National Direction Instruments are included within a specific Chapter of the Standard.

Table 14 and the reference column requiring identification of the policy which give effect to the NPS provisions is supported. Specific referencing in the Plan of whether that policy gives effect in full or in part to the NPS provision would also be supported. KiwiRail believes this would be a means of ensuring everyone has certainty around that aspect.

That table 15 included in the Standard provides a specific column where rules that are more lenient or stringent than the NES are identified is supported as a means of ensuring ease of use with the Plan.

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

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e. Use of te reo Māori

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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

KiwiRail support clarity around the location where coastal environment values are to be identified and addressed within a District Plan.

b. Environmental Risks Chapter

[Click here to enter text.](#)

c. Community Values Chapter

[Click here to enter text.](#)

d. Infrastructure and Energy Chapter

KiwiRail Support that Clause 23(a) (S-IE) includes reference to railways, including explicitly requiring, where relevant, objectives, policies, methods and rules in relation to operation, maintenance, upgrading and development.

KiwiRail seek that the zoning status also be clarified in relation to rail at Clause 24. In KiwiRail's experience, some Council's zone rail 'land transport', some leave the rail corridor unzoned, and some adopt an adjoining zoning meaning the rail corridor zoning changes along its length. This can cause confusion and make it inefficient at times to try and establish a permitted baseline for effects based on zone. A consistent approach to adopting a zoning of the rail corridor throughout the country would therefore be supported.

e. Subdivisions Chapter

[Click here to enter text.](#)

f. General District Wide Matters Chapter

KiwiRail support Clause 31, in particular clause 31(d) which relates to sound insulation requirements for sensitive activities being identified, however KiwiRail note that an 'or' is used in relation to the sound insulation requirements 'or' the limits to the location. KiwiRail seek a setback from the rail corridor for safety purposes, however this can often be misconstrued as being for noise mitigation purposes. There might be instances therefore where both a setback or limit to the location of an activity, and the requirement for insulation are necessary in order to address safety and amenity. KiwiRail therefore seek that 'or' be changed to 'and' in Clause 31(d). Clause 31(d) would therefore read: "sound insulation requirements for sensitive activities and limits to the location of noise sensitives activities relative to noise generating activities".

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)

KiwiRail note that the comprehensive list of zones proposed is a mandatory maximum, that Council's cannot add any further zones. This therefore potemitally leads to rail either being unzoned, which the Standard does not appear to preclude, or adopting the adjacent zoning. This does not result in national consistency for KiwiRail.

The adoption of a Special Purpose Zone for rail would require the majority of the territorial authorities in the country to do the same thing if consistency were to be achieved, however the clause in relation to the creation of these Special Purpose Zones, Clause 7(c), requires a consideration of whether a designation is more appropriate. The majority of the rail corridor is designated, therefore this would appear to preclude the ability for the rail corridor to adopt a Special Purpose Zone.

A more efficient means of achieving national consistency, and efficient approach, and certainty for the community and KiwiRail would be for the National Planning Standards to include a zone for land transport corridors. This would then allow for a suite of land transport standards to be developed, a permitted baseline of effects established, and can be consistent with the approach adopted in Auckland which allows for permitted activities from the zoning of adjacent sites to also be undertaken. The suite of provisions could be included in a separate Zone Chapter or within the Infrastructure and Energy Chapter already proposed, noting that land transport is only one component of Infrastructure.

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**

KiwiRail support the designation table as proposed and the consistent identification of designation and requiring authority details.

The table requires identified of whether the designation is primary or secondary. The concern KiwiRail have for this is that it is not always clear for rail, or consistent throughout a district. The rail designation is a long linear designation. In particular in relation to roads, there are often overlapping designations along the route of the rail corridor. In some instances rail is the primary, in some instances the secondary. This will vary throughout the district. There will also be instances where the rail designation is the only designation. The bracketed text of “primary or secondary” should therefore also include a third option of “varies” to highlight that it is not always simple and further investigation may be required in some instances.

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**

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a. **Standard baseline requirements**

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b. **Level 5 requirements**

[Click here to enter text.](#)

13. **F-2: Mapping standard**

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a. **Zone colour palette**

[Click here to enter text.](#)

b. **Symbology**

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

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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

KiwiRail support that the Zone polygon links to a Zone chapter.

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

KiwiRail support that Development areas are to be mapped and link to a Development area chapter within a District Plan. These indicators of future

development are important in ensuring potential reverse sensitivity effects are addressed before development occurs.

g. Designation

KiwiRail support that designations are mapped within District Plans as a spatial planning tool.

KiwiRail would support some clarity around a hierarchy of these Spatial Planning Tools to enable clarity when determining consent requirements or Outline Plan of Works requirements.

16. F-5: Chapter Form standard

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a. Chapter form

[Click here to enter text.](#)

b. Rules

[Click here to enter text.](#)

c. Rule tables

Rule Table 26 is supported by KiwiRail as a clear means of identifying activity status, standards that are required to be complied with to achieve that activity status, and in the event of non-compliance what category of consent may be required.

Rule requirements Table 27 is supported by KiwiRail. The change in language from the commonly understood and used activity standards will cause confusion, however if properly socialised with the community, this should be temporary.

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

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a. Status of rules and other text

[Click here to enter text.](#)

b. Numbering

[Click here to enter text.](#)

18. CM-1: Definitions standard

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a. Individual definition

KiwiRail comment on the following definitions as proposed:

- Functional need: KiwiRail specifically support that it includes reference to traverse,

locate or operate in a particular environment. While these are normally separate definitions, one definition is not opposed subject to in the event of changes to the definition arising from submissions, the distinction between functional need, locational need and operational need continue to be recognised. KiwiRail however have a concern with the 'activity can only occur in that environment' wording at the end of the definition as this appears to remove functional or operational needs from being a relevant consideration. KiwiRail therefore suggest that either the definition as notified end after 'environment' or that a definition be adopted consistent with that in the Auckland Unitary Plan.

- Infrastructure: KiwiRail specifically support that this replicates the definition in s20 of the RMA, and that at (g) this includes rail.

- Network utility operator: KiwiRail support that this also replicates the definition in s166 of the RMA, including that (f) includes rail.

- Reverse sensitivity: KiwiRail specifically support that this definition includes the establishment or alteration of an activity. The alteration component is important in recognising the potential for reverse sensitivity effects and in providing mitigation. Any changes arising to the definition through the consideration of submissions should ensure that alteration and new activities continues to be recognised.

-

b. Additional definitions

A definition of noise sensitivity activities / sensitive activities would be supported in order to provide national consistency in what is or isn't a noise sensitive activity, and thereby when reverse sensitivity effects are required to be mitigated.

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

[Click here to enter text.](#)

a. Technical support

Table 30 references NZ standards, as they are currently labelled. The specific inclusion of text that enables the ability to use a successor in title would be supported as over time, these standards are likely to be reviewed and updated. Further, Table 30 should reference all relevant standards, not just the NZ ones, particularly noting that Clause 5 references a German Standard.

KiwiRail have a concern with the terminology used in Clause 3 and 4 of the Standard. The various standards (including NZS 6806) use metrics other than rating level and L_{max} from NZS 6802. You cannot comply with both parts 3 and 4. To fix this part 4 should probably list out the units for each different source in the referenced standards. Clarity is required around the focus of managed of noise or measurement methods. The way currently worded there appears to be conflict in that it is not possible to comply with both clauses when one is very specific about how noise is assessed and the other provides options as to which standard to use.

Clause 5 should be redrafted as:

"Any plan rule to manage construction vibration levels must be in terms of the peak

particle velocity (ppv) in mm/s, in accordance with ISO 4866:2010 Mechanical vibration and shock – Vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures”

This change should be made as:

a) The clause as currently drafted specifies vibration limits (the tables in DIN 4150) rather than just specifying metrics. As such the clause as drafted is contrary to the claimed purpose of this National Planning Standard in that it does not just define metrics.

b) Construction vibration has multiple potential adverse effects. The focus of this clause on structural damage may result in adverse effects on people being overlooked.

c) The specified German DIN standard is out of date. Use of an International ISO standard is preferable as New Zealand experts (through MBIE/Standards New Zealand) can provide input to and vote on ISO standards.

20. Implementation

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a. ePlanning implementation

[Click here to enter text.](#)

b. Timing

KiwiRail support that the more recently reviewed planning documents have seven years to be amended to accord with the Standards, rather than a shorter timeframe of 5 years.

c. Support

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d. District plan structure guidance

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e. Regional policy statement and regional plan structure guidance

[Click here to enter text.](#)

f. District plan spatial planning tools and zone framework guidance

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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

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21. Future content for standards

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a. Utilities provisions

KiwiRail agree to a National Standard for Utilities, which includes substantive content, being further developed and implemented. Utilities are for the large part consistent across the country and therefore should be recognised in a nationally consistent manner.

The KiwiRail network / landholding crosses 70 of the 78 Local Authorities (14 Regional and Unitary, 56 Territorial). The ability to operate, maintain and upgrade the infrastructure consistently around the country is therefore of considerable benefit for KiwiRail, Councils, and the community.

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.

FROM THE
OFFICE OF THE MAYOR



17 August 2018

File: 3-OR-3-5

Hon David Parker
Minister for the Environment
Planning standards
c/- Ministry for the Environment
PO Box 10362
WELLINGTON 6143

By email: planningstandards@mfe.govt.nz

Dear David

Submission – Draft National Planning Standards

Thank you for the opportunity to submit on the draft national planning standards. Council appreciates that these changes represent a shift to an alignment of structure form and e-delivery of RMA plans which has been envisioned for a number of years.

Electronic Accessibility and ePlan Requirement

Council can see the benefits of the electronic accessibility and functionality standard. As technology advances, systems will become available that can save our community time and effort; Council appreciates that there is an expectation from the public that local government ought to keep up with such advancements. However, Council is also aware that new systems come with a cost for implementation.

Rangitikei District Council currently uses, and has invested considerably, in Intramaps for GIS web applications. Intramaps is fully configurable which makes it an appropriate tool for creation and implementation of an ePlan in the future, which Council is supportive of. This system would allow Council to link from the mapping system directly to PDF documents of the relevant sections of the plan. At present the standards are not clear about whether linking an HTML display of the District Plan is required or if a PDF would suffice. This is of concern to Council as substantial changes that would require significant resourcing would be needed to upgrade the website and enable an HTML display. Rangitikei District Council is a small organisation with limited funding and resources, and are therefore wary about the significant costs involved with creating an ePlan that is fully integrated with a HTML system. The cost to fully integrate the e-plan to an interactive HTML and embedded GIS system has been estimated at approximately \$75,000. The cost to provide an interactive GIS viewer with the ability to drill through layers that are hyperlinked to the District Plan in PDF format has been estimated significantly lower at approximately \$10,000. Council is of the view that, as our current system can achieve a comparable output of information, a requirement for HTML display of data would be unnecessary and cost prohibitive.

With reference to the requirement for previous district plans to be made available online, Council has concerns this could also have implications for us in terms of resourcing. Our first generation District Plan went through over 20 plan changes during the time it was operative. Very few of these documents are currently in an electronic format. It is recommended that this standard is amended so that only versions of the operative plan are available electronically.

Making this place home.

Spatial planning tools

Council can understand the reasoning behind the standardisation of colours for zoning on maps. Council acknowledges that having different visual representations for different layers and features between different local authorities could be confusing for some plan users. In light of the fact that standardisation of zone colours is attempting to alleviate confusion and simplify things, we request that more attention be given to ensuring the colours for each are easily distinguishable, particularly where there are similar zones (for example the colours for low-density residential and medium-density residential will be hard to distinguish in practice). We also ask that that consideration be given to the colour vision impaired and the effect of multi overlays of colour which when overlaid can cause distortions.

Content and metric standards

Council appreciates that standardisation of definitions could reduce the time spent debating the details of certain definitions. However, some of the new definitions set for implementation will require our rules to be altered to retain the existing meaning. While there is provision for consequential amendments not requiring a Schedule 1 process, given some of the changes which will be required to the rules, Council would be likely to amend the definitions alongside a district plan review/change process. The proposed timeframe for the initial roll out of definitions will allow this to occur. We request that, if the Ministry adds to the mandatory definitions, this occurs within the next five years, or an implementation timeframe is provided to allow for the incorporation of the definitions in the next district plan review process. We also request that the Ministry will provide comprehensive guidance for organisations about what constitutes as a consequential amendment, and hopes that the Ministry will be well equipped to adequately respond to queries from Councils for plan specific matters.

Structure standards

Council accepts that making plans easier to follow for the layperson is desirable, but whether uniformity across statement structure and formatting will achieve that is not yet proven. In any case, we do not see how it would be of advantage to those who work with a single district plan. The operative Rangitikei District Plan is currently simple and easy to use, and we are concerned the tables set to be introduced may complicate the way our plan reads. We also sense that the Ministry may be underestimating the amount of work involved for councils with this 'cutting and pasting exercise', to implement this structure standard, particular for smaller authorities such as our own. We therefore hope that there will be sufficient guidance from the Ministry to assist with implementation – including plan specific examples and a point of contact at the Ministry to answer questions.

In summary, Council requests the following:

- The Ministry does not implement a mandatory national ePlan mode of delivery.
- The Government underwrites costs of implementing hyperlinked electronics standards
- The timeframe for including hyperlinks to regional plans within existing district plans is increased from 12 months to 5 years.
- Due to the significant cost difference of implementing the e-plan in PDF versus HTML, that the Ministry *does not* require HTML data delivery as part of the e-plan requirements. Should HTML data delivery be made mandatory as part of the standards, appropriate funding be allocated to local authorities to cover the significant cost of implementation
- The requirement for providing PDFs of all past plans is amended so that only versions of the operative plan are required to be available electronically.
- More attention be given to ensuring the colours for each are easily distinguishable.
- Consideration be given to the colour vision impaired and the effect of multi overlays of colour which when overlaid can cause distortions.
- If the Ministry adds to the mandatory definitions this occurs within the next five years, or provides an implementation timeframe to allow for the incorporation in the next district plan review process.

- The Ministry will provide comprehensive guidance for organisation about what constitutes as a consequential amendment regarding the implementation of standardised definitions, and provides resourcing to respond to queries from councils.
- The Ministry provides guidance to assist with implementation of the structure standards – including plan specific examples and a point of contact at the Ministry to answer questions.

I hope these comments are useful.

Yours sincerely

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

Andy Watson

Mayor of Rangitikei

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

Introduction and summary

1. Woolworths New Zealand Limited ("**Woolworths**") (formally known as Progressive Enterprises Limited) welcomes the opportunity to provide a submission to the Ministry for the Environment ("**Ministry**") on the draft first set of National Planning Standards ("**Standards**").
2. Woolworths is one of New Zealand's leading supermarket operators. Woolworths' substantial operations include over 180 Countdown supermarkets across New Zealand, as well as distribution centres, meat processing plants, warehouse operations and support offices. In addition, Woolworths is the franchisor for both the Freshchoice and Supervalu supermarket brands across New Zealand. Woolworths employs approximately 18,000 people nationwide, and has stores in almost every district in New Zealand.
3. Woolworths is currently actively engaged in an expansion of its store network throughout New Zealand. In Auckland alone, it is estimated that at least 30 new supermarkets will be required over the next 30 years to serve the growing population. Woolworths' significant asset base and national programme of development and redevelopment across New Zealand means it is very experienced in dealing with local authorities and regional and district planning documents.
4. In Woolworths' experience, regional and district planning frameworks often do not properly recognise the need for business growth to occur, including alongside residential growth. As such, Woolworths has been extensively involved in planning processes nation-wide, including extensively participating in the Auckland Unitary Plan and Christchurch Replacement Plan processes, to ensure that supermarkets and associated activities are sufficiently recognised and provided for within local plans. Woolworths also provided feedback on the discussion documents for the Standards last year.
5. Given Woolworths' significant past and planned further investment in New Zealand, the contents of these and any future Standards will be integral to the continuing operation and development of Woolworths' operations in New Zealand. However, to have any real benefit, the Standards must include standardised content.
6. While Woolworths supports the objectives of the Standards, it is concerned that the standards do not go far enough in terms of providing standardised content. The current

standards will make plans look the same, but without more standardised content, the standards will not deliver real benefits in terms of making plans easier to use and change. Woolworths considers that there should be a greater level of content including rules and rule requirements.

7. While Woolworths generally supports the standardisation of definitions, it is critical that the definitions are well informed and appropriately provide for existing activities. Woolworths therefore suggests that a number of definitions should be amended in order to avoid perverse planning outcomes.

CONTENT OF STANDARDS

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

8. The Standards promise to make plans easier to change and use. Woolworths supports this objective as it is a mechanism that will result in efficient plan-making processes and national consistency where appropriate. In particular, Woolworths supports the requirement for increased and more consistent electronic accessibility and functionality for plans and the standardisation of plan structure.
9. Woolworths supports and agrees with the potential for beneficial outcomes of standardisation set out on page 11 of the Consultation Document, especially in relation to improving plan usability for those who work across different plans throughout the country, such as Woolworths. While Woolworths agrees with these outcomes, Woolworths is concerned that the Standards do not go far enough in terms of providing standardised content, and will not produce the positive results expected.
10. In particular, Woolworths is concerned that no standardised content is provided for zones or spatial planning tools. In Woolworths' experience, the most time and resources involved in plan preparation processes is spent working on plan content – the devil is in the detail. Elements of plan structure and format are minor considerations that do not significantly increase plan making costs. This is also true for plan use.
11. While the Standards will make plans look and feel the same, users will still need to consider the detail of each zone or spatial planning tool in each district or region. Unless the Standards provide a level of standardised content, the issues regarding plan preparation and use will remain.
12. Given the time and effort that has gone into the preparation of these Standards, Woolworths is disappointed by the lack of content in the draft first set. It is unreasonable to expect

councils and plan users to be put to the significant cost that will be involved in incorporating the Standards into plans throughout the country, without achieving any real benefits.

Answer: Woolworths is generally supportive of this proposed package, but considers that further content standards must be provided in order to achieve the anticipated outcomes and derive any real benefit for councils and plan users.

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

13. Future planning standards should include a greater level of content. Woolworths is concerned by reports from the Ministry that there are no plans for any further content Standards.
14. In Woolworths' experience, a lot of investment (both in time and cost) is required to address issues with local plans that are common across the country. Standardisation of zone content, for example, would go some way in reducing this repeated consideration of common issues. For example, supermarket activities in centre and commercial zones are treated differently by different plans, despite supermarkets being an appropriate activity in such areas. Standardising such provisions would provide a great deal of certainty to supermarket operators and retailers, and would considerably reduce time and cost spent preparing and using plans.
15. The detail of such content will be critical. In particular, content for the commercial zones must provide for the functional and operational requirements of business activities (such as parking) and the need for expansion of certain business activities to meet demands of residential growth.
16. Woolworths agrees that councils should retain control over aspects of plan content that vary in order to be appropriate for the local resource management issues on a district scale. It is, therefore, not appropriate to develop compulsory directions for the content of entire zones. However, Woolworths considers that there would be significant benefit in providing some level of standardisation, including a mix of mandatory and discretionary directions, which relate to district wide rules and rule requirements.
17. Requirements relating to matters such as parking, signs, landscaping and screening vary significantly from plan to plan and regularly attract submissions and appeals, with associated cost and time implications. Some aspects of this level of plan variation are clearly unnecessary, given the resources required to develop provisions that do not have good reason to vary from district to district, and it would therefore be appropriate to provide a 'cookie cutter' level of detail for some rules and rule requirements.

18. Woolworths would therefore support a future Standard that provides zone content which addresses common core planning issues in a consistent manner, while ensuring councils can still draft plan provisions to manage the issues that matter to the local community.
19. Woolworths would also like to see further Standards that manage and standardise:
- (a) district wide activities, such as parking, traffic and signs; and
 - (b) district wide amenity matters, such as landscaping and screening required around supermarkets and provision of three waters infrastructure.
20. Providing national direction on such matters will significantly increase plan consistency and make it easier to use plans, and would give clear guidance to councils as to the appropriate district wide provisions and amenity issues that should be taken into account when considering a resource consent application or plan change.

Answer: Future planning standards should provide for standardised zone content, district wide activities and district wider amenity matters.

DEFINITIONS

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

21. Woolworths generally supports the proposal to standardise certain definitions and considers that providing a more consistent approach across the country will be beneficial. Woolworths has spent considerable time involved in plan-making processes in order to ensure that definitions adequately take into account its operations, including the Auckland Unitary Plan.
22. However, it is critical that the definitions are well informed and appropriately provide for existing activities. It is essential that any standard definitions must accurately reflect current industry practice.
23. In particular, given the extensive planning process that has recently been undertaken with the Auckland Unitary Plan, which involved considerable scrutiny through numerous submissions, expert conferencing, mediation, evidence, legal submissions and, in some cases, appeals, it would be appropriate to adopt an approach to the definitions in the Unitary Plan where possible.
24. In particular, Woolworths wishes to comment on the definitions of:
- (a) **commercial activity** – Woolworths disagrees with the proposed definition of "commercial activity" on the basis that it is broad to the point that it lacks clarity and uses an indefinite measure of "primary purpose". The approach taken by the

Auckland Unitary Plan of referring to a range of well understood commercial activities should be preferred.¹ The Auckland Unitary Plan's definition refers to the range of commercial activities, including "offices", "retail" and "commercial services providers". Given that these definitions are applicable nationally and are commonly defined terms, it would be appropriate to include them in the definitions standard, and will result in a much more appropriate and usable definition of "commercial activity".

(b) **gross floor area** – Woolworths supports this definition to the extent that it is consistent with the Unitary Plan, but considers that the definition must provide for certain areas to be excluded in order to avoid perverse planning outcomes where new and significantly greater areas are included in the definition. Such areas to be excluded from the definition should include:

- basement areas used for parking including manoeuvring areas, access aisles and access ramps;
- plant areas within the building, including basement areas;
- any entrance foyer/lobby or part of it including any void forming an integral part of it. The entrance foyer/lobby must be publicly accessible, accessed directly from a street or public open space and have an overhead clearance of at least 6m;
- non-habitable floor space in rooftop structures;
- required off-street loading spaces; and
- publicly accessible pedestrian circulation space between individual tenancies.

(c) **height** – the height definition in the Standards effectively adopts the "rolling height" method of measurement. While that is appropriate at times, a range of plans use other methods such as the average height method. Plans also typically exclude a range of building protrusions from the definition of height, such as building services and lift columns. Adopting such a simplistic height definition is likely to require significant additional drafting in the rules of plans to capture the same meaning and anticipated outcome. In other words, while the definition will be simpler, the planning response in zone and spatial area rules will be complex and inconsistent across the country. Woolworths therefore suggests that either a definition of "height" is not included in the Standards, or that the definition is amended to

¹ The proposed definition would read "Commercial activities means the range of commercial activities including offices, retail and commercial services providers."

provide alternative measures for assessing height and to provide for appropriate exclusions.

- (d) **net floor area** – while Woolworths does not disagree with this definition in principle, it prefers the approach taken in the Auckland Unitary Plan, which does not include a definition of net floor area. Accordingly, Woolworths suggests that it is not necessary to have a definition of "net floor area", as the definition of gross floor area is sufficient.
- (e) **sign** – Woolworths supports the proposed definition of "sign".

Answer: Woolworths generally supports the drafting principles, but considers that amendments should be made to the definitions of "commercial activity", "gross floor area", "height" and "net floor area".

Q19: What other definitions should be standardised in future sets of planning standards?

25. Providing a clear set of definitions has the potential to reduce the time and cost involved for Woolworths in ensuring appropriate definitions are contained in plans throughout the plan-making process. Woolworths would therefore support standardisation of a greater number of definitions.
26. Woolworths considers that consistent definitions of "supermarket" and "retail" across the country are appropriate, and should be included in these set of definitions, rather than waiting for some future set, which may be some time away.
27. A proposed definition for "supermarket" is:
- means an individual retail outlet that sells a comprehensive range of domestic supplies such as food, beverage and other disposable goods, including fresh meat and produce; chilled, frozen, packaged, canned and bottled foodstuffs and beverages; and general housekeeping and personal goods.
28. Woolworths suggests that the Standards should adopt the definition of "retail" from the Auckland Unitary Plan.²

Answer: Definitions should be provided for "supermarket" and "retail" in this set of Standards.

Conclusion

29. While Woolworths supports the intent of the Standards, in order to achieve the objective of these Standards, and the Standards generally, Woolworths considers that more

² Means selling goods to the general public.

standardised content is required. Woolworths would be willing to work with the Ministry on the content of the first set of Standards, and any future standards, to the extent that they are relevant to supermarkets.

WOOLWORTHS NEW ZEALAND LIMITED:

Signature:



Adrian Walker
General Manager Property, Woolworths New Zealand Limited

Date: 17 August 2018

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Email: [Redacted]

< Local
Councils play
an active role
in keeping
our
communities
healthy. >



Draft National Planning Standards

Local Government New Zealand's submission to the Ministry for the Environment

15 August 2018

Contents

Contents	2
We are. LGNZ.	3
Introduction	3
Costs to councils	4
Problem definition	4
Nationally and regionally significant issues	4
Definitions	5
Applicability to different types of plans	5
Consequential amendments	5
Implementation of the Standards	6
Electronic accessibility	6
Declarations	6
Conclusion	6

We are. LGNZ.

LGNZ is the national organisation of local authorities in New Zealand, representing all 78 councils, which are members. As the national body we promote the national interests of councils, lead best practice in the local government sector, and advocate for policy and legislative change. LGNZ also provides business support, advice and training to our members to assist them to build successful communities throughout New Zealand.

Our purpose is summed up in our Vision - “local democracy powering community and national success.”

Introduction

LGNZ is pleased to submit on the draft National Planning Standards. We urge you to amend the RMA to remove the requirement that prescribes their preparation.

We note the Standards are a legislative requirement and that the RMA prescribes the mandatory content and timing for the first set of Standards. LGNZ submitted on the empowering legislation for the standards and we raised a number of issues at that time. Having considered the draft Standards and councils’ reaction to them, we consider they should not proceed. The costs of implementation, including opportunity costs, are significant, the cited benefits are questionable and have not been quantified.

Of note, if the draft Standards are run across the Government’s proposed Living Standards Framework, it doesn’t tick any boxes. The cost benefit analysis states that the Standards will not improve environmental outcomes and our concern is that by diverting attention and funds from the work in train that does improve environmental outcomes (such as giving effect to the NPS for Freshwater Management), the Standards will actually do the opposite.

LGNZ supported the general concept of National Planning Standards as improving national consistency, but we raised issues during the legislative phase about the scope of the Standards and the timing for plans to transition to the Standards. We reiterate those concerns now.

We also urge caution about the potential to open plan content to challenge. Our analysis supports the view of others: that many consequential changes will be required that are beyond those allowed by Section 58I, RMA. These changes will require the Schedule 1 process to be used, even though the actual content of the plan will not be amended. The Schedule 1 process is expensive, lengthy and subject to appeal to the Environment Court.

We do appreciate the changes that have already been made taking into account the earlier consultation. Specifically, this relates to the timeframe for implementation and some councils being allowed seven years to make the required changes, based on where the plans are in the planning cycle.

We urge you to consider in detail the submissions of councils. Many have analysed the effect of the Standards on their planning documents and they have raised some serious concerns, including that the Standards will require some councils to re-visit the policy framework of some plans. This is clearly not the intention of the Standards but some councils, including Auckland Council, have identified that this will indeed be the outcome.

Given the issues that have been raised by local authorities, we suggest the best course of action is to amend the RMA to remove the requirement for compulsory National Planning Standards and support the rollout of Eplans.

Costs to councils

Of significance is that the Ministry's own analysis confirms that there will be no benefit to the natural environment with these changes. Councils are concerned with the **opportunity cost** associated with implementing these Standards. Councils are focused on giving effect to national direction generally, and regional councils are focused in particular on giving effect by 2025 to the NPSFM while awaiting another set of amendments to the NPSFM. Councils have advised they will be forced to make a choice as to whether they implement the Standard or give effect to other national instruments.

Implementing the National Planning Standards will, in part, be an administrative process but it will be a very complex administrative process which requires attention to ensure it is not open to legal challenge; for instance, determining what is a "consequential amendment" and will require use of the Schedule 1 Process.

As well as the opportunity cost, councils have done some work on estimating the actual costs to implement the Standards, assuming the Schedule 1 process will be necessary in many cases because the scope of change will not be considered to be consequential amendments.

Castalia, in their cost benefit analysis of the proposal, identified the 10 year timeframe as the preferred option for implementation of the Standard. The cost benefit analysis has not factored in the time and resources to undertake engagement with the community, explaining why plans are being changed.

Problem definition

The problem definition which has given rise to the concept of National Planning Standards is somewhat opaque. However, statements made in various documents suggest that one problem the standards are hoping to address is to provide some consistency for parties who work across multiple plans and improving usability.

With respect to plan usability, no evidence is provided which shows that the plans that communities have decided through a public process will be more usable in the new format. While acknowledging this has not been tested, some councils are concerned that their plans will be far less usable to those users that probably only or mainly use just the one plan but probably also the much smaller percentage of users that work across multiple plans.

Robust user testing is needed to determine whether and how much the standard will actually improve plan usability for a range of customers based on real content before determining if a standard achieves the benefit and is worthy of the significant cost. This is necessary before deciding whether to proceed with the National Planning Standards .

Lastly, experience shows that most consenting activity is focused on district rules, not regional rules, therefore consideration could be given to alignment of district plans and minimising the focus on regional planning instruments which appear, based on submissions, to be more problematic to align into National Planning Standards.

Nationally and regionally significant issues

Councils have identified that the proposed structure does not provide for a Regional Policy Statement (RPS) to address a national significant issue – urban growth. The NPS requires all councils to meet the requirements of the NPSUDC and the RMA requires district and regional plans to give effect to an RPS. The Standards should ensure it is integrated with other national directions.

Regarding matters of regional significance, the Standard should not predetermine what these are by prescribing the themes. Regions are different and each RPS will reflect the significant issues for the region.

The standard should also reflect that Regional Policy Statements and regional plans are different planning instruments.

The Standard should also make clear that a plan only needs to include the mandatory headings and then set out the matters to be included in each section if the matters are addressed in the plan and/or policy statement (the Standards do not direct the heading and content to be included).

Related to this is whether “themes” is the best way to structure plans. Councils have raised that this will require extensive cross-referencing that will result in very complex documents.

Definitions

LGNZ supports the approach to standardise and provide for definitions. However, a significant amount of re-writing of plan content will be required to implement these definitions and these are unlikely to fall within the scope of “consequential amendment.”

Submissions have raised concerns about some of the proposed definitions. A particular matter raised is that a definition that might work for district plans (eg “site”) does not work for regional plans and will have very real consequences for drafting. Again, we urge officials to take on board the very detailed submissions that are made by councils.

Applicability to different types of plans

A related issue is how to treat combined plans. Auckland Council in particular has raised some serious issues with integrating the Standard into the Unitary Plan (a combined plan) and other unitary councils have raised similar issues.

The proposal to provide some flexibility to how regional plans are structured is supported.

Consequential amendments

Consequential amendments are enabled under section 58I, as necessary to avoid duplication or conflict.

This is a very narrow scope and councils will typically make use of the Schedule 1 process, sometimes making a decision to proceed with caution and remove the risk of legal challenge. RMA processes are often very litigious and challenges to the High Court on “process matters” are not uncommon. However, using the Schedule 1 process to integrate the standards opens up the ability for appeal to the Environment Court so councils will tread carefully and there is no straightforward pathway.

We understand that officials have worked with pilot councils as the Standards have been developed. We urge you to fully test some existing plan content (from both regional instruments and district plans) to determine the following:

1. Whether Standards can easily be integrated into existing plans/policy statements.
2. How many changes would be considered “consequential amendments”?
3. What changes would not be considered “consequential amendments”?
4. Whether some existing content is “left over” and does not fit into the Standard.
5. Whether some definitions should be regional or district plan specific or removed altogether

Implementation of the Standards

Councils have either five or seven years to amend plans/policy statements from gazettal of the Standard. The timing will have different consequences for different councils, depending on where they are in the planning cycle. It is likely to be felt most acutely in Auckland, where officers have determined that a full review of the Unitary Plan will be required, initiated some three to four years ahead of what is required.

Electronic accessibility

E planning has the potential to improve accessibility to planning documents and LGNZ encourages central support for this, including working with a single provider. If the same software provider is used there will be a similar “look and feel” to navigating plans. This can occur, irrespective of what decision is ultimately made on progressing the Standards.

Declarations

It is expected that there will be some legal questions that arise in the process of Standards being integrated into plans and policy statements. LGNZ hopes that MfE, as owner of the Standards, will consider either seeking declaratory judgements on matters or partnering with councils in this.

Conclusion

Councils have raised significant concerns in their submissions, particularly the opportunity cost of integrating Standards into plans and policy statements, and the monetary cost of doing so.

The integration of Standards will require some policy frameworks to be revisited due to the effect of the Standards, including definitions, on their planning documents. Councils are concerned that the scope of what can be amended via a consequential amendment is very narrow and that significant use of the Schedule 1 process (with the associated cost) will be required.

At a minimum LGNZ considers that a selection of plans and policy statements needs to be tested to enable all parties to fully understand exactly what is involved to integrate existing content into the Standards. This will give a much clearer picture of the costs involved.

Given the issues that have been raised by local authorities, we suggest the best course of action is to:

- (1) amend the RMA in the next set of amendments to remove the requirement for compulsory National Planning Standards; and
- (2) instead support the rollout of Eplans.

In the event the Standards are to proceed, then:

- (1) Focus on district plans;
- (2) Pare back the Standards as they relate to regional planning instruments;
- (3) Increase the length of time that local authorities have to implement the Standard to 10 years;
- (4) Align the mandatory requirements with the plan review cycle, allowing integration of changes that require the Schedule 1 process with the plan review cycle. Consequential amendments can be made separately;
- (5) Reconsider the definition of “consequential amendment” in the next set of amendments to the RMA;

SUBMISSION

- (6) Undertake robust testing with users to determine whether there are gains regarding “usability”; and
- (7) Actively support the rollout of Eplans.



Submission

to the Planning Standards Team, Ministry for the Environment

National Planning Standards

Thank-you for the opportunity to make a submission. Our comments relate mostly to:

Zones and Overlays – Discussion Paper C

C.8. What problems do you anticipate could occur from applying these zone options?

In our opinion, whichever option of the set of zones is adopted by the National Planning Standards will inevitably result in canonising zoning as the only available planning tool for urban development for the long-term future and the Urban Design Forum (UDF) thinks that it is concerning, particularly as this is not a prescribed requirement under the Resource Management Act or under any other legislation.

Zoning is not considered by many to be the best way to achieve mixed use areas within the urban environment because, due its inherent segregation of land uses, and therefore zoning is not the best tool to facilitate the sustainable goal of vibrant mixed developments envisaged in larger urban areas (Garde & Hoff, 2017; Hirt, 2010). The UDF proposes the inclusion of the possibility for flexibility in terms of available planning tools in the National Planning Standards by allowing other methods to be used such as form-based coding or similar, alongside zoning.

In New Zealand, urban development has been defined exclusively by zone-based planning since 1922. Zone based planning originates from Germany and its main driver was to segregate different land uses within unplanned cities in Europe and the US. The adoption of zoning within cities played a key role in eradicating slums by the separation of polluting land uses from residential areas, thus providing clean air for living (Hirt, 2010; Grant, 2002). This planning philosophy underpinned the spatial organization of most 20th century urban developments in the western world, including New Zealand.

Growing evidence for the negative effects of land use separation and the benefits of mixed use led to a paradigm shift in planning, as well as increased recognition of the need for sustainable developments which include the reduction of private vehicle use, the creation of walkable neighbourhoods, vibrant communities and an urban environment built on a human scale. It is argued that land-use diversity may be the most important precondition of urban vitality (Jacobs, 1961; Talen, 2006).

International research shows that urban areas which are zoned 'mixed-use' do not achieve the desired mix of activities (Hirt, 2010), although it has to be noted that there has been no research carried out on this topic in New Zealand and therefore any argument on this topic has to rely on overseas findings from cities of similar structure to that of Auckland, Wellington or Christchurch. Furthermore, zoning by its nature focuses on land use types, permissible property uses and the control of development intensity through simple numerical parameters such as setbacks, floor area ratios, height limits and parking ratios.

This approach is in direct contrast to, for example, Form-based Codes (FBC), which focus more on the form of the development by determining the mass and type of the buildings within a neighbourhood, their design elements, connections between individual sites and their relationship to the public realm. Form-based codes create a predictable public realm through city or precinct regulations in the New Zealand context. (Local Government Commission, Undated; Form-Based Codes Institute, 2018) This is achieved primarily by controlling physical form, with a lesser focus on land use, as illustrated on Figure 1 below.

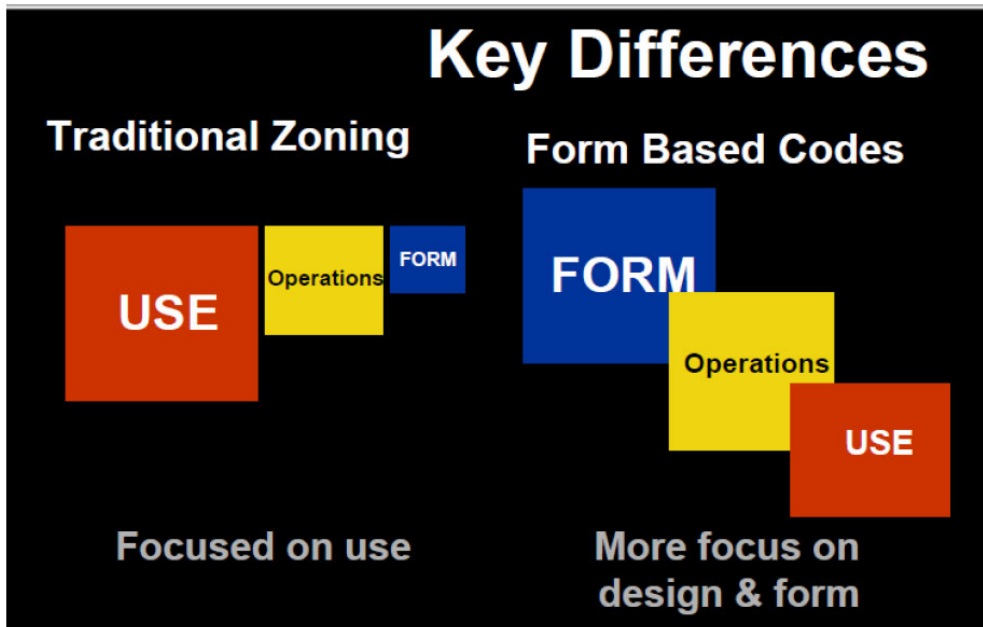


FIGURE 1: DIFFERENCE BETWEEN TRADITIONAL ZONING AND FORM-BASED CODING

Furthermore, zoning is not suitable to guide a cohesive development on land with segregated ownership, whereas the adoption of FBC can ensure coherent development within a longer period of time on land where individual lots are owned by different owners (Garde & Hoff, 2017).

It is important to note that FBCs are regulatory and not advisory like design guidelines.

Further benefits of FBCs as opposed to zone-based planning are:

- Most effective means of regulating development to create pedestrian-scaled, mixed-use, and active urban environments
- Since they are prescriptive rather than proscriptive, FBCs can achieve more predictable physical results
- Because they can regulate development at the scale of an individual building or lot, FBCs encourage independent development by multiple property owners. This obviates the need for large land assemblies and the megaprojects that are frequently proposed for such parcels.
- Gives more attention to the streetscape and the design of the public realm.
- The use of FBCs saves money for both developers and municipalities by streamlining the consenting process
- FBCs obviate the need for design guidelines, which are difficult to apply consistently, offer too much room for subjective interpretation, and can be difficult to enforce. They also require less oversight by discretionary review bodies, fostering a less politicized planning process that could deliver huge savings in time and money and reduce the risk of taking challenges (Form-Based Codes Institute, 2018).

An increasing number of cities in the US and Australia have moved from zoning to Form-based Codes and, as New Zealand is one of the most urbanized countries of the OECD, in our opinion it is very important to leave flexibility for future quality urban developments which are not restricted to only zoning and associated overlays.

Written by UDF member Eva Zombori.

Submitted by Graeme Scott

Chair, Urban Design Forum New Zealand

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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.

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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*	Poultry Industry Association of NZ (PIANZ) and Egg Producers Federation of NZ (EPFNZ)	
Organisation (if applicable)	Poultry Industry Association of NZ (PIANZ) and Egg Producers Federation of NZ (EPFNZ)	
Address	[Redacted]	
Phone	[Redacted]	
Email*	[Redacted]	
Submitter type*	Individual <input type="checkbox"/> NGO <input type="checkbox"/> Business / Industry <input checked="" type="checkbox"/> Local government <input type="checkbox"/> Central government <input type="checkbox"/> Iwi <input type="checkbox"/> Other (please specify) <input type="checkbox"/>	PIANZ is the national organisation that represents the interests of poultry companies nationwide and EPFNZ is the national organisation that represents the interests of commercial egg producers. 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

PIANZ and EPFNZ generally support the Draft National Planning Standards (The Standards). The Standards will provide a clear and consistent framework for managing the activities and effects associated with the poultry industry across New Zealand.

There are two main concerns that we would encourage the Ministry for the Environment (The Ministry) to consider further. These relate to the use of abbreviations and implementation of The Standards.

The format and structure proposed is likely to make district plans easier to use and more accessible. However, the extensive use of abbreviations is of concern. One of the purposes of The Standards is to assist people to comply with the procedural principles set out in section 18A of the RMA. This includes ensuring that policy statements and plans are worded in a way that is clear and concise. Abbreviations are a form of nomenclature that can make text difficult to decipher. Poultry farmers want to be able to quickly and easily find and understand rules and rule requirements in both district and regional plans.

The changes required to district and regional plans across the country will require significant financial and human resources to implement. It is expected that most council's will adopt a Schedule 1 process. Serious thought needs to be given to a 'ripping the bandage' approach over 'dragging the chain'. Furthermore, there are no incentives for complying with the statutory timeframes (or apparent disincentives for not complying). To address this, we suggest that The Ministry set out a programme to monitor and evaluate progress annually or even bi-annually. This will allow The Ministry and industry stakeholders to understand what is happening in all the districts and regions across the country.

2. F-1: Electronic accessibility and functionality standard

The requirement for all regional and district policies and plans to be made available online is supported. This will provide better access to planning documents for poultry farmers living in rural areas.

3. F-2: Mapping standard

A set of nationally consistent mapping standards is supported. This will make it easier to spatially identify the rules that are relevant to poultry activities.

4. F-5: Chapter Form standard

a. Chapter form

There does not appear to be direction for providing an 'Explanation' section or similar for the objectives and policies sections. This can be a useful reference when preparing or considering a resource consent for and land use activity, including poultry activities.

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

a. Numbering

The significant use of abbreviations proposed in Table 28 should be seriously reconsidered. The American Psychological Association (<http://www.apastyle.org/learn/faqs/use-abbreviations.aspx>) prefers that abbreviations are used sparingly to prevent text and communication becoming

garbled. Some testing should be done to understand how the proposed nomenclature will affect the way information is communicated to and between poultry industry stakeholders, farmers, professionals and council officers. This does not appear to have been looked at in any of the accompanying research reports. By way of example, consider the following example:

“The property is zoned Rural within PREC3. RUR-R2 and GDW-R6 is relevant but the activity doesn’t comply with RUR-REQ4 or GDW-REQ9. You will also need to consider APP-1 and NH-R3 to ensure you meet ER-OBJ1.”

compared to:

“The property is zoned Rural within the River Margin Precinct. Rural Rule 5.2 and General Rule 8.6 are relevant but the activity doesn’t comply with Requirements 5.2.4 or 8.6.9. You will also need to consider Appendix 1 and Natural Hazard Rule 10.3 to ensure you meet Environmental Risk Objective 1.”

The proposed approach is a fundamental change to the way planning regulations are communicated in New Zealand. If a nationwide alphanumeric system is to be developed it should be thoroughly tested for workability with all stakeholders.

6. CM-1: Definitions standard

The creation of nationally consistent definitions is strongly supported. Considerable poultry industry resources are directed towards submitting on proposed definitions in an attempt to secure consistency between districts and regions as well as promoting best practice. Councils sometimes (intentionally or unintentionally) use definitions as de facto objectives, policies and rules. This is both frustrating and confusing for the poultry industry.

a. Individual definition

Building – supported. This is a clear and concise definition that cannot be used to indirectly control poultry activities.

Functional need – supported. Many poultry activities rely on being able to establish themselves in rural zones.

Primary production and Intensive primary production – Poultry accounts for an estimated 35% of total meat consumed in NZ (2010). By its very nature, poultry farming is an intensive form of primary production. These proposed definitions remove emotive language and allow poultry farming to be considered as part of the wider primary production sector. This will allow council’s to develop objectives and policies that include all forms of primary production while at the same time controlling the potential adverse effects that are specific to intensive primary production.

It is important to the poultry industry that the use of buildings for intensive primary production are not considered to compromise areas of high land use capability. The recognition that a type of primary production can occur principally within buildings is therefore welcomed.

The wording used in the definitions for ‘primary production’ and ‘intensive primary production’ are strongly supported.

Reverse sensitivity – The use of the term ‘existing lawfully established’ could create undesirable and potentially litigious situations:

1. It requires existing activities to provide ‘evidence’ of their lawfulness. Existing use rights can be notoriously difficult to prove. Such a definition could lead to reverse sensitivity effects being disregarded due to a technicality or simply a lack of historic documentation.
2. It fails to recognise the permitted baseline and receiving environment. Proposed land use activities should consider reverse sensitivity in relation to permitted uses. This will ensure that activities are not inadvertently precluded in areas where they are intended to be located.

In the poultry industry, reverse sensitivity is an ongoing issue. Whether an activity has existing use rights is not considered to be a pre-requisite for defining reverse sensitivity. A broader definition removing the word ‘lawfully’ and including the permitted baseline and receiving environment is requested.

Rural industry – supported. This is a clear and concise definition that enables the industries (like feed mills) that are required to support poultry activities rural zones.

7. Implementation

a. Timing

We are concerned about the timeframes proposed. It is unclear whether section 37 of the RMA applies to the timeframes and clarification of this would be appreciated by the poultry industry. Ultimately, the timeframes proposed only delay the inevitable and are likely to disadvantage the poultry farmers in some regions and districts over others. *The Economic Evaluation of the Introduction of National Planning Standards* report by Castalia calculates an Overall BCR of 1.5 for both the 3 year and 5 year implementation timeframes. This indicates that there is no apparent financial justification for a 5 year timeframe over a 3 year timeframe.

It has been suggested that the extended 7 year timeframe for some council’s is because a plan review has recently been completed. The Castalia report indicates that a period less than 8 years (from gazettal) will not allow The Standards to ‘dovetail’ with most decennial plan reviews. Alternatively it could result in these plan reviews being started earlier than required by the RMA.

What is important to the poultry industry is certainty. In this respect, the preferred implementation approaches are to either get this done as quickly as possible or to defer it so that it is integrated to the natural cycle of plan reviews.

A third approach is to have regional policy statements and plans promulgated first, followed by district plans. This would ensure top down consistency and assist with managing ‘consultation fatigue’.

8. Future content for standards

Farming generally is an area where considerable further work could be done to introduce more standardisation. There is already considerable regulation through the Ministry of Primary Industries and NPS-FM for example. These could be consolidated into district and regional plans through directive national guidance.

If further standards to manage farming are considered for inclusion, we would like to be involved as early as possible.

Other comments

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

The opportunity to provide this feedback is greatly appreciated.

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.

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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*	Greg Sneath
Organisation (if applicable)	The Fertiliser Association of New Zealand
Address	[REDACTED]
Phone	[REDACTED]
Email*	[REDACTED]

Submitter type*	Individual	<input type="checkbox"/>
	NGO	<input type="checkbox"/>
	Business / Industry	<input checked="" type="checkbox"/>
	Local government	<input type="checkbox"/>
	Central government	<input type="checkbox"/>
	Iwi	<input type="checkbox"/>
	Other (please specify)	<input type="checkbox"/>

[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

The Fertiliser Association of New Zealand ('FANZ' or 'the Association'), supports an approach to achieve national consistency in Planning Standards, however there are aspects of the proposed National Planning Standard which are opposed.

Background Context

The Fertiliser Association is a trade organisation representing the New Zealand manufacturers of superphosphate fertiliser. The Association has two 'member companies' – Ballance Agri-Nutrients Ltd and Ravensdown Ltd. Both these companies are farmer co-operatives with some 45,000 farmer shareholders. Between them these companies supply over 98% of all fertiliser used in New Zealand.

The member companies have invested significantly in systems and capability to reliably estimate and document nutrient cycling on farms, with the purpose of providing sound advice and recommendations for nutrient management to support viable economic production and environmental responsibility.

The systems and procedures used are applied in the same way nationally, but recommendations are specific to farmer goals, industry targets and regional council regulation. National and in particular regional consistency in the approach and framework for nutrient management, and management of the use and protection of natural resources is highly desirable.

The Association takes a particular interest in regional and national policy statements, regulation and guidelines which support sustainable management of natural and physical resources, seeking that any regulation of land use activities that may use fertilisers is appropriate and necessary.

18. CM-1: Definitions standard

The Fertiliser Association supports nationally consistent definitions where they are particularly pertinent to the management and use of natural and physical resources under the RMA and other relevant statutes.

Inconsistencies in definitions have the potential to create significant difficulties in interpretation and application of policies and rules under different circumstances. This can be especially problematic in rural areas where properties and enterprises are impacted by more than one district or region.

Different interpretation and application of definitions can impose a great deal of uncertainty and potentially significant additional cost to land users, and regulators alike, if rules and regulatory obligations have to be reframed to address these differences in interpretation and meaning.

A "Definitions standard" which provides consistency with nationally applied definitions in Legislative instruments, e.g. Policy Statements, Notices and Regulations, is supported.

It is noted that frequently in the proposed 'Definition Standards' this consistency in nationally applied definitions is provided by including specific reference to the appropriate statute, for example:

"has the same meaning as in section 2 of the RMA (as set out in box below)" or
"has the same meaning as in New Zealand Standard 6801:2008"

This approach is supported.

a. Individual definition

Fertiliser: The proposed definition for fertiliser is opposed.

The proposed National Planning Standards definition is:

- (a) means any substance or biological compound that is—
 - (i) applied to plants or soils, whether in solid or liquid form; and
 - (ii) supports or sustains the growth, productivity or quality of soils, plants or, indirectly, animals; but
- (b) does not include livestock and human effluent, or pathogens

Contrary to the general principles outline above, this proposed definition is not consistent with existing statute. More significantly the proposed definition is not consistent with a description of fertiliser products which provide essential elements for plant growth (and indirectly for animals).

The essential elements include: nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chlorine, and sodium as major nutrients, and, manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, and selenium as minor nutrients.

The proposed definition does not reference essential elements and enables “pure water” and other substances to be classified as a fertiliser because water is a substance which is essential for plant growth and “supports the growth, productivity or quality of soil, plant or animals”.

The Fertiliser Association is opposed to this definition for a fertiliser as it has the potential to introduce a great deal of uncertainty and more significantly “technical manipulation”.

“Biological compounds” such as plant growth regulators, sugars, amino acids, etc, which are essential for plant growth, and “supports or sustains the growth, productivity or quality of soils, plants or, indirectly, animals” should not be defined as fertilisers.

Other “biological compounds’ which may include some fungicides, insecticides, herbicides, which “supports or sustains the growth, productivity or quality of soils, plants or, indirectly, animals” should not be defined as fertilisers.

“Substances” such as tile drains, weed mats, straw etc. which can be applied to soils, or sand to a heavy clay, to sustain the growth, productivity or quality of soils, plants, or indirectly animals” should not be defined as fertilisers.

The current proposed definition for fertiliser in the Draft National Planning Standards is not consistent with the definition for fertiliser used in discussion document for the ACVM (Exemptions and Prohibited Substances) Regulations. The definition in the discussion document for amended ACVM regulations included specific references to ‘Plant nutrients’ and explicitly listed the “essential elements” itemised above.

However, the Fertiliser Association is similarly opposed the draft ACVM definition for ‘Plant nutrients’ in the ACVM discussion document, which in addition to essential elements, also provides for “compounds” necessary for plant growth to be defined as fertilisers. The reasons the ACVM Plant nutrient definition is opposed are the same reasons outlined in this feedback on the definition of fertiliser.

It is recognised that the definition in the ACVM Regulations is still under review, but the Fertiliser

Association considers that for the reasons given above, considerable difficulties will be introduced by trying to second guess an amendment to the ACVM regulation in advance of it being decided and implemented.

Decision sought:

A definition for fertiliser should be included in the National Planning Standards.

The definition for fertiliser should be applied as:

“has the same meaning as in Section 3 of the Agricultural Compounds and Veterinary Medicines (Exemptions and Prohibited Substances) Regulation 2011.”

If not referenced to the ACVM (Exemptions and Prohibited Substances) Regulation 2011, then the same wording as occurs in this regulation should be used.

i.e.

(a) means a substance or biological compound or mix of substances or biological compounds that is described as, or held out to be suitable for, sustaining or increasing the growth, productivity, or quality of plants or, indirectly, animals through the application to plants or soil of—

(i) nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chlorine, and sodium as major nutrients; or

(ii) manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, and selenium as minor nutrients; or

(iii) fertiliser additives; and

(b) includes non-nutrient attributes of the materials used in fertiliser; but

(c) does not include substances that are plant growth regulators that modify the physiological functions of plants

b. Additional definitions

No further comments

Other comments

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

No other comments on the Draft document. Thank you for the opportunity to provide feedback.

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

By Email: planningstandards@mfe.govt.nz



Submission on Draft National Planning Standards

Introduction

1. The Gisborne District Council thanks the Ministry for the Environment for the opportunity to provide comment on the draft National Planning standards (planning standards).
2. Gisborne District Council is a unitary authority and has a combined plan, the Tairāwhiti Resource Management Plan (TRMP). The TRMP was created by combining the suite of existing regional and district plans made under the Resource Management Act, and the Regional Policy Statement.

General support for the Draft National Planning Standards

3. Gisborne District Council supports the intent of the planning standards, particularly the intent to make plans easier to use and navigate for the general public. However, the planning standards introduce new requirements that will require additional resource to implement. There are also a number of points that require clarification in order to achieve national consistency. These matters are addressed in the table attached at Appendix 1.

Implementation concerns

4. The 2018-2028 LTP includes provision for a full review of the TRMP over the next three years. This means that Gisborne District Council is well placed to incorporate much of the planning standards without significantly impacting current resourcing. However, we seek assurance that we will not be required to implement the planning standards in both the operative TRMP and proposed plan changes or a replacement plan.
5. We also recognise the significant compliance burden that introduction of the planning standards imposes on those councils that have recently undergone a full and comprehensive plan review process.

Electronic accessibility standards

6. The planning standards require plans made under the Resource Management Act to be transferred to an ePlan format by 2020. This is not an outcome that is included in Council's 2018-2028 Long Term Plan, and will require additional funding to procure an appropriate product and undertake the work required to transition our planning documents into the new format.
7. The Gisborne region scores highly on the social deprivation index and annual personal income levels (\$24,400) are well below the national median (\$28,500). Council needs to continue to operate within a fiscal envelope that meets our needs over the next ten years while matching the community's ability to pay costs- including those collected as part of rates and resource consents.



8. Therefore Gisborne District Council considers it appropriate for Government to provide adequate funding and support for the transition to ePlanning to ensure this occurs in a manner that is effective and meets the needs of Council, stakeholders and our communities.

A table containing all Gisborne District Council's submission points is provided at Appendix 1 of this submission.

For further clarification please contact Joanna Noble (Principal Planner) –

[Redacted]

Nāku Noa nā,



Keita Kohere
Director



Comments from Gisborne District Council on the draft National Planning Standards

Table 1: Gisborne District Council submission points on the draft National Planning Standards

1 Specific provisions that submission relates to:		2 Nature of submission		3 Gisborne District Council seeks the following decisions
Page No.	Section Heading and Reference	Issue	Position	
	Implementation timeframes	GDC is well-placed to implement the majority of the planning standards within planned workstream (except for transition to an e-Plan). GDC is concerned that the plan review may be delayed due to unforeseen circumstances or to meet the needs and expectations of our community. This may result in a scenario where a new or changed plan is not proposed by the end of the 5 year implementation period (2024). GDC seeks the ability to extend the timeframes in exceptional circumstances.	GDC seeks the ability to extend the timeframe in exceptional circumstances – for example, where notification of a significant plan change or new proposed plan that will implement the planning standards is imminent.	Amendment sought Amend the planning standards to allow for an extension to the published timeframes in exceptional circumstances. These circumstances could be described in the planning standards.
49-52	F-1: Electronic Accessibility and Functionality Standard	All Councils are required to adopt an ePlan by 2024. GDC has not currently included transition to an ePlanning platform in its Long Term Plan. This means that funding and staff resourcing has not been allocated.	Support intent but request implementation assistance. GDC supports making plans more accessible to the public and plan users but seeks assistance from MfE to facilitate implementation of ePlanning.	GDC suggests the following would assist it (and other Councils) successfully implement the electronic accessibility standards: <ul style="list-style-type: none"> • Joint procurement of ePlan services • Release of a minimum or baseline specifications for ePlan products

1 Specific provisions that submission relates to:		2 Nature of submission		3 Gisborne District Council seeks the following decisions
Page No.	Section Heading and Reference	Issue	Position	
		GDC is also concerned that without co-ordination and oversight there may not be supplier capacity to meet demand.		<ul style="list-style-type: none"> Centralised oversight of supply and demand Subsidies or alternative financial assistance for qualifying Councils Facilitation of Council working groups (this may also be beneficial for other topics).
19-25	S-CP: Combined plan structure standard	General comment	GDC generally supports the Combined plan structure standard. The progression from the more high level direction (Regional Policy statement) to region-wide and then area specific provisions is logical. Comment on specific matters is provided below.	
19	S-CP: Combined plan structure standard – clause 3	Ability to omit irrelevant chapter/section headings	<p>Support</p> <p>GDC supports the approach taken in the mandatory directions whereby if content is not currently present in a plan, the irrelevant chapter and section headings are not required. Including chapter or section heading without content is confusing for plan users and creates uncertainty.</p>	Clause 3 of the mandatory directions should be retained in its entirety [bold emphasis added]: <i>"All combined plans must contain mandatory headings (ie, part, chapter or section headings) in the order provided in Table 6: Combined Plan Structure below to the extent relevant for the combined plan."</i>
21-22	S-CP: Combined plan structure standard – Table 6	Part 3 Regional Policy provisions omit a mandatory section for tāngata whenua provisions	<p>Seek amendment</p> <p>The mandatory headings contained in Part 3 generally align well with the current TRMP format. The mandatory headings do not include a tāngata whenua section. GDC acknowledges such a section can be added as a 'special topic', which means it will appear at the end of Part 3.</p>	Amend Table 6 of S-CP: Combined Plan Structure to include a tangata whenua section in the list of mandatory themes in Part 3 Regional Policy Statement to ensure consistency of the location and appearance of this content in Combined Plans.

1 Specific provisions that submission relates to:		2 Nature of submission		3 Gisborne District Council seeks the following decisions
Page No.	Section Heading and Reference	Issue	Position	
			The reason for omitting a commonly used heading in combined plans in the Regional Policy statement structure is not clear and does not align with the s32 report which notes the importance of “placing these [tangta whenua provisions] clearly and upfront for consideration throughout the plan.”	
22-24	S-CP: Combined plan structure standard – Table 6, Part 3	Part 3 Regional Policy provisions – natural environmental values (natural heritage)	<p>The mandatory headings contain two sections relevant to natural heritage (or natural environmental values, which is a term used elsewhere in the planning standards):</p> <ol style="list-style-type: none"> 1. Landscape, landforms and natural character 2. Ecosystems and indigenous biodiversity. <p>These matters are currently grouped together in the TRMP under a “Natural Resources” theme. The standards and/or implementation guidance could usefully clarify the intended approach in this scenario. Three options are apparent:</p> <ol style="list-style-type: none"> a. The combined Natural Resources theme is used as a special topic and the individual headings are not relevant or used as subsections in the ‘combined’ theme; OR b. The provisions currently in the Natural Resources section are split into the most relevant ‘individual’ mandatory headings, and duplicated where necessary; OR c. An additional ‘mandatory’ heading is added titled “Natural Environmental values’ with mandatory sub-headings to be used where relevant. 	<p>Amend the mandatory heading in Table 6, Part 3 to add a new Natural Environmental values theme with subheadings:</p> <ol style="list-style-type: none"> 1. Landscape, landforms and natural character 2. Ecosystems and indigenous biodiversity. <p>Delete the following stand-alone mandatory headings:</p> <ol style="list-style-type: none"> 1. Landscape, landforms and natural character 2. Ecosystems and indigenous biodiversity.

1 Specific provisions that submission relates to:		2 Nature of submission		3 Gisborne District Council seeks the following decisions
Page No.	Section Heading and Reference	Issue	Position	
			<p>Approach c) is the most efficient, will limit repetition and is consistent with the approach taken in the General District Wide Matters Standards (S-DWM) with regard to natural environmental values. This approach will also retain a level of national consistency.</p> <p>For clarity, GDC does not consider that the 'coastal environment' should be included under the Natural Environmental Values theme, as the coastal environment provisions of the TRMP address matters much broader than natural values.</p>	
22-24	S-CP: Combined plan structure standard – Table 6, Part 4	<p>Coastal Plan Provisions</p> <p>It is not clear where a regional coastal plan is to sit if a combined plan includes a regional plan, regional coastal plan and district plan (such as the TRMP).</p> <p>Coastal environment matters are not limited to natural values but also consider topics such as public access and open space, efficient use of space, amenity, functional need, water quality, and aquaculture.</p>	<p>This Standard states that "if the combined plan includes a regional plan, regional plan provisions may be integrated with the implementation of the General District Wide Matters Standard (S-DWM)" and under the region-wide matters states:</p> <p>"Local authorities must implement the District Wide Matters Standard (S-DWM) to the extent it is relevant."</p> <p>The intent is not clear, but the implication is that where a regional coastal plan is part of a Combined Plan it should sit in the 'coastal environment' section of the 'natural environment values' chapter. This would in effect 'bury' the regional coastal plan four levels into the plan.</p> <p>In GDC's opinion, not all the provisions for the coastal environment will sit well together in the 'natural environment values chapter – coastal environment' section, as this is only relevant for some regional coastal plan matters. Potentially multiple parts of the TRMP will need to be re-organised and re-written to</p>	Amend the Table 6, Part 4 of the S-CP: Combined plan structure standard so that when a combined plan contains a regional coastal plan, these provisions are not required to be consistent with the District Wide Matters Standard (S-DWM) and do not have to be located in the Natural environmental values chapter.

1 Specific provisions that submission relates to:		2 Nature of submission		3 Gisborne District Council seeks the following decisions
Page No.	Section Heading and Reference	Issue	Position	
			<p>implement this aspect of the planning standards. This is inefficient and will not meet the intention of the planning standards.</p> <p>Furthermore, it is unclear whether the Standards enables the use of precincts, as a spatial planning tool, to apply both over the land and the coastal marine area. If not, then this will reduce integration with the district plan provisions for the adjacent land.</p>	
32-34	S-TW: Tāngata whenua structure standard – Part 2 of all plans and policy statements	<p>Tāngata whenua provisions</p> <p>It is unclear what the mandatory Part 2 tāngata Whenua of the Combined plan is intended to capture. The planning standards don't appear to anticipate objectives, policies and rules specific to tāngata whenua interests and values to be located in Part 2.</p> <p>However, the Draft Chapter Form Standard (F-5) applies to Part-2 Tāngata Whenua and the order of headings set out in the standard must be used, which includes: issues, objectives, policies and rules. but including the content is optional</p>	<p>Seek clarification</p> <p>It's unclear where the tāngata whenua issues, objectives policies currently found in a combined plan are intended to sit under the planning standards: In Part 2 Tāngata Whenua or in Part 3-Regional Policy Statement as an 'additional 'special topic' or in the region-wide matters or a combination of the three locations.</p> <p>Discussions with staff from the Ministry for Environment indicate that this flexibility is deliberate to reflect that some tāngata whenua prefer to see a separate section dedicated to tāngata whenua issues, objectives, policies and rules and others prefer this content to be weaved throughout the plan. This flexibility is supported, and should be clarified in the planning standards and accompanying guidance material.</p>	Ensure that plans are able to retain flexibility in how tāngata whenua information is presented in order that the perspectives and values of tāngata whenua are able to be expressed in a form that reflects their wishes.
26-31	S-IGP: Introduction and	National Direction	Support the inclusion of information explaining how the plan reflects the various pieces of national direction as	Retain Table 13: National direction instruments in S-IGP Introduction and

1 Specific provisions that submission relates to:		2 Nature of submission		3 Gisborne District Council seeks the following decisions
Page No.	Section Heading and Reference	Issue	Position	
	general provisions standard	Instruments	this will assist plan users. This provisions is especially useful for plans that are due for review, as this text can be added in the interim without requiring a Schedule 1 process.	general provisions standard.
42-46	S-ASM: Draft area specific matters standard	Rural production zone	Support the inclusion of a rural production zone in section 8, Part D of the S-ASM. Highly productive and versatile soils play a major role in the economy of the Gisborne district. The majority of this activity takes place on the Poverty Bay flats, where soils are among the most fertile and productive in the country, but are a very finite resource representing only 5% of the region. Use of a rural production zone (or similar) that specifically addresses the productive nature of soils is one means of protecting this valuable resource.	Retain the rural production zone and description.
42-46	S-ASM: Draft area specific matters standard	The draft planning standard proposes a set number of zones that have "purpose statements". No new zones can be used, however, a "special purpose zone" may be included if it the proposed land use activities and anticipated development within the defined area: <i>a. are significant to the district or region</i> <i>b. could not be enabled by any other zone</i>	Seek amendment to clarify application of the draft planning standard to special purpose zones The planning standard suggests that to have a special zone, you must comply with a, b and c; however this is not explicit. The intent of this provision should be made clear.	Clarify whether the reasons when a special purpose zone is allowed are conjunctive or disjunctive.

1 Specific provisions that submission relates to:		2 Nature of submission		3 Gisborne District Council seeks the following decisions
Page No.	Section Heading and Reference	Issue	Position	
		<i>c. could not be enabled by the introduction of an overlay, precinct, designation, development area, or specific control.</i>		
42-46	S-ASM: Draft area specific matters standard	A number of the zone purpose statements are ambiguous or could lead to activities being required, through submissions and appeals. There are some difficulties translating the current TRMP zones to the proposed framework.	<p>Residential zones</p> <p>The Residential zones available will, in combination with precincts, allow the existing TRMP zones to be accommodated. Not defining "suburban character" or "urban character" will allow for local interpretation.</p> <p>Rural Industrial zones</p> <p>There is no equivalent of our Rural Industrial zones. There is an ability to introduce precincts to provide for variability, although this is intended to introduce additional provision to the undelaying zone. Given the location of our Rural Industrial zones, in the rural areas, the combination of Rural zone, under the purpose given in the Standard, and two precincts could achieve the management afforded by the existing zones. It may however be helpful if the Standard defined "associated rural activities", and "activities which support rural production". In the absence of meanings for these terms, Councils could be pressured by industry groups to provide for their activities, at the expense of more appropriate zones.</p> <p>Commercial zones</p> <p>The purpose statement for the Mixed Use zone allows for the provision of a mix of uses listed. One</p>	<p>Support the decision not to define "suburban character" or "urban character".</p> <p>Amend standard to include definitions of "associated rural activities", and "activities which support rural production".</p> <p>Amend the purpose statement for the Mixed Use zone to read: <u>"The purpose of the Mixed-use zone is to provide primarily for a mix of some or all of residential, commercial, light industrial, recreational and community activities."</u></p>

1 Specific provisions that submission relates to:		2 Nature of submission		3 Gisborne District Council seeks the following decisions
Page No.	Section Heading and Reference	Issue	Position	
			interpretation of this would be that any combination of the activities listed could be provided for, however another interpretation is that all of the activities listed must be provided for. This interpretation could lead to pressure from industry groups to provide for an industrial activity that does not meet the characteristics of a particular area.	
47-48	S-SAM: Schedules, appendices and maps standard	Table 17: Schedule Table does not reflect the format of schedules used in the TRMP	<p>Seek amendment</p> <p>Often the same study or material will be used to identify all (or nearly all) the sites in a Schedule. Rather than add another column (which increases the size of the table) it would be preferable to reference this study or material once at the start (or end) of the table.</p> <p>Some schedules in the TRMP contain information which is important to decision-making but which doesn't fit well within the limited structure provided in the draft planning structure. Additional columns are required to present information in an easy to read format. For example, G3 Schedule: Waahi Tapu Schedule contains a column titled "Buffer Distance" that sets out buffer distances that must be complied with to meet a rule or rule requirement in a topic or zone based chapter.</p>	<p>Amend Table 17: Schedule Table in the S-SAM: Schedules, appendices and maps standard so that:</p> <ol style="list-style-type: none"> 1. A study or material only has to be referenced once. 2. Additional columns can be added to the mandatory structure if required.
53-56	F-2: Draft Mapping standard	Changes will be required to current mapping symbology to implement the planning standards.	Provision of a standardised symbol set for ESRI GIS that meets the planning standard will assist implementation and ensure national consistency. A similar approach has been undertaken by the BOPLASS group of councils, which has created a standard ESRI symbol set. An example of the Utility services symbol set s attached.	<p>Seek amendment</p> <p>GDS requests that the planning standards include a symbol set for ESRI GIS or that this is provided as part of an implementation package.</p>

1 Specific provisions that submission relates to:		2 Nature of submission		3 Gisborne District Council seeks the following decisions
Page No.	Section Heading and Reference	Issue	Position	
76-90	CM-1: Definitions standard	<p>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.</p> <p>GDC will need to redraft rules to incorporate previous plan definitions where these have been replaced by an alternative planning standard definition.</p>	<p>Seek amendment.</p> <p>GDC seeks assurance that changes to rules to incorporate plan definitions will be considered as a consequential amendment. Examples of definitions that will trigger plan changes are provided in Table 2.</p> <p>Table 2 also suggests amendments to some of the definitions contained in the draft planning standard in order to improve clarify and/or prevent unnecessary regulatory burden.</p>	<p>Seek implementation advice:</p> <p>GDC seeks clarification regarding how changes to rules made to incorporate current plan definitions can be treated as "consequential amendments".</p> <p>Seek amendment:</p> <p>Table 2 recommends amendments to several definitions contained in the draft planning standards.</p>
76-90	CM-1: Definitions standard	<p>Some of the definitions contained in the planning standards have the potential to significantly alter the application of objectives, policies, rules and methods in the TRMP.</p>	<p>Coastal Marine Area – the definition doesn't include or reference the definition of "mouth" which is also included in the RMA and is important to correctly applying the coastal marine area definition - especially where the mouth has been set and agreed.</p> <p>The RMA definition of mouth is:</p> <p><i>"mouth, for the purpose of defining the landward boundary of the coastal marine area, means the mouth of the river either—</i></p> <p><i>(a) as agreed and set between the Minister of Conservation, the regional council, and the appropriate territorial authority in the period between consultation on, and notification of, the proposed regional coastal plan; or</i></p>	<p>Amend the definition of the Coastal Marine Area to include the RMA definition of "mouth" or words to that effect.</p> <p>Amend the definition of stormwater to widen the receiving environments to land and water.</p> <p>Amend the definition of structure to reflect the RMA.</p>

1 Specific provisions that submission relates to:		2 Nature of submission		3 Gisborne District Council seeks the following decisions
Page No.	Section Heading and Reference	Issue	Position	
			<p><i>(b) as declared by the Environment Court under section 310 upon application made by the Minister of Conservation, the regional council, or the territorial authority prior to the plan becoming operative,—</i></p> <p><i>and once so agreed and set or declared shall not be changed in accordance with Schedule 1 or otherwise varied, altered, questioned, or reviewed in any way until the next review of the regional coastal plan, unless the Minister of Conservation, the regional council, and the appropriate territorial authority agree."</i></p> <p>Stormwater – the definitions mean that stormwater is not stormwater until it is discharged into a waterbody or the coastal marine area. This will change the application of many existing provisions. Particularly those seeking to address management of stormwater before it enters receiving waters.</p> <p>Structure – the proposed definition goes beyond the RMA definition of a structure, which means equipment such as kayaks, rowing boats and surf-life saving towers may now be captured by coastal plan rules and require a resource consent to be temporarily located on the foreshore and seabed.</p>	
	Consequential amendments	Giving effect to the planning standards will inevitably led to consequential amendments. The standards and the implementation guidance is silent on the issue of the scope that would be acceptable for	Further guidance is needed on consequential changes to decrease the opportunities for legal challenge and litigation costs when giving effect to the mandatory requirements of the standard. This guidance should be based on legal advice.	<p>Seek implementation guidance</p> <p>Further guidance is needed, based on legal advice, on the ability to make consequential changes to plans and policy statements without triggering the need for a Schedule 1 process.</p>

1 Specific provisions that submission relates to:		2 Nature of submission		3 Gisborne District Council seeks the following decisions
Page No.	Section Heading and Reference	Issue	Position	
		consequential amendments and whether they are major or minor changes. Initiating plan change process also risks opening up the plan to submissions that are not directly related to implementing the national standards. There a time, resource and relationship costs associated with managing these 'out of scope' submissions.		MfE should explore whether there is a tool available (for example, via the planning standards or amendment to the RMA) to ensure that it is straightforward to not accept submissions that go beyond the scope of a plan change to implement the planning standards.

Table 2: Assessment of definitions contained in the draft planning standard against the TRMP

Term	Planning standard	TRMP	Comment
accessory building	means a detached building, the use of which is ancillary to the use of the principal building, buildings or activity on the same site, but does not include any minor residential unit	<i>In relation to any site a building or structure, the use of which is incidental and secondary to the lawful principal activity(s) carried out on that site.</i>	No major conflict
building	<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>	<i>An enclosed or partially enclosed structure built with a roof. A building shall not include: play or sporting equipment and letterboxes; any pergola, or any temporary storage stack of goods or materials to be used for the erection, repair or alteration of a building. Refer also to Residential Buildings</i>	The new definition does not include our exclusions. Not a major issue
Community facility	means a non-profit facility primarily for recreational, sporting, cultural, safety and welfare, religious or similar community purposes	<i>Places of private and public gathering for purposes such as deliberation, social entertainment, club meetings and associated activity, hospitals and health centres, scout/guide halls or similar activities and includes buildings such as arts, cultural, religious and community premises, conference rooms and club meeting rooms.</i>	The Standards definition includes <i>non-profit facility</i> and this would preclude activities such as movie theatres (social entertainment) and hospitals and health centres which a likely to be for profit. This change would require a 1st Schedule change
earthworks	means any land disturbance that changes the existing ground contour or ground level		Defined in standard and although not defined in a GDC document, it appears within many defined terms. Not a major issue.
Fertiliser	(a) means any substance or biological compound that is— (i) applied to plants or soils, whether in solid or liquid form; and (ii) supports or sustains the growth, productivity or quality of	<i>Air Quality Plan Fertiliser is:</i> <i>a) A substance that is described as or held out to be for, or suitable for, sustaining or increasing growth, productivity or quality of plants or animals through the application to plants or soil, whether in solid or fluid form,</i>	GDC Plan provisions are far more prescriptive by specifying the compounds. This provides more certainty for plan users.

Term	Planning standard	TRMP	Comment
	<p>soils, plants or, indirectly, animals; but</p> <p>(b) does not include livestock and human effluent, or pathogens</p>	<p><i>which can include:</i></p> <p><i>i. nitrogen, phosphorous, potassium, sulphur, magnesium, calcium, chlorine, sodium as major nutrients; or</i></p> <p><i>ii. manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, selenium as minor nutrients; and</i></p> <p><i>b) Any other product that is considered to meet identified soil or plant nutrient deficiencies and is applied with this as the principal objective.</i></p> <p>Freshwater Plan:</p> <p><i>A solid or fluid substance or biological compound, or mix of substances or biological compounds that is described as, or held out to be for, or suitable for, sustaining or increasing the growth, productivity, or quality of plants or, indirectly, animals through the application to plants or soil of any of the following:</i></p> <p><i>Nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chlorine, or sodium as major nutrients; or</i></p> <p><i>Manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, or selenium as minor nutrients; or</i></p> <p><i>Fertiliser additives to facilitate the uptake and use of nutrients; or</i></p> <p><i>Soil conditioners to alter the physical characteristics of soil; and</i></p> <p><i>includes non-nutrient attributes of the materials used in fertiliser; but does not include:</i></p>	

Term	Planning standard	TRMP	Comment
		<p><i>Substances that are plant growth regulators that modify the physiological functions of plants; or</i></p> <p><i>Any raw or composted biological waste product that is not able to be registered under the Agricultural Compounds and Veterinary Medicines Act 1997</i></p>	
gross floor area	<p>means the sum of the total area of all floors of all buildings on the site (including any void area in those floors, such as service shafts or lift or stairwells), measured from the exterior faces of exterior walls or from the centre lines of walls separating 2 buildings and, in the absence of a wall on any side, measured to the exterior edge of the floor</p>	<p><i>The sum of the gross area of the floor or floors of a building or buildings (including void areas in those floors, such as lift or service shafts) measured from the exterior faces of exterior walls, or from the centre line of walls separating two buildings.</i></p> <p><i>For the purposes of calculating parking spaces, gross floor area excludes the internal dimensions of any internal parking space for vehicles, such as garages.</i></p>	<p>The Standards definition would not exclude internal parking and would lead to unnecessary additional parking.</p> <p>Recommend amending the Standard to include our exclusion.</p>
ground level	<p>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</p>	<p><i>In relation to height standards, shall be the natural ground level or the finished ground level for a newly created allotment.</i></p>	<p>The Standards definition would add much needed clarity.</p> <p>Seek clarification: There is a need to describe what “in front of the retaining wall means”. Is it at the top or the bottom? Where is it in relation to the boundary? This second question is relevant for applying the height in relation to boundary rules.</p>

Term	Planning standard	TRMP	Comment
	boundary, the level on front of the retaining wall or retaining structure where it intersects the boundary		
height	<p>In relation to a District Plan:</p> <p>means the vertical distance between ground level at any point and the highest part of the structure immediately above that point</p> <p>in relation to a regional plan or regional policy statement or a combined plan that includes a regional plan or regional policy statement</p> <p>means is the vertical distance between the highest part of a structure and a reference point. The reference point outside the coastal marine area is ground level unless otherwise stated in a rule. The reference point inside the coastal marine area is mean sea level</p>	<p>1. <i>in relation to a building, the vertical distance between the level of the ground at the external foundations of the building and (a) the highest point of the parapet or coping in the case of a flat roof; or (b) the mean level between the eaves and the highest point of the roof in the case of a sloping roof, provided that the highest point of the roof shall not exceed a level greater than the maximum height specified in the Plan plus one-fifth of that height. The height excludes chimneys, ventilator shafts, water tanks, elevator lofts, antennas all having a maximum dimension of 3.5m and finials and similar parts of the building as constitutes only decorative features.</i></p> <p>2. <i>means in relation to signage, the total height of the largest sign face, and shall exclude any poles or supporting structures required to enable a sign to be displayed at such a height.</i></p>	This is a significant issue, and would require significant Schedule 1 changes .
height in relation to boundary means	means the maximum height of a structure relative to its distance from the boundary of a site or other specified location	<p>Recession planes</p> <p><i>Identifies an area within the site where buildings may be erected, so as to safeguard access to sunlight and daylight for neighbouring properties.</i></p>	This looks completely different but on review as long as we can retain the recession plan rules no issues will occur.
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	<p>Industry</p> <p><i>The carrying out of any industrial activity including cleaning, grading and packing of produce, processing, manufacturing, (including energy production) bulk storage, warehousing, energy</i></p>	Definitions differ significantly and would require Schedule one changes to retain the same provisions.

Term	Planning standard	TRMP	Comment
	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	<i>transmission, service and repair activities. Also includes waste treatment and processing.</i>	
Intensive primary production	means primary production activities that involve the production of fungi, livestock or poultry that principally occur within buildings	<p>Intensive farming (Regional and District)</p> <p><i>Means farming which is not dependent on the fertility of the soils on which it is located and which may be mainly under cover, and which may be dependent on the importation of energy or materials on to the site to sustain its viability e.g. poultry, rabbit, opossum, fish or mushroom farming. Pig farming shall be considered intensive farming when carried out within buildings or when pigs are stocked at an intensity greater than one pig per 1/10th of a hectare. This definition does not include the keeping of animals or any of the above activities on a domestic scale as an accessory activity.</i></p> <p><i>The keeping of no more than nine pigs on a site shall be deemed to be of a domestic scale. The keeping of no more than 39 head of poultry shall be deemed to be of a domestic scale.</i></p> <p>Intensive farming (RPS)</p> <p><i>Means farming that is not dependent on the fertility of the soils on that it is located and that may be mainly under cover, and that may depend on the importation of energy or materials on to the site to sustain its viability e.g. pig, poultry, rabbit, opossum, fish or mushroom farming. This definition does not include the keeping of animals or any of the above activities on a domestic scale as an accessory activity.</i></p>	The Standards definition excludes the <i>reliance on the fertility of soils</i> . This needs further consideration.

Term	Planning standard	TRMP	Comment
land disturbance	means the alteration to land, including by moving, cutting, placing, filling or excavation of soil, cleanfill, earth or substrate land	<p><i>The disturbance of land by any means including earthworks; blading, trenching, sidecutting, surface excavation, overburden and spoil disposal, ground levelling, construction of earth dams, cultivation; and the construction, maintenance, realignment or widening of roads or tracks. In respect of C9: cultivation is excluded from the definition of land disturbance.</i></p> <p><i>For the purposes of C4 – Cultural and Historic Heritage – land disturbance shall mean the disturbance of land by any means including, earthworks; blading, trenching, sidecutting, surface excavation, overburden and spoil disposal, ground leveling and construction of earth dams, roading or tracking, construction, realignment or widening, and shall exclude the following:</i></p> <ul style="list-style-type: none"> <i>i. cultivation</i> <i>ii. land disturbance associated with replacement, maintenance and minor upgrading of existing structures</i> <i>iii. land disturbance within paved roads and modified berms</i> <i>iv. land disturbance in accordance with the survey regulations 1972 and subsequent amendments</i> <i>v. fencing provided that in respect of the exclusions i)-iii) the land disturbance does not extend beyond the area or depth previously disturbed.</i> 	<p>The Standards definition does not include all of the examples and specificity or exclusions of the TRMP.</p> <p>This would require significant changes that would require a 1st schedule process.</p>
minor residential unit	means a self-contained residential unit	Minor dwelling unit	The standards definition contains a number of

Term	Planning standard	TRMP	Comment
	that is ancillary to the principal residential unit 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.	<p><i>A dwelling which comprises less than 60m² gross floor area.</i></p> <p>Dwelling unit</p> <p><i>The self-contained home or residence of a single housekeeping unit, whether of one or more persons comprising 60 m² or more gross floor area.</i></p> <p>Small dwelling unit</p> <p><i>A dwelling which has a total gross floor area of 65m² or less.</i></p>	the general standards of the TRMP. They end up at the same place but the requirement to use the Standards definition may mean more substantial changes than permitted outside of a 1st schedule process.
notional boundary	means a line 20 metres from any side of a building that contains an activity sensitive to noise, or the legal boundary, if it is closer to that building	<i>A line 20m from the wall of any rural dwelling, or the legal boundary where this is closer to the dwelling.</i>	The Standards definition refers to activities sensitive to noise, whereas the TRMA on applies to dwellings. This would require application of the rule to activities such as schools and recreational activities and would require a 1st schedule process to avoid this requirement.
official sign	means all signs required or provided for under any statute or regulation, or are otherwise related to aspects of public safety	<p>Sign (official)</p> <p><i>Any sign on, adjacent to or above a road erected by or on behalf of the relevant road controlling authority in accordance with traffic regulations.</i></p>	Similar meanings but the Standards definition can apply beyond the road, adjacent to a road or above road. Not a major concern.
outdoor living space	means an area of open space for the use of the occupants of the residential unit or units to which the space is allocated		Referred to in rules 1.6.1(2) activity standards
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	<p>Production land</p> <p><i>a) means any land and auxiliary building used for the production (but not processing) of primary products (including agriculture, pastoral, horticulture and forestry products);</i></p> <p><i>b) Does not include land or auxiliary buildings</i></p>	The requirement to include this definition could lead to significant changes. Although there is no requirement to include provision in the Plan that use the defined term, the presence of the definition can lead to interpretation of the policy and rule framework that were

Term	Planning standard	TRMP	Comment
	from the listed activities; but c) does not include processing of those products	<i>used or associated with prospecting, exploration or mining for minerals. Any "production" has a corresponding meaning</i>	unintended. This term appears in a number of parts of the plan, but is not referred to in rules. The definition of farming in the TRMP includes many of the activities that are covered by this definition. The implications of the proposed definition need require further consideration.
residential activity	means the use of land and buildings by people for the primary purpose of living accommodation	<i>The use of premises for any domestic or related purpose by persons living alone or in family or non-family groups (whether any person is subject to care or supervision), and shall include emergency and refuge accommodation. Residential activity shall not include home occupation, visitor accommodation or residential care homes, camp grounds or motor camps.</i>	The Standards term is significantly broader than the TRMP and would lead to conflicting rules in the TRMP. In the absence of a meaning common meaning for the two words are: Living – the manner in which one conducts one’s life Accommodation – a place to live’ work or stay. The Standards definition of residential activity could include activities specifically excluded by the TRMP i.e. Visitor accommodation.
residential unit	means a building or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.	Residential buildings <i>A building, group of buildings or other facilities including caravans or house trucks, each containing one or more household units, used or intended to be used for a permanent residential activity, but does not include a garage or accessory building.</i>	Slightly different terms but effectively the same. The main difference is the inclusion of “permanent living” in the TRMP definition. This would lead to conflicting rules.
site	means: a) an area of land comprised in a single computer freehold register (record of title as per Land Transfer Act 2017); or b) an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be administered	<i>Any area of land comprised wholly of one Certificate of Title or any allotment as defined by the Act.</i> <i>Front Site: a site where at least one boundary adjoins a road;</i> <i>Rear Site: a site situated generally to the rear of</i>	No major issue

Term	Planning standard	TRMP	Comment
	<p>separately without the prior consent of the council; or c) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate computer freehold register could be issued without further consent of the Council; or d) in the case of land subdivided under the Unit Title Act 1972 or the cross lease system, a site is deemed to be the whole of the land subject to the unit development or cross lease; or e) an area of adjacent land comprised in two or more computer freehold registers where an activity is occurring or proposed .</p>	<p><i>another site or to the rear of another dwelling unit developed or used independently as part of a multi-unit site, which adjoins a road via an access strip.</i></p> <p><i>Corner site: a site with frontages adjoining two roads.</i></p>	
sign	<p>(a) means any device, character, graphic or electronic display, whether temporary or permanent, that is visible from beyond the site boundary, for the purposes of—</p> <p>(i) identification of and provision of information about any activity, site or structure;</p> <p>(ii) providing directions;</p> <p>(iii) promoting goods, services or forthcoming events; and</p> <p>(b) includes the frame, supporting device and any associated ancillary equipment whose principal function is to support the message or notice; and</p> <p>(c) may be two- or three-dimensional,</p>	<p><i>Any advertising device or advertising matter, whether consisting of a specially constructed device or structure, or painted, printed, written, carved or projected onto, placed or otherwise fixed to or upon any premises, building, structure or stationary vehicle that is visible from any public place and shall include community signs, permanent signs, portable signs and temporary signs.</i></p> <p>Sign (community)</p> <p><i>Any sign that is erected:</i></p> <p><i>by any consent authority for reasons of public health and safety;</i></p> <p><i>for any public purpose or public activity such as recreation grounds, scenic reserves, churches, museums, hospitals, educational institutions and community halls;</i></p>	<p>The subsets of signs could prove problematic. It is unclear whether the Standard allow for the specific type of signs existing in the TRMP. If it does not, changes would be required that would require a 1st schedule process.</p>

Term	Planning standard	TRMP	Comment
	<p>and manufactured, painted, written, printed, carved, embossed, inflated, projected onto, or fixed or attached to, any structure or natural object; and</p> <p>(d) may be illuminated by an internal or external light source.</p>	<p><i>to advise the public of regulations affecting use of public lands or waterways;</i></p> <p><i>to provide information required by legislation such as the Health and Safety Employment Act 1992;</i></p> <p><i>for community information, such as ‘Welcome to...’ type signs and signs associated with community road safety campaigns.</i></p> <p><i>community signs shall exclude any sign that incorporates symbols or logos that promote any particular product or business.</i></p> <p>Sign (official)</p> <p><i>Any sign on, adjacent to or above a road erected by or on behalf of the relevant road controlling authority in accordance with traffic regulations.</i></p> <p>Sign (permanent)</p> <p><i>Any sign that is either continuously on display or portable and displayed at regular intervals.</i></p> <p>Sign (portable)</p> <p><i>Any sign which is movable and not supported by any fixed structure.</i></p> <p>Sign (temporary)</p> <p><i>Any sign advertising an activity or event of a fixed duration (including an event which may not occur for some time in the future).</i></p>	
structure	means any building, equipment, device or other facility made by people and which is fixed to or located on land;	<i>Any building, equipment, device, or other facility made by people and which is fixed to land and includes any raft. In the case of network utility</i>	The Standards definition includes “or located on land”, whereas the TRMP only includes fixed. It is not a major issue.

Term	Planning standard	TRMP	Comment
	and includes any raft, but excludes motorised vehicles that can be moved under their own power	<i>activities this shall include conductors.</i>	
visitor accommodation	Means land and/or buildings used primarily for accommodating non-residents, subject to a tariff being paid	<i>Any building, buildings or area of land used principally for the day-to-day accommodation of travellers or other semi-transient persons for the payment of a tariff and includes any services or amenities provided on-site for the exclusive use of patrons. Visitor accommodation includes boarding houses, hotels, motels and backpacker facilities. It also includes motor camps and camping grounds unless specifically excluded in the text.</i>	A simpler definition but not an issue.

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*	Brad Coombs, President
Organisation (if applicable)	New Zealand Institute of Landscape Architects
Address	[REDACTED]
Phone	[REDACTED]
Email*	[REDACTED]

Submitter type*	Individual	<input type="checkbox"/>
	NGO	<input type="checkbox"/>
	Business / Industry	<input type="checkbox"/>
	Local government	<input type="checkbox"/>
	Central government	<input type="checkbox"/>
	Iwi	<input type="checkbox"/>
	Other (please specify)	<input checked="" type="checkbox"/> Professional Institute

* 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

NZILA support the use of planning standards as a 'tool kit' for councils to improve consistency and address local issues through helping to implement the vision for the district /region's development. We consider this is delivered through promoting appropriate landscape design, management and protection.

2. S-RPS: Regional Policy Statement Structure Standard

a. Parts 3 and 4 – Core policy statement provisions

Part 4 Themes - We support inclusion of landscape and natural character as specific themes to be addressed in Regional Policy Statements, as required by the RMA. See response to Section 5 below for other comments regarding landscape.

3. S-RP: Regional Plan Structure Standard

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

Part 4 Themes - We support inclusion of landscape and natural character as specific themes to be addressed in Regional Plans. See response to Section 5 below for other comments regarding landscape.

9. S-DWM: District Plan – Part 4 District Wide Matters

b. Natural Environment Values Chapter

We support inclusion of landscape and natural character as specific District Wide Matter to be addressed in District Plans. See response to Section 5 below for other comments regarding landscape.

Other comments

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

As per above, NZILA support the inclusion of landscape and natural character as separate specific themes and matters to be addressed in Regional Policy Statements, Regional Plans and District Plans, as is required by the RMA.

NZILA defines landscape as, "the cumulative expression of natural and cultural features, patterns and processes in a geographical area, including human perceptions and associations." We recognise that New Zealand's landscapes include the places where we work, live and play and encompass the coastal environment and inland water bodies and their margins where high natural character may occur. We agree that an understanding of such landscapes is crucial to develop statutory planning tools that promote sustainable management of natural and physical resources.

Where areas of landscape require protection as a matter of national importance (such as outstanding natural features and landscapes), NZILA support developing future planning standards which inform their appropriate identification. We agree that this is a key topic which requires further investigation, as identified on page 14 of the Consultation Document. With this goal in mind, NZILA are also

currently working with MfE and DoC to prepare Landscape Guidelines to improve clarity around this technical issue. NZILA recognise the importance of this work and are keen to continue working with Government on how this matter may be addressed through future planning standards.

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

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

By Email: planningstandards@mfe.govt.nz

Dear Sir/Madam,

Please find **enclosed** submission on the Draft National Planning Standards on behalf of Atlas Concrete Limited.

Please do not hesitate to contact the undersigned if you have any questions.

Yours faithfully,

Haines Planning Consultants Limited

David Haines | Director

1703 ATLAS DNPS SUB CVR LTR



SUBMISSION BY ATLAS CONCRETE LIMITED

ON THE DRAFT NATIONAL PLANNING STANDARDS

Introduction

1. Atlas Concrete Limited ("Atlas"), c/- Haines Planning Consultants Limited at the address for service below, makes this submission on the Draft National Planning Standards ("DNPS").
2. Atlas is an incorporated company that supplies ready mix concrete, pre-cast concrete, aggregates and other related products within the Auckland and Northland regions through 11 branches across five divisions: Atlas Concrete, Atlas Quarries, Atlas Recycling, Mount Rex Shipping and Atlas Tilt Slab.
3. Within the above regions, the company operates:
 - Eight concrete batching and dry goods plants.
 - Three quarries.
 - A sand processing and storage facility.
 - A sand dredging operation.
 - Four resource recovery facilities, including:
 - three recycling plants which crush and process construction/demolition waste, including basalt rock, concrete, brick and asphalt/tar seal; and
 - a farm on which concrete slurry waste is dried, blended with sand and converted into a growing medium for re-use.

4. Atlas plants are designed, operated and maintained to minimise and/or mitigate the effects of discharges and emissions in accordance with regulatory and best practicable option requirements. The resource recovery facilities recycle waste material that would otherwise be required to go to landfill and support the Government's commitment to waste minimisation.

Scope of Submission:

5. This submission relates only to Section CM-1: Draft Definitions Standard of the Draft National Planning Standards and the draft definitions that relate to the Atlas interests.

Submission:

6. 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**), for the reasons set out therein.
7. The submitter requests the New Zealand Government 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.
8. The submitter would be pleased to discuss the content of this submission further with New Zealand Government staff as part of their reporting to the relevant decision-making committee/body.

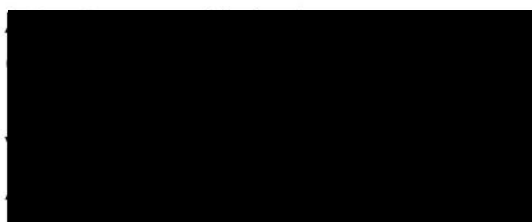


David Haines | Director

On behalf of Atlas Concrete Limited

Date: 17 August 2018

Address for Service:



Attention: David Haines

Telephone: [REDACTED]

Email: [REDACTED]

1703 ATLAS DNPS SUB

Annexure A



ATLAS CONCRETE 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*.

	DNPS Section	Text	Support/Oppose	Reasons	Decision Requested
	District Plan Structure Standard				
1.	Tables 5 and 6	<p>Inclusion of three Industrial zones, being:</p> <ul style="list-style-type: none"> ▪ Light Industry zone – The purpose of the <i>Light industrial zone</i> is to provide primarily for a limited range of industrial activities that are more compatible with sensitive activities. ▪ Industrial zone – The purpose of the <i>Industrial zone</i> is to provide primarily for a range of industrial activities. It also provides for associated activities that are not sensitive to the effects generated from industrial activities. 	Support.	The provision of three types of industrial zone will provide flexibility to Councils, irrespective of their scale, to enable a wide range of Industrial activity with their districts, subject to minor wording changes to the Light Industrial zone Purpose Statement (refer page 44 DNPS and 3. below).	Adopt the proposed Industrial zones as part of the NPS.

ATLAS CONCRETE 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*.

DNPS Section	Text	Support/Oppose	Reasons	Decision Requested
District Plan Structure Standard				
	<ul style="list-style-type: none"> Heavy Industry zone – The purpose of the <i>Heavy industrial zone</i> is to provide primarily for industrial activities that may be incompatible with sensitive activities. 			
2.	List of Special purpose zones.	Support/Oppose.	<p>The recognition of Special Purpose zones and their provision in the NPS is supported. However, the omission of “Quarry zone” as a sub-set of Special Purpose zones is opposed.</p> <p>Quarries are commonplace activities in all regions, and virtually every district, throughout New Zealand. They are important resources which contribute to the economic and social wellbeing of people and communities and should be recognised and enabled in the NPS.</p>	Include reference to “Quarry zone” in the list of Special Purpose zones.

ATLAS CONCRETE 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*.

	DNPS Section	Text	Support/Oppose	Reasons	Decision Requested
	Zone Purpose Statements				
3.	Draft Area Specific Matters Standard	<p>Inclusion of three Industrial Support zones:</p> <ul style="list-style-type: none"> ▪ Light Industry zone – The purpose of the <i>Light industrial zone</i> is to provide primarily for a limited range of industrial activities that are more compatible with sensitive activities. ▪ Industrial zone – The purpose of the <i>Industrial zone</i> is to provide primarily for a range of industrial activities. It also provides for associated activities that are not sensitive to the effects generated from industrial activities. 	Support in part.	<p>The purpose statements are clear and provide flexibility for Councils to enable a wide range of industrial activities across all districts. However, the text of the Purpose Statement for the Light Industrial zone should be amended/clarified as follows:</p> <p><i>“The purpose of the <u>Light Industrial zone</u> is to provide for a limited range of industrial activities that are more compatible with <u>whose effects on sensitive activities can be managed sustainably</u>”.</i></p>	Adopt the proposed Industrial zone Purpose Statements as part of the NPS, subject to the amended wording proposed by the submitter (refer Reasons column herein).

ATLAS CONCRETE LIMITED: Submission on National Planning Standards

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DNPS Section	Text	Support/Oppose	Reasons	Decision Requested
Zone Purpose Statements				
	<ul style="list-style-type: none"> Heavy Industry zone – The purpose of the <i>Heavy industrial zone</i> is to provide primarily for industrial activities that may be incompatible with sensitive activities. 			
4.	The list of zones and purpose statements omit to provide quarries (pages 43 to 45).	Oppose.	Quarries are commonplace activities in all regions, and virtually every district, throughout New Zealand. They are important resources which contribute to the economic and social wellbeing of people and communities and should be recognised and enabled in the NPS.	Include “Quarry zone” in the list of proposed zones, together with the following Special Purpose statement: “ <u>The purpose of the Quarry zone is to enable the ongoing operation and future development of quarries and ancillary activities</u> ”.

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	DNPS Section	Text	Support/Oppose	Reasons	Decision Requested
	Table 29 Definitions				
5.	RMA – based Definitions	<p><i>Those definitions listed in Table 29 which adopt the same meaning as in Section 2 of the RMA and are relevant to Atlas interests, being:</i></p> <ul style="list-style-type: none"> ▪ <i>Amenity valuer.</i> ▪ <i>Best practicable option.</i> ▪ <i>Contaminant.</i> ▪ <i>Discharge.</i> ▪ <i>Dust.</i> ▪ <i>Earthworks.</i> ▪ <i>Fertiliser.</i> ▪ <i>Hazardous substance.</i> ▪ <i>Infrastructure.</i> ▪ <i>Land disturbance.</i> ▪ <i>Mining.</i> ▪ <i>Noise.</i> ▪ <i>Water.</i> 	Support.	It is legally and professionally tenable for the NPS to require Councils to rely on statutorily based definitions.	Adopt RMA – based definitions proposed in the Draft NPS.

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	DNPS Section	Text	Support/Oppose	Reasons	Decision Requested
	Table 29 Definitions				
6.	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>	Support.	<p>The term "site" is defined separately and includes, inter-alia, "e) an area of adjacent land comprised in two or more computer freehold registers where an activity is occurring".</p> <p>This recognises that larger scale industrial activities sometimes occur across a number of land parcels where historical subdivision has occurred.</p>	Adopt the draft term and definition, including the companion definition of "site" identified in the "Reasons" column herein.
7.	Bore	<p><i>a) Means any hole constructed into the ground that is used to:</i></p> <p><i>i) Investigate or monitor conditions below the ground surface; or</i></p> <p><i>ii) abstract liquid substances from the ground; or</i></p> <p><i>iii) discharge liquid substances into the ground; but</i></p>	Support.	The definition is clear.	Adopt the draft term and definition as part of the NPS.

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	DNPS Section	Text	Support/Oppose	Reasons	Decision Requested
	Table 29 Definitions				
		<i>b) It does not include test pits and soak holes.</i>			
8.	Dust	<i>Means all non-combusted particulate matter that is suspended in the air or, has settled after being airborne.</i> <i>Dust may be derived from materials including sand, cement, fertiliser, coal, soil, paint, ash, animal products or wood.</i>	Support.	The definition is clear.	Adopt the draft term and definition as part of the NPS.
9.	Earthworks	<i>Means any land disturbance that changes the existing ground contour or ground level.</i>	Support.	The definition is clear.	Adopt the draft term and definition as part of the NPS.
10.	Fertiliser	<i>a) Means any substance or biological compound that is:</i> <i>i) Applied to plants or soils, whether in solid or liquid form;</i>	Support.	The definition is clear.	Adopt the draft term and definition as part of the NPS.

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DNPS Section	Text	Support/Oppose	Reasons	Decision Requested	
Table 29 Definitions					
	<p><i>and</i></p> <p><i>ii) Supports or sustains the growth, productivity or quality of soils, plants or, indirectly, animals, but;</i></p> <p><i>b) Does not include livestock and human effluent, or pathogens.</i></p>				
11.	Industrial activity	<p><i>Means an activity for the primary purpose of:</i></p> <p><i>a) Manufacturing, fabricating, processing, packing, storing, maintaining, or repairing goods or:</i></p> <p><i>b) Research laboratories used for scientific, industrial or medical research; or</i></p> <p><i>c) Yard-based storage,</i></p>	Support.	<p>The definition is clear, but is not sufficiently broad to be fully inclusive. Add the following words (underlined) to clause a):</p> <p><i>"a) manufacturing, fabricating, processing, packing, storing maintaining, or repairing goods, <u>and other ancillary activities</u>".</i></p>	Adopt the draft term and definition as part of the NPS subject to the recommended addition of "other ancillary activities".

ATLAS CONCRETE LIMITED: Submission on National Planning Standards

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	DNPS Section	Text	Support/Oppose	Reasons	Decision Requested
	Table 29 Definitions				
		<i>distribution and logistics activities; or</i> <i>c) Any training facilities for any of the above activities.</i>			
12.	Land disturbance	<i>Means the alteration to land, including by moving, cutting, placing, filling or excavation of soil, cleanfill, earth or substrate land.</i>	Support.	The definition is clear.	Adopt the draft term and definition as part of the NPS.
13.	Quarry	<i>Means an area of land where the excavation, with or without the processing, of minerals and other solid natural substances occurs.</i>	Support in part.	The definition is clear, but needs to include the storage and deposition of excavated material, which is an integral component of quarry activities. Add the following words to the definition: "Means an area of land where the excavation, with or without the processing, of minerals and other solid natural substances occurs <u>and</u> <u>includes the storage and deposition of</u>	Adopt the draft term and definition as part of the NPS, subject to the additional underlined wording in the Reasons column herein.

ATLAS CONCRETE 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*.

	DNPS Section	Text	Support/Oppose	Reasons	Decision Requested
	Table 29 Definitions				
				<u>excavated material”.</u>	
14.	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.	The definition is clear.	Adopt the draft term and definition as part of the NPS.
15.	Rural industry	<i>Means an industrial activity where the principal function supports primary production or aquaculture activities.</i>	Support.	The definition is clear.	Adopt the draft term and definition as part of the NPS.
16.	Stormwater	<i>Means water from natural precipitation (including any contaminants it contains) that flows over land or structures</i>	Support.	The definition is clear.	Adopt the draft term and definition as part of the NPS.

ATLAS CONCRETE LIMITED: Submission on National Planning Standards

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	DNPS Section	Text	Support/Oppose	Reasons	Decision Requested
	Table 29 Definitions				
		<i>(including in a network), to a waterbody or the coastal marine area.</i>			
17.	Swale	<i>Means an area of land that has been shaped to allow a watercourse to form during stormwater collection.</i>	Support.	The definition is clear.	Adopt the draft term and definition as part of the NPS.



Te Runanga o Ngāti Ruanui Trust
Submission – Draft National Planning Standards



First of all, Te Rūnanga o Ngāti Ruanui Trust (Ngāti Ruanui) would like to thank the Ministry for the Environment for the opportunity to work productively together, and in providing an iwi perspective (on behalf of the Iwi Advisory Group) during the drafting of the National Planning Standards (NPS).

Our submission further strengthens the draft NPS to achieve the purpose of the Resource Management Act 1991 (RMA), and in particular, sections 6(e), 7(a) and 8. Moreover, to ensure that the regional and district councils (those exercising powers and functions under the RMA) give effect and provide for iwi environmental interests and values, and framework for participation. Our submission includes recommendations to strengthen linkages between structure standards, reference to international framework, and answers to consultation documents.

Consultation Document

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

Overall, Ngāti Ruanui supports the proposed package of planning standards. The succeeding sections of our submission refers to recommended changes, primarily to provide better linkage between structures, chapters and sections. We've also included information to clarify our stance. In our view, the recommended changes will not affect anticipated outcomes.

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

Tangata whenua environmental monitoring

Tangata whenua have been observing and interacting with their environment for centuries. Traditionally, tangata whenua believes that small shifts in the mauri (life force) of any part of the environment (through use or misuse) would cause shifts in the mauri of related components, which could eventually affect the whole system. For iwi and hapu, values and cultural perspectives help provide for resource management framework. These frameworks help tangata whenua articulate the way they interpret their existing environment, the issues they contend with, how they assess effects, how they measure change, and how they process information and arrive at decisions.

Tangata whenua environmental monitoring can therefore be used to assess cultural health as well as environmental change. We believe that the NPS should have effective and defensible systems and approaches in place for environmental and cultural assessment, methods for monitoring, interpreting, and reporting on cultural and environmental impacts, linked to tangata whenua values (matauranga māori).

We recommend that tangata whenua environmental monitoring approaches be developed to complement and contribute to mainstream state of the environment monitoring and reporting. This monitoring approach can be used to track changes in the way tangata whenua values the environment.



Resource consent conditions

Section 108 of the RMA provides that a resource consent can be granted on any condition, subject only to any express provision elsewhere in the RMA and any Regulations.¹ The RMA also has additional condition setting provisions that relate to land subdivision, discharges to air, land and water, water takes and reclamations in the coastal marine area. Moreover, key requirements for conditions are taken from the case law such as the Newbury case.² There may be merits in investigating future planning standards relating to resource consent conditions.

Consultation for resource consent applicants

Undertaking consultation with tangata whenua is important for councils to be able to fulfil particular obligations to tangata whenua under the RMA. The RMA contains specific requirements to undertake consultation with tangata whenua through iwi authorities as part of the plan development process. However, consultation to gain written approval of affected persons under section 95E of the RMA is governed by best practice approach.

The Environment Court has 'synthesised' a statement of principles for consultation from a number of court case decisions relating to resource consents and notices of requirement, and should be understood before embarking on any consultation process. However, court case decisions are not the first point of call to understand effective consultation. Therefore, we believe that there are merits to investigate future planning standards which refers to 'consultation (for resource consent applicants)'.

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

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

The purpose of the RMA is to promote the sustainable management of natural and **physical resources** [our emphasis]. Sustainable management means managing the use, development, and protection of natural and **physical resources** in a way, or at a rate, that enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—

- (a) sustaining the potential of natural and **physical resources** (excluding minerals) to meet the reasonably foreseeable needs of future generations;

Given the above, we recommend that topics referring to **physical resources** will benefit from a chapter structure standard. This would adequately reflect the purpose of the RMA.

¹Waitakere City Council v Estate Homes Ltd [2007] 2 NZLR 149 (SC).

²Newbury District Council v Secretary of State for the Environment: Newbury District Council v International Synthetic Rubber Co Ltd [1981] AC 578; [1980] 1 All ER 731 (HL).



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

In our view, major issues refer to limited partnership, lack of recognition and implementation of kaitiaki principles in resource management decision-making, and lack of understanding of cultural issues in regional and district plans. The main barriers includes: lack of recognition of rights and status of iwi and hapū as Treaty partners; lack of Treaty knowledge and provisions for the Treaty of Waitangi; process and timeframes do not take into account iwi/hapū consultation processes; lack of/difficult systems in place for allowing iwi/hapū participation; actions by local government that impinge on iwi/hapū rights (e.g., pro-development, deliberately ignoring iwi authorities as affected person); under-resourcing of iwi/hapū to effectively participate; lack of knowledge of Māori issues by local government; lack of Māori representation in local government; consultation undertaken as 'tick box' exercise with no intention to address cultural issues; and so on and so forth.

These barriers are solidified by studies made by scholars³ on District and Regional Council plans. According to studies plan quality (for 28 district councils) is generally poor, and most of the 28 district councils reviewed 'need to improve the way they identify Māori issues and incorporate these into plans'. They also showed most councils had difficulty understanding and implementing the main sections in the RMA, such as section 6e, 7, and 8 often providing a 'narrow treatment of iwi interests in plans'. Council plans lacked formal consultation guidelines, cultural monitoring methods and evaluation.

To address this, iwi and hapū have called for active participation as partners in the resource management decision-making process, promote and initiate processes that enables the effective exercise of partnership and kaitiakitanga. In our view, the tangata whenua structure standard would help address identified barriers and to meet RMA requirements for iwi authorities and tangata whenua input into RMA plans. However, we believe that including 'audit' provisions (undertaken by an independent party and approved by iwi authorities or by iwi authorities themselves) with the NPS is necessary to ensure that regional and district councils comply with the NPS and in particular tangata whenua standards.

Regional and district plans that detail environmental and cultural outcomes could be used as reference in determining the effectivity of objectives, policies and rules through the implementation of cultural monitoring (compliance on audit standards) in the future. At the moment, a system of balance and checks do not exist. There may be merits to investigate planning standards for compliance audits on RMA provisions particularly associated with tangata whenua's cultural well-being.

³Ericksen et al. (2001) and Jefferies et al. (2002)



Additional Comments: State of Environment Reports

What is not always clear to readers of the State of Environment Reports is how the monitoring methods employed by councils relate to the interests held by tangata whenua and other sectors within the community. By working closely with tangata whenua, councils could emphasise that monitoring is undertaken accurately, appropriately assesses the tangible and intangible characteristics of resources valued by tangata whenua. Increasingly, cultural monitoring is sought by tangata whenua to be incorporated with the State of Environment Reports.

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

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

In our view, there are some zones missing: Buffer Zone and Reverse Sensitivity Zone. These zones are discussed further in the succeeding sections of our submission.

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

The purpose statements refer specifically to the use of each zone without reference to 'sustainable management'. These words should be included.

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.

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?

Yes, Level 5 is appropriate. It should be more ambitious.

Q11: For councils: what type of support would be useful to help you implement the ePlan standard? Not applicable.

Q12: Does the mix of map colours and symbols function well for your plan(s)? Yes, as long as the colours used contrast each other.

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



Additional Comments: Participatory Mapping

We recommend the use of ‘participatory mapping’ to ensure that intrinsic cultural values and cultural landscape are included and preferences are translated into maps showing cultural hot spots⁴. ‘Participatory mapping’ has become an increasingly popular way to identify locations and, in this case, culturally valued by tangata whenua for better informing planners, policymakers and plan users.

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

Because the majority of information systems and planning databases presently used in New Zealand for resource management and land-use planning are deficient in tangata whenua value information (i.e. cultural, historic, spiritual) it can be argued that many of goals of the RMA are difficult to meet, or at best are only partially met through indirect processes. Iwi and hapū information systems linked with spatial planning tools, research agencies, and government departments would help integrate tangata whenua values to resource management and land-use planning processes and systems. In our view, the use of the spatial planning tools would help assist in addressing tangata whenua planning issues.

Q15: Should additional spatial planning tools be included?

Marine Spatial Tools

Marine Spatial tools could be used to address coastal management issues (priority issues) including monitoring results outlined in the State of the Environment report. There is a wide variety of material which can be included in marine spatial plans. This ranges from the identification of candidate marine protected areas in to full zoning (applied to the Great Barrier Reef Marine Park) with focus on integrated management and sustaining life-supporting capacity (ecological functions) of the marine area. It also emphasises the importance of people and communities to be able to use the marine resources for cultural, economic, recreational activities, and identifying areas which may be suitable for those activities.

A marine spatial plan might include: spatial identification of ecologically important marine areas (whale sanctuary, migration corridors) and connections between them; areas having different important ecological functions; spatial identification of different uses and values including cultural, social and economic; spatial identification of areas of conflict; strategies and tools to address conflicts; provision for use and development for mana whenua (identification of marine wahi tapu areas, location of resources of special value, identification of important sea routes including initial migration and tribal linkages, location of traditional waka moorings, location of traditional landmarks used for navigation, use of traditional marine place names, identification of resources of importance to contemporary iwi development).

⁴ Hot spots relate to the coincidence of numerous landscape features including tree lines, forests, cultural buildings and animal habitats are located in an area or in close proximity from each other.



Participatory Spatial Planning

Tangata whenua has a highly developed sense of place for which cultural areas with high capacity for intrinsic qualities like spirituality and inspiration could be identified. We believe that it is important to include 'participatory' spatial planning with the planning standards, where mana whenua and local community's awareness and familiarity are highly valued. Besides this, spatial understanding of the assets delivered by cultural landscape can help in prioritising areas for maintenance/restoration strategies while demonstrating the importance of conservation of culturally valued areas. Inclusion of 'participatory' approach considers rural dynamics where several actors and different processes which influence changes are included.

Cultural-Spatial Planning

To provide security and assurance that our cultural values, heritage and historical landscapes and other significant natural and physical resources are protected, we recommend that the NPS includes Cultural-Spatial Planning tools.

In our view, Cultural-Spatial Planning could establish amongst other things:

- Planning considerations which involves Papakāinga, areas of cultural interest, landscape, cultural practices and values and historical associations.
- Set-back requirements from culturally significant areas (Cultural Zone). For example, 1000 metres from statutory acknowledged areas.
- Consideration of cultural values-based frameworks. This type of framework identifies, organize, and describe key tangata whenua values as a basis for guiding and determining natural and physical resource management and can be used to set limits and standards connected to our values
- Consideration on cultural opportunities mapping and assessment. These are tools that provide a framework for incorporating cultural perspectives, values, and interests into freshwater management, contemporary resource management, and intergenerational planning.
- Application of Geographic information systems (GISs) in conjunction with Iwi Environmental Management Plan.

Cultural mapping

Cultural mapping has been recognised by United Nations Educational, Scientific and Cultural Organisation as a crucial tool and technique in preserving the world's intangible and tangible cultural assets. It encompasses a wide range of techniques and activities from community-based participatory data collection and management to sophisticated mapping using Geographic Information System. Many of the approaches being adopted are participatory and encourage tangata whenua to identify, record, and investigate cultural assets – both tangible or intangible and that form the foundations of the culture. Cultural mapping involves tangata whenua identifying and documenting local cultural resources.



Due to the limited archaeological investigation undertaken in most parts of fresh waterbodies (rivers and streams of significant cultural values) and surrounds (including the affected site) to date, further archaeological investigation is required. In our view, such investigation (alongside iwi cultural advisors) should include evidence of pre-historic māori settlements through archaeological excavation and their relationship with recorded horticultural pit and borrow sites. Such a study would help identify more site of value to tangata whenua and could be undertaken as part of the Cultural Mapping. This would provide tangata whenua, and decision-makers with more information needed to assess impacts of a proposal on unfounded and identified archaeological remains from a cultural perspective. We recommend that the MfE considers this approach with the mapping standards.

Q16: Do you agree with the level of prescription in the chapter form standard? Yes.

Q17: Would the acronym and alphanumeric code approach work well for your plans? Yes.

Q18: Are these drafting principles suitable for definitions? Should they be changed or expanded?
They should be expanded. Refer to our comments on Part 2C - Definitions.

Q19: What other definitions should be standardised in future sets of planning standards? Refer to
Refer to our comments on Part 2C - Definitions.

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

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

Q22: How will these implementation timeframes affect your council? Not applicable

Q23: What sort of guidance and support would be useful to plan users and councils? What guidance should we prioritise? Refer to our comments on succeeding sections of our submission.

Q24: Should MfE target its implementation support to smaller councils with fewer resources? Yes.



Draft National Planning Standards

Draft national planning standards overview

There are 18 draft NPS relevant to the various resource management policy statements and plans in New Zealand. Table 2 of the draft NPS sets out which standard is relevant to each type of policy statement and plan.

We recommend that Strategic Direction (S-SD) be included with the Chapter standards for Regional Policy Statements, regional Plans and Combined Plans in Table 2 to ensure consistency with the Part/chapter structure standards set out in Table 1.

Combined Plan Structure Standard includes the South Taranaki District Council (STDC). Six of the territorial authorities (Gisborne, Marlborough, Nelson, Tasman and Chatham Islands) and Auckland Council, sometimes referred to as unitary authorities, - combine the functions of regional councils and territorial authorities. STDC is not one of them.

S-RPS: Draft Regional Policy Statement Structure Standard

S-RP: Draft Regional Plan Structure Standard

Part 4 – Themes: Landscape, landforms and natural character

Ngāti Ruanui has expressed unease about inappropriate landscape modification particularly in relation to both 'special' landscapes (e.g. coastal, cultural and historic) and landscapes which may appear 'ordinary' yet have great significance to our hapu and whanau. This is epitomised by the signing of the European Landscape Convention in 2000, which suggests that there may be shortcomings in the identification of landscapes' cultural significance, and that better attention should be paid to how to sustain landscape's contribution to cultural identity and diversity.

In New Zealand, case law determines criteria for assessing landscapes: natural science factors (ecological, geological); aesthetic values (undeveloped coastline), transient values, historical associations, values to tangata whenua and whether the values are shared and recognised (refer to Wakatipu Environmental Society v Queenstown Lakes District Council C89/2005).

We note that what is perceived to be of value will depend on the particular interest of the discipline: an ecological artefact, material culture, visual resource, a metaphor, an artistic depiction, ideology, and agent of power relations, to name a few key themes. Assessments by landscape architects, for example, are strongly influenced by design and picturesque principles.



We suggest that to adequately reflect landscape's cultural contribution requires decision-makers (including plan-users) to understand the nature and range of values that may be present in a given landscape, how these are spatially spread, how they interact and how new development would need to be designed to support and enhance such values. For further comments relating to Cultural Landscape, refer to Part 2C – Definitions.

We recommend that the NPS define landscape, determine criteria for assessing cultural landscape (cultural values model – physical form, landscape as a whole most referred to as vista, places within the landscape, networks such as tracks, traditional and contemporary practices, past practices, natural processes, past events, relationships, feelings, rootedness, and stories).

S-DP: Draft District Plan Structure Standard

Part 2 – Tangata Whenua

We note that linkage between Part 2 and the rest of the standards is not clearly evident. To address this, we recommend:

That the instructions' column include **Local authorities must implement the Tangata Whenua Standard with the Strategic Direction Standards (S-SD) and the District Wide Matters Standards (S-DWM).**

Part 4 – District Wide Matters

Tangata whenua plays a unique part in the indigenous culture of New Zealand. We provide a different world-view, a different set of perspectives often lacking at local and central government level, and the community at large. We have a distinct set of customs and values (referred to as tikanga), different set of issues often based on cultural perspectives, beliefs and assumptions, and whakapapa (ancestral linkage). Hence, we consider ourselves distinct from the community or stakeholders. We recommend the following changes which refers to this distinction and our kaitiaki responsibilities:

The Community values chapter be amended to include '**Tangata whenua and community values**'.

The section column of the Community values chapter includes the word '**Taonga**'.

The section column of the Natural environmental values includes the word the words '**Mauri/Intrinsic Assets**'.



Part 5 – Area-Specific Matters

Generally, we support all the zones listed in Part 5 – Area Specific Matters. However, we recommend additional zones to be included with the NPS. Refer to reverse sensitivity discussion under the Infrastructure and Energy chapter (S-IE) for further comments.

That **Buffer and Reverse Sensitivity Zones** be included between sensitive and intensive activities/infrastructure.

S-TW: Draft Tangata Whenua Structure Standard

Mandatory Directions

Recognition of iwi/hapu chapter

We recommend the following changes to the Recognition of iwi/hapu chapter of the NPS:

That areas of significance to tangata whenua be included.

That a list of taonga species be included.

That the role of mana whenua in resource management (assessment of cultural impact, monitoring, etc be included) be included. This will adequately link with the Strategic Direction Standard/chapter which states:

“-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 through the plan.”

Tangata whenua local authority relationships chapter

We recommend the following changes:

That the words **“How the relationship will be applied in resource management context”** be included with the Tangata whenua local authority relationships chapter.



Consultation chapter

In our view, the statement '*Reference to how the consultation processes are given effect to*' will ensure that 'intrinsic' matters raised by tangata whenua through the consultation process and in the Cultural Impact Assessment will be actioned by local authorities.

S-SD: Draft Strategic Direction Structure Standard

Strategic Direction chapter

Sections 30 and 31 of the RMA requires every regional and district councils respectively to establish, implement, and review objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region and district.

Integrated management (IM) provides firstly, a suitable framework for identifying and resolving complex resource problems such as biodiversity or estuary protection, which may escape detection in non-integrated management approaches. Second, it helps management agencies with limited resources perform their functions efficiently and effectively. IM does this by coordinating the actions of multiple management agencies, removing redundancies, consolidating information, improving communication, and promoting a 'holistic' understanding of the environment. Third, IM can reduce the time and cost associated with RMA implementation.

The RMA does not define IM but it does provide for it in several ways: (1) as part of the vision (reflected in the definitions, purpose, principles sections; (2) as a framework for implementation by local authorities; and (3) by providing mechanisms to assist with integrated planning, implementation and monitoring. Besides this, there are many definitions of IM in the literature. The MfE commissioned a paper to review the literature and subsequently synthesized the following working definition:

an approach to environmental management which requires recognition of the linkages between different parts of the environment, and adopts a range of tools to identify and manage environmental effects across these different parts, and to ensure co-ordination across institutional barriers such as agency boundaries.⁵

We recommend that the NPS (Strategic Direction chapter) includes the definition of IM, operationalise its concept (including identifying barriers and drivers), and how integration may look like in regulatory and non-regulatory areas.

⁵Ministry for the Environment, 'Integrated Environmental Management', Draft, KPMG, 6 December, 1996.



It is important to emphasise that, where environmental effects cross the boundaries of local authorities (within the RMA jurisdiction) and over to the adjoining Exclusive Economic Zone (EEZ) or vice versa, integrated management also applies. In this case, the RMA consenting process should be triggered where effects of activities within the EEZ crosses over the adjoining Coastal Marine Area and vice versa. The interpretation of IM has been one of the points of contention with respect to the Trans-Tasman Resources Ltd's seabed mining consent within the South Taranaki Bight. We recommend that the NPS should address this 'controversial' issue.

S-DWM: Draft District Wide Matters Standard

Natural Environment Values (S-NEV)

S-NEV refers to matters that must be located in the Landscape, landforms and natural character section. We recommend the following changes:

That the word '**Landscape**' should be defined (Refer to previous discussion on Landscape and Cultural Landscape).

That a **Mauri values** section be included in order to provide linkage with Part 2 - Tangata whenua.

Community Values chapter (S-CV)

We recommend the following changes:

That the title of this chapter be changed to '**Tangata whenua and Community Values**'. (Refer to discussion on Part 4 – District Wide Matters)

That the sites of significance to tangata whenua section should be defined to include statutory acknowledged areas, taonga, etc (referred to in Part 2 – Tangata whenua values).

That the explanation on how iwi is engaged should include cultural monitoring, research, to name a few.

That Cultural Landscape should be linked with Part 4 – Themes: Landscape, landforms and natural character and definition section.



Infrastructure and Energy Chapter (S-IE)

We recommend the following changes:

That 23c and 25 include the emphasised words:

'23 c. provisions to manage reverse sensitivity effects between infrastructure and other activities and effects on future permitted activities restricted by granting consent to such infrastructure.'

*'25 The Infrastructure and Energy chapter must refer to **Spatial Plans** and any relevant applied Special Purpose Zone (e.g. Airport zone, Port Zone, Hydro-electricity Generation Zone, **Cultural Zone**).'*

That this chapter includes reference to renewable energy.

Other comments: Reverse Sensitivity

Reverse sensitivity applies to situations where a potentially incompatible land use is proposed to be sited next to an existing land use. Where this occurs within a rural area, for instance, it is reasonable to expect that existing rural activities will be able to continue to operate within the environmental limits provided for in the district plan. Current concerns largely revolve around cross-boundary effects: noise, agricultural use, odour, return stack heaters, glare or lighting, and visual effects.

The New Zealand Transport Agency (NZTA) has collated information about reverse sensitivity rules within operative district plans. Figure 1 shows that there are variations in terms of reverse sensitivity controls applied by different councils. Overall, majority of the councils do not have reverse sensitivity controls (red shaded area). As mentioned earlier, reverse sensitivity should not focus solely on protecting existing lawfully established activities but should also ensure that such activities must not pose any restrictions on permitted activities (do not require resource consent).

In our view, the inclusion of reverse sensitivity controls (i.e. reverse sensitivity zone, buffer zone) with the NPS would address this matter.

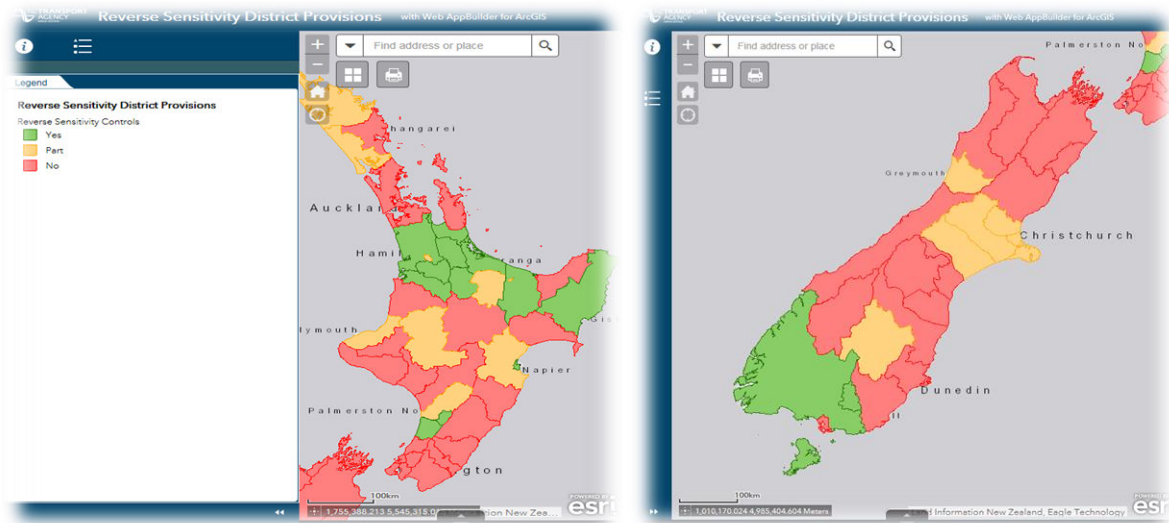


Figure 1: Map showing Reverse sensitivity buffer and effects areas in the north island and part of the South Island of New Zealand. Source: <https://www.nzta.govt.nz/roads-and-rail/highways-information-portal/technical-disciplines/noise-and-vibration/planning/reverse-sensitivity-plan-provisions/>

General District-Wide matters chapter (S-GDW)

Temporary activities section

We recommend the following changes:

That 30b be included with the Temporary activities section:
30 b. objectives, policies and methods, including rules which avoids, remedy or mitigates effects on receiving environment.

Earthworks section

We recommend the following changes to address effects on Areas of significance to tangata whenua:

That 33b be included with the Earthworks section:
33 b. objectives, policies and methods, including rules are linked to Part 4, particularly heritage and cultural matters.



S-ASM: Draft Area Specific Matters Standard

Zone chapters (S-ZONES)

We recommend to include the following:

That 7d be included with the Zones chapter:

7 d. are significant to mana whenua values, in accordance with Part 2 – Tangata whenua and the Treaty of Waitangi principles.

That the Discretionary direction include the words ‘sustainable management’ with the purpose statement for each zone.

That the purpose statement of the Maori Cultural Zone includes the emphasised words:

*‘The purposes of the Māori cultural zone are **to protect the cultural significance of the area and taonga** and to enable a range of activities which specifically meet Māori cultural needs including but not limited to residential and commercial activities.’*

F-5: Draft Chapter Form Standard

We recommend the following changes to the Mandatory directions – Monitoring:

That the emphasised words be included:

*14 Local authorities must consider ~~whether~~ monitoring needs to be provided for in any chapter or section **including iwi participation on cultural monitoring.***

CM-1: Draft Definitions standard

We recommend the following changes:

That Table 29: Definitions table should include and define the terms referred to Part 2C – Definitions.

That the definition of reverse sensitivity be changed to include the emphasised words:

*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, **without compromising or restricting the establishment of activities permitted as of right.***



Part 2B – Spatial Planning Tools and Zone Framework Standards

In our view, Figure 3 (showing seven zone frameworks included in Discussion Paper C) does not adequately reflect how applicable zones are linked with other zones, particularly if they adjoin each other and when effects or activities cross multiple zones. We recommend that this be amended accordingly.

7 Summary of the issues analysis

We support the addition of Maori cultural zone. However, it is important that the purpose statement adequately reflect its intent. Refer to the recommendations under the Zone chapters (S-ZONES).

We agree with Option 1c, subject to the following recommended changes:

That Figure 4 (shows the zone framework following consultation) be amended to include buffer zones in between sensitive zones and zones that cater for intensive activities and infrastructures.

That the reverse sensitivity zone be included with the special purpose zone.

That buffer zones be applied along the margins of Development areas and areas between adjoining sensitive and intensive activities.

Part 2C – Definitions

8 Amendments to the standard as a result of consultation

We support the revised drafting principles. The recommended terms (refer to the succeeding sections) are consistent with the definitions criteria and principles.

10.4 Infrastructure-related terms

Although Cultural Landscape and Tangata whenua Cultural Zone (defined through the proposed 'Purpose Statement') are not infrastructure related terms, it is important to note that these terms are triggered by infrastructure and related works. Hence, the rationale to include them.



12 Options assessed

We prefer a combination of options 2 (controversial terms) and 3 (criteria-based approach). In our view, applying ‘controversial term’ as one of the criteria will ensure that terms often debated on and eliminate time-consuming debates and future challenges.

Table A1: Assessment against criteria for inclusion of the term in the definition standard

Overall, we support the inclusion of all the te reo terms included in Table A1. However, we recommend that the following terms be included with Table A1.

Cultural Landscape

Cultural landscapes are generally large areas with layers of interrelated values and features, and can have many connected communities. They may include individual places, linear elements (ancestral tracks) and areas. The setting or curtilage of these landscapes is of particular importance. The RMA does not explicitly refer to cultural landscape. Instead, reference to ‘wider historical and cultural area’ as criteria for inclusion on the New Zealand Heritage List/Rārangi Kōrero is used. We believe that this term is within the scope of the RMA and should be included with the planning standards.

Minor earthworks

Some district plans provide for minor earthworks as a Permitted Activity, and majority of earthworks that don’t comply with the Permitted Activity conditions as Discretionary Activity (Restricted). This approach provides a balance between allowing people to undertake minor earthworks while controlling adverse effects of earthworks, including stability.

Although earthworks are defined (through the NES) or linked with other definitions, the meaning of minor earthworks need to be standardised to ensure consistent interpretation. In our view, minor earthworks trigger Criteria 1, 2, 3, and 5, hence, recommend its inclusion with the NPS.

Precautionary Approach

Table A1 shows that precautionary approach only triggered criteria 2 and therefore not included in the definition standard. We disagree. Significant matters concerning implementation of Policy 3 of the New Zealand Coastal Policy Statement 2010 include the application of precautionary approach. Besides this, the relevance of the precautionary approach is highlighted in case law: the Tasman District Council [Environment Court 47/1112]⁶, Wratten v Tasman District Council⁷, and Jackson Bay Mussels Ltd v West Coast Regional Council⁸.

⁶ <http://www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZEnvC/2011/47.html?query=tasman>

⁷ [http://www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZEnvC/1998/65.html?query=title\(Wratten%20and%20Tasman%20District%20Council%20\)](http://www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZEnvC/1998/65.html?query=title(Wratten%20and%20Tasman%20District%20Council%20))

⁸ <http://www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZEnvC/2004/198.html?query=jackson%20bay>



Table A2.1: Explanation of terms included in the planning standards

Reverse Sensitivity

We argue that reverse sensitivity should not focus solely on protecting existing lawfully established activities. Practically, such activities should not pose any restrictions on permitted activities (do not require resource consent). We recommend that the definition of reverse sensitivity reflects this.

Part 2F – Tangata whenua provisions

Tangata whenua has a long record of co-habitation with the New Zealand environment over the past 1000 years, and has comprehensive knowledge of cultural heritage, the ecosystems, and how to sustain them. Therefore, offer a unique indigenous perspective for planning, policy, decision-making and other resource management perspectives.

A number of sections in the Resource Management Act 1991 (RMA) make specific reference to the need to recognise and include tangata whenua issues, interests and values. Hence, providing the basis for consultation, collaboration, participation, the development of iwi management plans, development and implementation of appropriate planning tools, and processes and systems for resource consent applications, planning and policy.

The tangata whenua provisions refer to national guidance documents: Quality Planning website, and Wellington International Airport Ltd vs Air NZ [1991] case law. We recommend that international guidance documents be referred to under this provision. This is discussed below.

International Guidance Document

Indigenous rights have become a significant field in international law, culminating in the adoption by the United Nations' General Assembly of the United Nations Declaration on the Rights of Indigenous Peoples in 2007. In particular, article 3 provides for indigenous people's right to self-determination (freely determine their political status and freely pursue their economic, social and cultural development). Consulting and cooperating in good faith with indigenous people (through their representative institutions) in order to obtain their Free Prior and Informed Consent (FPIC), prior to the approval of any project within their traditional lands and territories are outlined in articles 19 and 32. In addition, articles 18 and 31 affirm tangata whenua's rights to participate in decision-making, and to maintain, control, protect and develop traditional knowledge and cultural expressions.

The United Nations' Expert Mechanism on the Rights of Indigenous People defines FPIC as a State duty that 'entitles indigenous people to effectively determine the outcome of decision-making that affects them, not merely a right to be involved in the process'.



Professor James Anaya, former United Nation’s Special Rapporteur on the Rights of Indigenous Peoples, in a series of reports, has stressed the need to focus on establishing a consultation process that will result in indigenous peoples’ full engagement, active contribution to prior assessment of all potential impacts (affected substantive rights and interests) of a proposed activity.

The RMA incorporates a number of tikanga Māori concepts and provides for council to have particular regard for kaitiakitanga and the principles of the Treaty. It also declares the relationship of Māori, and their culture and traditions, with their ancestral lands, water, sites, wāhi tapu and other taonga to be a matter of national importance.

As many of the Articles in the Declaration intersect with the principles of the Treaty of Waitangi (as interpreted by the Waitangi Tribunal and New Zealand Courts), there is considerable scope for the Declaration to be used to support, clarify, and promote understanding of the human rights dimensions of the Treaty and therefore, the RMA. Similarly, the Treaty of Waitangi affirms particular rights and responsibilities for tangata whenua to protect and preserve their lands, forests, waters and taonga for future generations.

We recommend the inclusion of International Guidance documents particularly the United Nations Declaration on the Rights of Indigenous Peoples.



New Zealand
Planning Institute[®]
Te Kokiringa Taumata

Submission: Draft National Planning Standards

Prepared by New Zealand Planning Institute (NZPI)

17th August 2018

Summary

NZPI makes this submission about Draft National Planning Standards (NPSs). Background to the submission is contained in the next section (Overview and Introduction). This is followed by a section outlining process issues identified in the preparation of NPSs. The final section reports the main results and findings of an NZPI administered survey of members which explored attitudes to each of the 18 draft NPSs as well as soliciting detailed comments and suggestions. The appendix reports quantitative survey data. We wish to be heard in support of this submission.

1. Overview and Introduction.

NZPI's members are generally at the coal-face of RMA plan implementation – from policy writing, to resource consent processing – and are keenly aware of the implications and possible outcomes of changes to the plan making system in their area of New Zealand and to their work practices. Some of these reflections and responses will have found their way into the submissions of the organisations they work for – Councils and Planning Consultancies for example – but many will not.

While we find that members generally support the Draft NPSs many have specific and important concerns about their implementation and our submission is provided to assist in ensuring these documents are functional, without ambiguity and serve their purpose to the wide community of users.

2. Process Issues with Draft National Planning Standards

NZPI has considered the submission prepared by the Resource Management Law Association. NZPI considers their submissions on process and implementation raise a number of significant matters which need attention.

These are summarized in the following bullet points:

- The District Plan framework is generally appropriate for smaller/ rural councils that don't have overly complex or large urban environments. It is however overly simplistic for the larger metro Councils (Auckland, Wellington, Christchurch, and maybe Dunedin, Tauranga, Hamilton) or complex and litigious areas (Queenstown). Most of these Councils have recently completed District Plan Reviews. NZPI submits that the timeframe for implementation for these councils should be pushed out to 10 years or the next City plan review more thought given to enabling further zones. In any case it would be good to confirm if the 5 and 7 year timeframes are for notification rather than operative plans as that has a significant implication for timetabling plan reviews.
- Having to set out how all the higher order plans are given effect to will be really laborious and bulky – under s32 the plan has to do this anyway so question the need for the lengthy cross-references which seem more like something that should be in the s32 than a concise user-friendly district plan.
- Clarification is needed where a district plan is being reviewed and is adopting definitions, yet the relevant RPS has yet to be reviewed and has different definitions i.e. does the district plan give effect to the RPS or should it be consistent with the mandatory adoption of definitions.
- The NPSs makes rolling reviews of district plans really challenging – is there a need for a RMA amendment to remove the ability for rolling reviews?
- Clarification is needed that within the proposed 5 or 7 year implementation timeframe small private or council initiated plan changes don't have to use the proposed definitions but instead can rely on whatever the definitions are in the operative plan.

In addition to the RMLA points above NZPI submits:

- The language of any and all NPSs should and must reflect the language used in the Resource Management Act. Without that consistency, there is too much ambiguity and risk of challenge which would undermine the effectiveness of the NPSs.
- The matters for consideration within any given standard must reflect the statutory functions relevant, and not introduce matters that are not relevant – especially within district plans (section 31 functions) and regional plans (section 30 functions).

3. Member Survey on Draft National Planning Standards

NZPI has conducted a representative survey of its members to measure attitudes to, and to collect open-ended feedback on, the Draft National Planning Standards. 59% of the sample responding are planners or policy analysts – most of them senior (63% have more than 10 years experience as a planner). 41% work in the private sector and the balance in the public sector.

Quantitative Feedback

The overall survey results indicate broad agreement with the Draft NPSs by NZPI's membership on average, but with some polarization. For example, while 43% of respondents agreed or strongly with the statement that the NPSs "will improve planning practices where I work", 26% disagreed or strongly disagreed. This response pattern is evident for most of the survey questions (see Appendix 1).

The key issues that are highlighted in this part of the survey are:

- 97% of respondents agree or strongly agree with the statement "Council RMA plans should be accessible over internet".
- 50% of respondents disagree, strongly disagree, or are neutral about the statement "The proposed Plan Definition Standards are appropriate".
- 43% of respondents disagree, strongly disagree, or are neutral about the statement "The proposed "C-1" Standard is appropriate".

While these statistics are of some interest, the most important and significant responses are those contained in the detailed feedback members have provided.

Qualitative Feedback and Substantive Submission Points

Members have provided 321 separate items of open-ended qualitative feedback to the questions asked in this survey. NZPI submits that this feedback – coming from members familiar with the practice of applying RMA plan provisions on the ground - raises important matters that need to be considered at this drafting stage. NZPI presents this information here, in bullet point form, by NPS.

S-RPS: Draft Regional Policy Statement Structure Standard

- Assumptions ignore the needs of unitary combined plans and the redundancies resulting in the plans hierarchy. MFE has ignored the five unitary authorities attempts to show how practice has responded to these redundancies and the links with other plan content.
- Needs a chapter for urban growth and infrastructure

S-RP: Draft Regional Plan Structure Standard

- While it is considered appropriate to include chapters in regional and district planning documents on a theme basis (e.g. historic heritage, infrastructure and energy, water), there is a need to ensure that the national planning standard does not unintentionally compartmentalise the management of natural and physical resources in planning

documents. In this regard, it would be unfortunate for provisions regarding the use and management of physical resources to be separated from provisions relating to the management of natural resources – particularly given the objective for integrated management. For example, there is often a link between the management of infrastructure and energy and water / coastal environment. The requirement for provisions regarding the management of infrastructure and energy matters to be included in an infrastructure and energy chapter, and provisions regarding the management of water and the coastal environment in another chapter has the potential to perpetuate issues of conflict between provisions. Theme based chapters in regional and district planning documents are acceptable, but the national planning standard also needs sufficient flexibility to acknowledge that matters relating to certain topics may appear in multiple chapters in plans. This may not be precluded by the draft standard, but it's not clearly endorsed either.

S-DP: Draft District Plan Structure Standard

- Options such as "Precinct" and "Development Area" are too urban in their application and clearly focused on urban outcomes and urban growth. Overlays and development plans also apply in rural environments, but are not "transitional" in that they are intended to remain in situ for the life of the development. Precinct is an urban term and inappropriate for bespoke rural zones. The default is to use Special Purpose Zoning.

S-IGP: Draft Introduction and General Provisions Standard

- Some of the requirements are ok, however some are overly onerous and add little value: Update Tables: The update tables (7, 8 and 9) will become very long and unwieldy over time. Preference is that this is not mandatory. However, if it is to remain it is suggested that this information is located in a schedule or appendix so as not to clutter the introduction section. How the Policy Statement/Plan Works Chapter (S-HPW) - 'Legal effects of rules' section: This will simply repeat what is stated in the RMA, which has little value and is unlikely to be useful to the public using the Plan. Furthermore, once a District Plan is fully operative, it becomes obsolete.

S-TW: Draft Tangata Whenua Structure Standard

- Iwi groups will want local variation rather than a nationally consistent standard.
- S-TW may restrict how much autonomy local communities and tangata whenua have to address these values.
- As long as this is not the only place where tangata whenua/mana whenua issues can be included in the planning documents as these issues are interwoven throughout most planning documents.
- This is another attempt to regulate for best practice. Different iwi have different priorities and capacity and getting prescriptive about how a District plan should detail how tangata whenua related resource management issues may have the unintended consequence of limiting innovation. The RMA already requires Council's to address Resource Management relevant to Tangata Whenua. Mana whakahono a rohe would provide a more robust framework to flesh out tangata whenua requirements and then determine what an

appropriate response might be for policy or plan development. There are very few Maori planners in the planning profession, so there is potential benefit in having some guidance available for Councils to be able to develop RMA policy or plan frameworks that achieve the requirements of 6(e), 7 and 8 of the RMA.

- This structure does not provide for other more inclusive ways of managing Tangata Whenua values within plans. Generally the plans have one Iwi section which is located at the front of plans but in practice these sections are rarely used. The Southland Councils have a very good relationship with Iwi and are looking to incorporate the Iwi Management Plan into a combined RMA plan for Southland. The driver for this is going a step beyond the RMA requirements of "having regard to" and we are looking to "implement" the management plan within the combined plan framework which would have objectives, policies and rules relating to Iwi values woven through the entire document. The draft structure standards does not provide sufficient flexibility to achieve this desired outcome.

S-DWM: Draft District Wide Matters Standard

- The following Directions have been identified as being problematic:
 - Direction 7: This direction relates to the district-wide section on landscape, landforms and natural character. Clause (b) refers to objectives, policies, methods and rules "that will ensure the life supporting capacity of these systems are safeguarded". Safeguarding the life-supporting capacity of air, water, soil, and ecosystems is a s5 RMA matter, but it's not clear how it relates to landscape and natural character elements under direction 7 (may be more relevant to the ecosystem and indigenous biodiversity section under direction 9) Additionally – the RMA does not refer to "landforms" NZPI submits that the language of the RMA should be used. Suggest deletion of direction 7(b).
 - Directions 21 to 25: General support for the directions on Infrastructure and Energy chapter. Direction 24 usefully references the Noise and Vibration Metrics Standard CM-2 (see comment below). Direction 25 leaves the door open for a Special Purpose Zone to be applied to electricity generation (see comment below on Standard S-ASM).
 - Direction 21: The use of "to the extent relevant" duplicates the direction provided in the NPS's and is not required here. Suggest deletion of those words.
 - Direction 23: Needs to be recognition that these activities occur in various zones, and those zones also need to have policy recognise and provide for infrastructure and energy activities.
- Zone choice may be a bit limited i.e. only 4 residential zones – can you have more and if not will plans end up with a proliferation of precincts to get around the limitation. Plus 'medium density' in Auckland means very different things to Selwyn – both want to have a range of zones but in Selwyn you're going from low density at 5,000m² to medium density at 450m².
- No rural residential zone – seems to jump from 4ha to suburban with no option between. Appreciate you can't tick all boxes but a lot of rural/ smaller districts do have residential zones around the 0.5-1ha range. Likewise no Large format retail zone and no rural industrial zone for things like freezing works, dairy factories, timber mills etc. These zones are common across district plans and if not included will just result in a lot of precincts or overlays as a work-around tool.

S-ASM: Draft Area Specific Matters Standard

- S-ASM will remove the local community's ability to choose zone names that reflect their community's desires. Potentially reduces community ownership of their own Plan. Some aspects such as this have developed over decades and have strong associational value for the local communities concerned. Need to acknowledge who the Plan is for - the local community. Using the same zone names will infer the zone with the same name in another District is the same, but actually could be significantly different as the content of the provisions won't be the same. Therefore, there is no value in implying similarity at all - in fact, it's false. Plan users simply won't be comparing apples with apples. A minor point - the list does not provide a suitable zone option for low-key coastal bach settlements. Delete this standard altogether, other than in terms of locating zone provisions consistently in Plans.
- NZPI strongly opposes this standard because there cannot be a one-size fits all approach to stipulating a set number and types of zones for all districts across the country. The 27 zones are insufficient to match what exists, so it is best to avoid interfering with this at a national level. Particularly in the case of Auckland, where we have just been through the arduous Unitary Plan process and done the long-term planning for neighbourhood change or preservation. By trying to adapt to what is proposed in the S-ASM, it could effectively up-zone areas and lead to a hugely litigious and costly process for everyone. Zoning of land does not just have implications for surface-use but also underground municipal infrastructure so the suggested standardising would create enormous problems in this regard too. This proposal is a "square-peg, round-hole" situation and must be abandoned.
- Need to ensure that any unique district character can be incorporated into document, for example, lakes and geothermal features (and associated rules, assessment criteria etc) need to be in the Bay of Plenty and Waikato documents. Consider that Councils should be able to choose their own colour coding etc. for their plans this level of detail from central government seems onerous.
- Options such as "Precinct" and "Development Area" are too urban in their application and clearly focused on urban outcomes and urban growth. Overlays and development plans also apply in rural environments, but are not "transitional" in that they are intended to remain in situ for the life of the development. Precinct is an urban term and inappropriate for bespoke rural zones. The default is to use Special Purpose Zoning.
- Zone descriptions only work for cities, ie what is a suburban vs. an urban area in a provincial town. the rural zone and rural production zone appear to be similar and the rural settlement zone appears to be an 'urban area' such as a small village or town (having this under a single zoning for a mix of residential and commercial uses will not work in many places) the commercial zone provisions do not recognize the need for zones which are restrictive for some commercial activities eg. some types of retail in outer commercial areas, suggest an outer business or fringe business zoning is needed for commercial activity areas which are on the fringe.

S-SAM: Draft Schedules, Appendices and Maps Standard

- 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. 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 how well defined a faultband may be, in line with best practice standards from GNS. Using a set line does not allow for the nature of faultlines to be accurately mapped. 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.

- Whilst no in-principle objection is raised to the creation of specific standards for schedules as outlined in Table 17, concern is raised that the retrospective completion of schedules in this fashion would involve significant levels of work. A review of Council documents regarding the identification of areas of significant ecological value, indicated that few existing schedules fully identify the list of properties covered by this overlay outside urban areas (i.e. identification is often based on a map in rural areas), provided a full description of the values of the site or referred to the source material used in identification. Auckland Council has some 6,000 sites of identified ecological significance alone, which provides an indication of the scale of effort involved. Clarification as to what is precisely the minimum information requirements is needed. For example, is identification of the selection criteria met from the regional policy statement sufficient or is a more detailed description needed? Concern is raised that the effort needed to retrospectively adjust schedules to comply with the new requirements, would not justify the cost of making changes.
- The columns in this table are too limiting and the information needs to be unique to the schedule it is representing. For example, in a heritage schedule, Councils would need to add the HNZ category, and perhaps a description of the building and maybe a District Plan Category to cross reference to the rules. For SNAs, the significance ranking is the primary reason for listing them e.g.: is it international, national, regional or local? Also the protection status of the SNA is crucial. Despite the move to E-Plans, a map number is also useful in these tables. Further above – the designations conditions schedule cannot follow the format proposed in Table 17.
- Appendix: The requirement to only include technical and/or descriptive specifications required to be complied with to meet a rule requirement means that voluntary guidelines cannot be included. Is it the intention of the Standard to remove the ability for Councils to add guidance colour charts for heritage buildings and landscapes, design guidelines for towns and precincts, guidelines for property design to improve driveway safety etc? strongly submit that this flexibility should be maintained as these guidelines greatly assist plan users.

F-1: Draft Electronic Accessibility and Functionality Standard

NZPI notes the very strong level of support among its membership for the concept of E-Plans, but notes that this is tempered by a very high level of concern over actual implementation – particularly in small councils – and this relates primarily to cost, but also to the interactivity standard which is at risk of requiring E-Plans which are too based on paper based plans, and may not deliver the functionality that modern E-Plan systems are capable of. NZPI submits that MfE needs to take

responsibility for the identification of a suitable software/systems platform and of managing and meeting the conversion costs for the establishment of a base E-Plan system for Councils without the capacity to do it themselves internally. Specific member responses:

- Councils are unlikely to have the resources to cope with this requirement so central government should be provide additional resourcing to enable this to occur.
- There needs to be help for smaller Councils without the manpower to easily form functional policy statements, plans and maps, to be able to have a platform that doesn't cost the Council / ratepayers too much to implement.
- This standard is way too basic and could have been the driver for improved digital systems as e-plans and e-planning data systems. The limited requirements are negated by freezing print structure in other standards as the assumed solution to national consistency and its unstated problems (accessibility and understanding).
- MfE should provide a national platform if it wants consistency of electronic accessibility.
- This is very costly on small councils. I think it would be better lead centrally with a greater range of data. There are a number of different data sources held centrally eg lidar, earthquake risk, climate, linz data, etc that could be spatially displayed which would provide a one point for property/spatial data across the country.
- The electronic standard should focus on open source eBook formats (ePub) or HTML which are much easier to read and access than PDFs. The real issue with electronic access is that all relevant documents are scattered across a variety of websites and web pages. For example the RMA, district plans, regional plans, regional policy statements, NESs, NPSs, GIS, maps, codes of practice, bylaws, information about resource consents, fees, development contributions etc are all found in different locations.
- In principle I agree that plans should be electronic and accessible. It is just a shame that MFE are not willing to do the work to roll out an electronic system if it is to be standardised across the country. Instead all individual TAs will have to do the same work at considerable expense
- Table 18 (7): In respect of the requirement to provide a 'note' within any district plan rule (and hyperlink to relevant plan) that clarifies an activity may also require consent from another plan. Oppose this proposal. The potential for Districts and Regions to make errors interpreting each other's plans and to fail to keep up with changes to these documents is likely to cause significant issues and overly complicate matters. In addition, this would create significant and unnecessary administrative burden for little gain. Table 18 (11 and 12): Unsure what will be achieved by requiring 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 on the local authority website; as well as providing all versions of the current plan since first becoming operative on the local authority website. This is a pointless exercise to keep historical versions or superseded versions once a plan is operative. Copies of historic plans can be made available on request, and this can be noted on Council websites. Strongly oppose this requirement, as this will simply confuse people, and introduce risk (and cost) should people accidentally use and refer to an incorrect version of a district plan. Table 18 (13 and 14): unsure what will be achieved by requiring this digital data to be uploaded. It is unclear what this data will be used for and how it will be managed and kept up to date. oppose this provision.

F-2: Draft Mapping Standard

- Table 21: Zone colour palette: Would like to see each type of zone have colours from the same colour family, (ie all 4 residential zones should use varying shades of yellow, rural zones use varying shades of green) Table 22: Symbology table: Need symbols for roads, telco towers, property boundaries... The hazard symbols (coastal / flood / volcanic / fault) should be in shades of red or orange, as that is what people typically associate with hazards. The Coastal environment colour should be a more aqua blue (for instance RGB 0, 176, 240) and a new symbol for freshwater bodies should be included using this shade of blue (RGB 28, 103, 148). As a consequence, the designation colour would need to change.
- There is merit in some form of consistency. However, there is a real risk that non every day plan users will see a zone or or overlay and although it may be the same colour, the underlying intent, and objectives, policy and rule framework could be completely different between regions.
- Number of colours are similar eg low and medium density residential. Colour zones will not work with colour overlays eg natural hazards.
- Consider that Councils should be able to choose their own colour coding etc. for their plans this level of detail from central government seems onerous.
- 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.
- Consistency is supported but some of the mapping colours need to be revised because they are too similar. For example low-density residential and medium-density residential and rural residential. Another example is High-density residential and mixed use. There should be a consistent symbol for Sites of Significance to Mana Whenua. Designations should be a different colour to blue as that generally denotes water.
- Some of the symbology doesn't make sense. For example why include sites of cultural significance if there is not going to be a standard symbol? Also, there are a range of hazards with one symbol which will create confusion. Having taken a risk based approach to flood hazard identification we have utilised three different colours for the different risk levels. That approach wouldn't work under the proposed standard.

F-3: Draft Spatial Planning Tools (Regional) Standard

- MfE should supply a national spatial planning tool if it wants to achieve consistency nationally. Not doing this will result in fragmentation across the country, regardless of what the standards require.

F-4: Draft Spatial Planning Tools (District) Standard

- Options are limited and too urban. Options such as "Precinct" and "Development Area" are too urban in their application and clearly focused on urban outcomes and urban growth. Overlays and development plans also apply in rural environments, but are not "transitional" in that they are intended to remain in situ for the life of the development. Precinct is an urban term and inappropriate for bespoke rural zones. The default is to use Special Purpose Zoning.

F-6: Draft Status of Rules and Other Text and Numbering Form Standard

- Numbering form category: Combined Plans: The references to Regional Policy Statements should be 'RPS' not 'PS' as proposed, to keep consistency with current practice. Table 28: Combined Plans: Sections of the combined plan: references to Regional Policy Statement should be 'RPS' not 'PS'.
- Need to ensure that any unique district character can be incorporated into document, for example, lakes and geothermal features (and associated rules, assessment criteria etc) need to be in the Bay of Plenty and Waikato documents. Provision for assessment criteria needs to be provided.
- This is over specified and unnecessary and will not make any material contribution to the outcomes intended for the NPS. The prefixes are too long making for extremely long alphanumeric strings, difficult for readers. The prefixes contribute no important information to readers, apart from telling them what chapter they are in. A page footer could do the same with less clutter.
- This means massive reshuffling to achieve, but when renumbering occurs and there is a lot of cross-referencing to other provisions, it can be arduous and painstaking to be sure everything is transposed correctly. The journey might be rocky, but the destination will be a better world for ease in achieving e-plan usefulness. An e-plan platform is preferred where one can be absolutely certain every relevant (RPS, regional plan, district plan and bylaw) policy and rule applies to activity A in location B at time C. Anything that facilitates that certainty would put planners and planning in an enviable place for public policy planning worldwide.

CM-1: Draft Definitions standard

NZPI believes that the level of concern shown by members in this Draft NPS needs to be recognized and taken seriously. Clearly, the devil lies in the details of definitions. NZPI submits that a balance needs to be struck in deciding which matters require and justify a national definition, and which matters – because of their incorporation and interconnection within rules or because they have been settled by Environment Court decisions – should reflect the needs of local districts or regions and not be narrowed or restricted by a national definition. NZPI submits that more analytical work is required to finalise the list of matters that should be defined nationally, where national efficiency benefits are gained, but not at the expense of losing significant local innovation and specificity.

- CM-1 includes extremely simplified definition for 'building' that means District Plans will have to replicate numerous additional rules to provide for many of the 'exemptions' that they currently address succinctly through the definition of 'building'. Also, not sure if this definition aligns with that in the 'Building Act'? Definitions in respect of land use activities such as commercial activity, community activity, educational activity, visitor accommodation etc do not enable local communities to choose to succinctly exempt various aspects of those as they see fit. This is a long standing method that works. The use of E-Plans with hyperlinks to relevant definitions will avoid much of the issue around any differences between Plans. However, there are advantages to having set definitions for 'technical' terms that should be applied consistently across all Plans e.g. those pertaining to noise measurement, definitions

from legislation, boundary, height, setback etc. Restrict this standard to these types of definitions only.

- There are a number of issues with the definitions, and most concerning are those definitions which differ to the RMA definition. Bore – a bore is typically drilled, which makes the reference to “constructed” in the definition somewhat artificial. I consider that the definition would be more effective if it referred to any hole drilled or constructed into the ground. Cleanfill – there is a need to distinguish between “cleanfill” (i.e. natural material such as clay, gravel, sand, soil and rock which may be deposited on a site as fill during earthworks) and “cleanfills” (i.e. the site where cleanfill material is deposited). This is probably best achieved by a definition of “cleanfill” and “cleanfill material” as per examples such as the Auckland Unitary Plan. Drain – the definition of drain refers to any means any artificial watercourse that is designed, constructed or used, for the purpose of the drainage of surface or subsurface water. I’ve looked at this definition a number of times and it’s difficult to ascertain whether it would capture a canal for irrigation or electricity generation purposes – which are artificial watercourses but are not normally defined as drains. The subjectivity in the definition comes from the words “drainage of surface water” – which would relate to water being “carried or taken away”. A canal for hydro / irrigation purposes conveys water away from a river or lake (or to a river or lake), but isn’t for drainage purposes. I think the definition needs a qualifier in brackets that excludes an irrigation canal, water supply race or canal for the supply of water for electricity power generation. Drinking water – while it is recognised that this definition largely reflects that used in the New Zealand Drinking Water Standards, the reference to “intended to be used” is considered subjective for a national planning standard definition. In this regard, how much intent is required in order for water to be deemed drinking water. It is considered that the definition would be workable and clear without the reference to “intended to be used” (i.e. means water used for human consumption; and includes water used for food preparation, utensil washing, and oral or other personal hygiene). Functional need – the definition needs to reflect that functional needs does not just relate to the fact that an activity can only occur in that environment. Regard also needs to be given to technical, logistical or operational requirements or constraints that impact on the need to locate in a particular environment. Reverse sensitivity – The proposed definition applies to existing lawfully established activities, but not unimplemented consented activities. In contrast, the likes of Policy D of the NPSREG requires decision makers to avoid reverse sensitivity effects on consented and existing renewable electricity generation activities. Given that many infrastructure projects have a long lead from consenting to construction / implementation, the definition of reverse sensitivity should be amended to capture consented activities also. Small scale renewable electricity generation - Limiting the output to 20 kW may be appropriate for domestic applications. However, it will soon be economic to produce a roofing system with integrated photo-volatic which will enable in excess of 20 kW of generation being produced domestically. In addition, in excess of 20kW of generation is already being exceeded on commercial properties. I consider that small-scale can be more appropriately defined at a level of 500 kW. Structure – I understand that definitions from the RMA are the starting point for definitions in the national planning standard. However, the standard proposes to amend the definition of structure in the RMA to include reference to building or equipment “located on land”. The MfE Evaluation Report does not provide any evaluation for the term structure (e.g. that the RMA definition is not fit for purpose) or why the definition differs from that in the RMA. As a result, it is not clear which definition takes priority. If the RMA

definition is no longer fit for purpose, then I do not consider the national planning standard should not be used as the vehicle to effect changes to legislative definitions.

- The concept of including definitions is appropriate, however more care needs to be taken as to the wording of definitions and the unintended Schedule 1 processes that will occur as a result. MfE has not conceptualised just how large scale the flow-on effects of definitions are on rules and the impacts this will have on smaller councils. The assumption they have made that every council will launch into a Full DP review is unrealistic and impractical on a nationwide level. Amendments should be made to the Schedule 1 process in order to reflect the scale and significance of a plan change (and its influences, like the NPS), just like how s32 allows for. This would reduce the burden and in some ways fear some councils have of going through the Schedule 1 process; the process should be straight-forward and expected by the community for smaller scale updates to the DP.
- Some of the definitions are limited in scope and the "rural" definitions are poor and insufficient in respect of rural industry, which appears to be dismissed as just a small component of "rural".
- Standardising definitions sounds great in principle, but they are actually an extension of rules. Standardising is likely to result in reviews of significant portions of plans because standardisation may completely change the interpretation of existing rules. This would not be beneficial for ratepayers, who will have to foot the bill.
- Interpretation of the definitions could vary and may take some time to develop consistent understandings. Potential to over turn the understanding of previous definitions that have been developed.
- Agree this is important but think there needs to be strong guidance around how this is implemented as it may change activity status of various rules due to changed definition.
- The definition of earthworks as proposed appears to exclude the filling or excavation of land where there is no change to the existing ground level. It would be helpful to have a consistent term which covers land disturbance where there is no permanent change in ground level (e.g. temporary removal of soil to lay pipes). It is likely to be appropriate to control all filling/excavation on sites of high cultural value, ecological value or landslip potential. The standard definitions are considered helpful.
- The consequential amendments required to amend the plan chapters to match the some of the simplified definitions may make plans less user friendly. For example, at the moment, a plan user generally knows to look at a definition to determine what constitutes 'earthworks' or 'waterbodies' in the relevant rules, but now would have to look at the (simplified) definition as well as the rule and any advisory text that includes exemptions or clarifications as to what the rule includes or doesn't include. The advisory text may need to be duplicated in each rule to make it clear to plan users, which could lead to drawn-out plan chapters and significant duplication of advisory notes throughout. Alternatively, it could result in a complete re-write of chapters to include specific permitted activity rules for activities that were previously exempted from the definition and were subsequently exempted from the plan rules and standards.
- Accessory buildings: Are garages and carports considered to be accessory buildings? Most district plans define garages and carports as accessory buildings. Dust: Amend the definition to add 'rock' to the list. Home business: Consider excluding nuisance activities from the home business definition eg: panel beating, spray painting, motor vehicle repair or wrecking, fibre glassing activities, sheet metal work, wrought iron work, activities involved scrap metal or demolition materials or hazardous waste substances, activities involving processing fish or

meat, boarding and/or breeding kennels or catteries, or funeral parlours etc. These activities generally create nuisance issues in our experience. Industrial activity: Amend the definition to exclude mineral extraction activities/mining. Intensive primary production: Amend the definition to include glasshouses/greenhouses. Outdoor living space: amend as follows: "means an area of open space for the exclusive use of the occupants of the residential unit or units to which the space is allocated. This excludes outdoor service and storage areas, driveways, manoeuvring areas and parking spaces". Primary production: Amend the definition to exclude 'Intensive primary production'. Is it envisaged that bee keeping will fall under this definition?

CM-2: Draft Noise and Vibration Metrics Standard

- Vibration would be quite good - this is a complex area and many Council's don't control it well. But it needs to be clear when it is to be triggered - would be inappropriate for Council to automatically require analysis of it to satisfy their "acceptance check" - that's the sort of outcome that may occur. Changing the legislation doesn't necessarily mean that the practice keeps up.
- General overall comment. a centralised template approach is the way to go and that much can be learned from the Australian planning system especially as practiced in Victoria. The new system needs to cater for rolling plan changes in as streamlined a manner as possible to in order to address the changing needs of the community. And most of all the current system of dual plans having legal effect until appeals are resolved must be ditched. It is an administrative nightmare and imposes unnecessary cost and confusion on citizens.

ENDS

Appendix 4

Quantitative results of NZPI member survey

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Overall opinion about National Planning Standards					
They will improve planning practice across New Zealand	10.43%	49.57%	20.00%	13.91%	6.09%
They will improve planning practices where I work	10.43%	33.04%	30.43%	20.87%	5.22%
These are a good start but more standardisation is needed	12.17%	33.91%	24.35%	20.87%	8.70%
They will help the public to understand RMA plans	16.52%	34.78%	22.61%	19.13%	6.96%
Proposed implementation timeframes are about right	7.02%	38.60%	31.58%	19.30%	3.51%
Council RMA plans should be accessible over internet	78.95%	18.42%	2.63%	0.00%	0.00%
Opinion about each group of National Planning Standards					
The proposed Plan Structure Standards are appropriate	12.50%	51.79%	23.21%	7.14%	5.36%
The proposed Plan Form Standards are appropriate	10.62%	47.79%	24.78%	12.39%	4.42%
The proposed Plan Definition Standards are appropriate	7.08%	42.48%	23.01%	22.12%	5.31%
Opinion about each National Planning Standard					
The proposed "S-RPS" Structure Standard is appropriate	8.54%	50.00%	31.71%	7.32%	2.44%
The proposed "S-RP" Structure Standard is appropriate	6.02%	53.01%	33.73%	6.02%	1.20%
The proposed "S-DP" Structure Standard is appropriate	12.50%	59.38%	17.71%	8.33%	2.08%
The proposed "S-CP" Structure Standard is appropriate	9.41%	43.53%	36.47%	9.41%	1.18%
The proposed "S-IGP" Standard is appropriate	6.82%	57.95%	23.86%	9.09%	2.27%
The proposed "S-TW" Structure Standard is appropriate	4.49%	46.07%	35.96%	6.74%	6.74%
The proposed "S-SD" Structure Standard is appropriate	7.78%	50.00%	32.22%	6.67%	3.33%
The proposed "S-DWM" Standard is appropriate	8.70%	57.61%	25.00%	5.43%	3.26%
The proposed "S-ASM" Standard is appropriate	4.40%	51.65%	29.67%	10.99%	3.30%
The proposed "S-SAM" Standard is appropriate	13.98%	53.76%	21.51%	9.68%	1.08%
The proposed "F-1" Standard is appropriate	31.31%	42.42%	18.18%	5.05%	3.03%
The proposed "F-2" Standard is appropriate	17.35%	47.96%	21.43%	9.18%	4.08%

The proposed "F-3" Standard is appropriate	9.52%	44.05%	40.48%	4.76%	1.19%
The proposed "F-4" Standard is appropriate	11.49%	48.28%	33.33%	3.45%	3.45%
The proposed "F-5" Standard is appropriate	8.89%	50.00%	30.00%	7.78%	3.33%
The proposed "F-6" Standard is appropriate	12.37%	51.55%	26.80%	5.15%	4.12%
The proposed "C-1" Standard is appropriate	15.31%	41.84%	15.31%	21.43%	6.12%
The proposed "C-2" Standard is appropriate	25.81%	49.46%	20.43%	2.15%	2.15%



17 August 2018

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

Email: planningstandards@mfe.govt.nz

To the Planning Standards Team

Submission on Draft first set of National Planning Standards

The Tatua Co-operative Dairy Company Ltd (Tatua) appreciates the opportunity to make a submission on the draft first set of National Planning Standards (Draft Standards).

Formed in 1914, Tatua is one of the few dairy companies in New Zealand that has remained unchanged by merger or take-over. The Company operates from a single processing site located at Tatuani, near Morrinsville in the Waikato.

Tatua's milk processing facility has grown significantly over its long history, and as a result, there has been frequent engagement at both territorial and regional council level on an ever increasing range of planning matters. In an effort to provide greater certainty for future growth at our industrial site located within the rural zone, we have expended considerable time and resource over the past three years wading through the murky waters of a private district plan change process. This is an ongoing process.

Based on our experiences, we are convinced that there must be a better way. We therefore commend the Ministry for the Environment for undertaking this review and generally support the Draft Standards. The development of standards that reduce compliance costs and plan-complexity should improve the efficiency and effectiveness of RMA processes for all parties involved.

We have had the opportunity to review submissions on the Draft Standards prepared by Fonterra Limited and Synlait Milk Limited and fully supports the issues raised by them, along with the corresponding changes to the Draft Standards that they have proposed.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Paul van Boheemen".

Paul van Boheemen
General Manager Co-operative Affairs

**SUBMISSION BY VECTOR LIMITED ON THE DRAFT FIRST SET OF
NATIONAL PLANNING STANDARDS**

TO: the Ministry for the Environment

SUBMISSION ON: the draft first set of National Planning Standards

FROM: Vector Limited
C/- the address for service set out below

1. EXECUTIVE SUMMARY

- 1.1 Vector Limited ("**Vector**") welcomes the opportunity to comment on the Ministry for the Environment's ("**MfE**") draft first set of National Planning Standards ("**Standards**").
- 1.2 Vector sees real benefit in standardising the formatting of plans and maps, which provide greater efficiencies in the way councils and plan users interact with various plans across the country. However, the substantive provisions of the Standards could have significant unintended consequences if not appropriately drafted.
- 1.3 In respect of the Standards, Vector:
- (a) currently supports the inclusion of the Network Utility Standard currently being developed by the network utility operators group in a future set of standards released for consultation;
 - (b) requests a number of amendments to the standards relating to district plan structure and mapping; and
 - (c) supports the inclusion of mandatory definitions for 'earthworks', 'land disturbance' and 'reverse sensitivity' and supports in part the definitions of 'building' and 'functional need'.

2. VECTOR'S INTEREST IN THE STANDARDS

- 2.1 Vector is one of New Zealand's largest network infrastructure companies with interests in electricity, gas, telecommunications, metering and technology. Vector's portfolio of assets performs a key role in delivering

vital services to more than one million homes and businesses across New Zealand.

- 2.2 Vector has an extensive history of participating in planning processes, and is a frequent user of planning instruments which are vital to the effective operation, maintenance and expansion of its vast network. Vector regularly works with councils when looking at new development and investment in its energy and fibre optic infrastructure.
- 2.3 The Standards must both enable Vector to serve the existing community and also provide for growth. Accordingly, careful consideration must be given to the planning framework for network utilities in order to ensure that:
- (d) growth in demand can be accommodated effectively and efficiently when and where it is required;
 - (e) maintenance and repairs are enabled, minimising service disruptions that can cause significant social and economic adverse effects; and
 - (a) there are no unnecessary regulatory or compliance costs or delays imposed on the construction, operation, maintenance, and upgrading of infrastructure.
- 2.4 Vector provided feedback on MfE's discussion papers for the first set of Standards in July 2017, and has been involved in the development of the draft Network Utility Standard, alongside other utility operators. Vector understands that workstream is ongoing, and the Standard may be included as part of a future set of Standards released by MfE.

3. SUBMISSION

Preliminary issue: Network Utility Standard

- 3.1 As detailed above, Vector has been involved in the preparation of the draft Network Utility Standard, which has not been included in this first set of draft Standards. Having been involved in the process of preparing the draft Network Utility Standard, which recognises and appropriately provides for the unique planning requirements for infrastructure, Vector currently supports the notification (and, ultimately, implementation) of the draft Network Utility Standard as part of this or a future set of draft Standards.

- 3.2 It is essential that planning documents appropriately recognise and provide for utility operators' infrastructure and operations. The significance of this requirement was recognised by MfE in setting up the group to prepare the draft Network Utility Standard. Vector participated in that process on the basis that its involvement would lead to better planning outcomes and appropriate provisions and recognition for its infrastructure in planning documents.
- 3.3 Implementation of the Network Utility Standard has the potential to contribute positively to the benefits of the Standards listed on page 12 of the Consultation Document, particularly in aligning the approaches taken by different councils, making it easier to transition between plans, and enabling more focus, time and resources to be put into local resource management issues. The potential for these benefits to be realised would not be reached if the Network Utility Standard is not implemented. Vector therefore currently supports the Network Utility Standard being incorporated in a future draft set of standards to be consulted on.
- 3.4 The balance of this submission addresses specific questions or standards in the draft first set.

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

- 3.5 Vector generally supports the Standards, and can see the potential benefit for frequent plan users such as itself. In Vector's submission, a number of minor amendments are necessary in order to avoid unnecessary, unintended or inappropriate outcomes, as set out below.

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

- 3.6 Vector strongly supports the proposal in the Draft Introduction and General Provisions Standards to include a table of designations, heritage orders or other statutory mechanism updates (Table 9). Vector relies heavily on designations to protect its infrastructure, and considers that it is appropriate for any updates to these designations to be clearly defined in the front of plans.
- 3.7 Vector suggests that it would also be appropriate to include, as part of that same table, details of any outline plans of work ("OPWs"), including the associated Council recommendation. From Vector's perspective, OPWs form part of the designation documents, and often contain the level of detail

that plan users are most interested in, compared to the more broad designation conditions. Having such information recorded and easily accessible (via a link to the relevant Council electronic file) in Table 9 would make plans easier to use.

S-DWM Draft District Wide Matters Standard

- 3.8 Vector supports the inclusion of an 'Infrastructure and Energy chapter (S-IE)' in the draft District Wide Matters Standard, and generally supports the content of the Standard in respect of that chapter. However, Vector considers that the matters to be addressed in the Infrastructure and Energy Chapter at 23(a)(v) should include electricity 'storage' in addition to distribution.
- 3.9 The storage of electricity is an increasingly important element of ensuring security of supply to the network as battery technology improves, and it is essential that the Infrastructure and Energy chapter of any plan appropriately provides for electricity storage, in addition to the other activities.
- 3.10 Mandatory direction 31 of that Standard states that if matters related to managing noise and light are addressed in the plan, they must be located in a *Noise and light* section. However, Vector considers that this would be problematic where the noise and light effects are related to infrastructure and energy, and it would be most appropriate for those elements of noise and light management to remain with the Infrastructure and Energy chapter, rather than being cleaved off to form part of the Noise and Light section of the General District Wide Matters chapter.
- 3.11 Vector therefore submits that mandatory directions 24 and 31 should be amended to clarify that noise and light matters associated with infrastructure and energy must be included in the Infrastructure and Energy chapter.

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

- 3.12 Vector generally supports the map colours and symbols proposed. However, Vector is concerned that the zone colour palette currently proposed may, in some instances, result in difficulties interpreting the zones – particularly between low-density residential and medium-density residential, which are very similar colours.

CM-1: Draft Definitions Standard

- 3.13 Vector supports the proposed definitions for 'earthworks', 'land disturbance' and 'reverse sensitivity', and seeks that these are retained as currently drafted in the final Standards.
- 3.14 Vector supports the inclusion of a definition of 'building' in the Standards, but considers that the definition as currently proposed is uncertain. Vector is particularly concerned that the proposed definition could inadvertently result in its transformers or batteries being defined as 'buildings'. Vector would therefore support greater specificity in the proposed definition.
- 3.15 Vector considers that the definition of 'functional need' is acceptable, however the Standards should also include a definition of 'operational need' or 'operational requirement' consistent with the Auckland Unitary Plan. Including such a definition would enable plans to provide for infrastructure that has an operational need to be in a certain environment due to technical or operational characteristics or constrains, as well as providing for activities that can only occur in that environment.

Signature: VECTOR LIMITED, by its solicitors and authorised agents Russell McVeagh:



Daniel Minhinnick

Date: 17 August 2018

Address for Service: [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Planning Team - Beca Ltd - Submission on the Draft National Planning Standards

To: Ministry for the Environment
Submission on: Draft National Planning Standards
Name of submitter: Planning Team – Beca Limited
Address: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Contact Person: [REDACTED]
Email: [REDACTED]

This submission on the Draft National Planning Standards is made by the Planning Team: Beca Ltd (**Beca**). Beca is a multidisciplinary international consultancy which originated in New Zealand (**NZ**). Our teams throughout New Zealand (numbering some 2000 staff) are directly involved in projects, and working in partnership with a wide range of clients, that interface with the Resource Management Act 1991 (**RMA**) and its associated regulatory processes.

As part of our project work, through our involvement in professional organisations, and with our clients, Beca has contributed to the development of national planning and strategy. This includes: City/District and Regional planning documents, preparation of Notices of Requirement and resource consent applications (major, medium and smaller scale), and assisting numerous Councils in the processing of resource consent applications.

This submission draws from the collective experience of our planning and environmental professionals to assist the Ministry in developing effective and efficient National Planning Standards. In this respect, it is targeted and limited to “workability” matters.

This submission does not purport to express the views or opinions of any of our client organisations nor does it make submissions on the subject matter of provisions¹.

We have had experience in developing and implementing a variety of RMA planning documents across New Zealand and are keen to participate in the process to help achieve a set of successful National Planning Standards.

Beca is broadly supportive of the concept of National Planning Standards insofar as there are benefits in providing consistency across the country. We work with a number of clients that are regularly required to review different Councils’ plans during plan review processes at considerable time and

¹ We further note that individuals within Beca may be making separate submissions in respect of the Draft National Planning Standards, either on behalf of clients or in relation to their own personal interests.

cost. Setting standards at a national level has the potential to reduce the need for such intensive (and often costly) involvement with reviewing the many similar provisions across the country. There is also the potential for greater consistency in interpretation, another potential efficiency.

We look forward to being involved with future National Planning Standards that focus on consistent standards and technical provisions of plans.

Without limiting the generality of this submission, Beca makes the following points:

General Overview

1. Overall, Beca supports the development of national planning standards to assist in creating RMA documents that are more nationally consistent, usable and accessible. As practitioners and users of plans across the country, consistency in structure and usability will enable us (and our clients) to transition more efficiently between different plans.

Decision sought: Retain this concept, with amendments, as outlined below

2. The staggered implementation of the National Planning Standards in accordance with Section 58I is recognised as sensible given the scale of recent Plan review processes.

S-ASM Area Specific Matters (pages 42-46 of the Draft National Planning Standards)

3. The concept of nationally consistent zone descriptions and ordering is generally supported:
 - a. Knowing that zones and their purposes are consistently applied will assist in providing consistent advice across the country;
 - b. The use of purpose statements will assist with understanding the reason for potential provisions;
 - c. The ability to create additional special zones, as described, allows flexibility for different regions and appropriately recognises the need for bespoke zones at times; and
 - d. There will be improved usability of plans in different locations.

Decision sought: Retain the above features.

4. The inclusion of a single table that includes all relevant information for designations in one area is generally supported. Including a “hierarchy” where there are designations on the same land is also supported.

Potential challenges and opportunities (for clarity) include:

- a. Providing legal descriptions/physical addresses could be difficult for linear infrastructure where there is no legal description / address or it involves many different properties;
- b. Providing for inclusion of a map will provide clarity, particularly where they do not necessarily follow cadastral boundaries; and
- c. The inclusion of conditions within a table format could create challenges where there are a lot of conditions.

Decision sought:

- *Amend the table to retain the ability to include a general description or relevant maps or links to maps which outline the identified designation in lieu of a legal description for linear infrastructure.*
- *Require conditions to sit directly beneath the table, but not within the table.*

S-SAM Schedules, Appendices & Maps (pages 47-48 of the Draft National Planning Standards)

5. The information proposed to be required in schedule tables is supported. Access to information about scheduled features is important to enable appropriate consideration of effects (of an activity) on all values of a scheduled item. It is understood that this may result in effort for Councils, however there are important benefits (for effects assessments) that would arise.

Decision sought: Retain all matters currently required within the Schedule table.

6. Within the schedule tables, require the inclusion of relevant maps (or links to relevant maps) to improve accuracy of mapping and application of provisions – in particular where the mapped items do not align with cadastral boundaries.

Decision sought: Amend to require map/links to be provided for scheduled areas/items.

F-1 Draft Electronic Accessibility and Functionality Standard

7. The Standard for baseline accessibility and functionality requirements along with the Standard for ePlan requirements is supported.

Decision sought: Retain the Draft Standard.

F-2 Mapping (pages 53-56 of the Draft National Planning Standards)

8. Use of standardised colours for the proposed zones is supported. Colours should be distinct such that when viewed on screen or hard copy each can be easily distinguished. At present some colours are too similar to achieve that outcome.

Decision sought: Amend the colours in the palette so each colour is distinct from each other.

9. The proposed faultline and designation colours are similar to Coastal/Flood/Volcanic/Fault hazard overlays. Faultlines are likely to look similar to a stream overlay, and that this may cause confusion. Further, there is presently no ability to distinguish between Coastal/Flood/Volcanic/Fault hazards which may be confusing, particularly if the hazards overlap.

Decision sought: Amend the hazard symbols to ensure they are all distinct from each other and other overlays.

10. It is suggested that zone colours be numbered/identified in a similar manner to the sections with which they correlate (i.e. 'RES - Residential).

Decision sought: Amend the zone identification column to be consistently referenced with the zone.

F-3 Spatial Planning Tools (Regional) (pages 57-58 of the Draft National Planning Standards)

11. There is currently no spatial planning tool for water catchments. Catchments are applicable to the entire country and should be defined and identified consistently across all plans.

Decision sought: Provide clarity around where catchments sit within the regional spatial planning tools.

F-4 Spatial Planning Tools (District) (pages 59-61 of the Draft National Planning Standards)

12. The use of common nomenclature within the spatial planning tools is supported. The zone statements (including the use of the term 'primarily') enable some flexibility but could limit innovation. For example: having no density control, or co-locating mixed uses by managing individual effects. We do note that the identified 'purpose statements' for a number of zones, in particular the Residential zones, have a focus on stating the desired 'character' sought in the zone. We consider that such terminology tends to imply a focus on the 'character' of different areas as they already exist. We consider it would be more beneficial for the zone purpose statements to seek to refer to the type of 'environment' or built form / typology outcome which the zones are seeking to achieve over time.

Decision sought: Enable flexibility in Zone descriptions such that they seek to identify the outcomes the zones are seeking to achieve over time.

F-5 Chapter Form (pages 62-66 of the Draft National Planning Standards)

13. Flexibility for Councils to decide whether to include Rule Tables or an alternative structure for rules is supported. The Rule Table, with the potential for one rule to be spread across several pages, is a clumsy structure. It is our experience that rule requirements or matters of discretion can be lengthy. However, it is acknowledged that a standard table could reduce effort in developing plans.

Decision sought: Retain a standardised table structure and consider how to structure rules to reduce unnecessary text on a page i.e. there could be a drop down option in e-plans for users to operate, manually choosing rules to open that are relevant, while irrelevant rules are hidden.

14. Having a common format for objectives, policies and rules that are grouped in the same location is more important than the specific format between table, text or otherwise.

Decision sought: Retain a common format for objectives, policies and rules that are grouped in the same location.

F-6 Status of Rules, other text and numbers (pages 67-75 of the Draft National Planning Standards)

15. A consistent numbering format is supported, however the proposed form is not clear. We suggest:
- a. A numerical or alphabetical pattern of ordering would be more usable for searching a particular chapter/section e.g. Part 2, C.4.3 O1.
 - b. The alphabetical system proposed for chapter naming uses 2 (e.g. AQ), 3 (e.g. NEV), 4 (e.g. PREC) and 5 (e.g. INTRO) letter acronyms. If an alphabetical number system is to be retained, all chapter name abbreviations should use the same number of letters.

Decision sought: Amend the numbering and ordering system to improve navigation and ease of understanding.

CM-1 Definitions (pages 76-90) of the Draft National Planning Standards)

16. The use of definitions where terms have already been defined is supported, and definitions should be founded in the RMA perspective of the term.

Decision sought: Retain the above.

17. Consideration could be given to how these definitions will be updated if the relevant legislation from where they are derived is amended – and the implications of an additional notified process.

Decision sought: Include a statement or method within the document which details how and when the definitions table will be amended should the referenced legislation change.

18. Where the RMA cross-references to other legislation (e.g. Local Government Act or Hazardous Substances and New Organisms Act), the definition from the other legislation should be included. Examples include:

- a. Hazardous substances (Hazardous Substances and New Organisms Act 1996)
- b. Road (Local Government Act 1974)

Decision sought: Include definitions of 'road' and 'hazardous substances' rather than referring to another document.

19. The proposed definitions of 'building' and 'structure' each use the other term within it. This means there is no ability to use these as separate terms within the Plan. In addition, 'Building' is defined in the Building Act, so a simple cross reference to this existing definition may also suffice.

Decision sought: Amend the definition of structure so that each definition can be self-contained, 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 can be moved under their own power.”

20. As currently drafted the definition of ‘footprint’ can be interpreted in different ways. For example, it could be interpreted that the definition would include eaves of a building and any balcony or deck that protrudes from the building, or that the definition only includes the parts of a structure above the ground floor level area.

Decision sought: Amend the definition of footprint to clarify the meaning. A diagram may assist with this.

21. The definition of ‘ground level’ has three parts. In relation to part (b) the exclusion of areas associated with the construction or alteration of a building could relate to an existing old building, an under-construction building, or a future building. It is suggested that this be clarified.

Decision sought: Amend the definition of ‘ground level’ clause (b) to clarify whether the construction or alteration of a building relates to an historic, current or future building construction.

22. The definition of ‘height’ is more accurately related to land and the Coastal Marine Area, than to district and other plans.

Decision sought: Amend the definitions of ‘height’ as follows:

“Height [in relation to ~~a district plan~~land]

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 the coastal marine area ~~a regional plan or regional policy statement or a combined plan that includes a regional plan or regional policy statement~~]

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

23. Additional terms which are commonly used across plans include those listed below. These may also benefit from a national definition.

- a. Average exceedance probability (AEP)
- b. Floodplain
- c. Impervious area
- d. Managed fill

- e. Overland flow path
- f. Riparian margin
- g. Streams
 - i. Ephemeral
 - ii. Intermittent
 - iii. Permanent

Beca respectfully seeks the following decisions from the Minister on the National Planning Standards:

- A. Addition, deletion or amendment to those matters of the Draft National Planning Standards identified in this submission; and
- B. Such further or other relief, or other consequential or other amendments as are considered appropriate and necessary to address the matters set out herein.

Beca wishes to be heard in support of this submission and provide additional clarification if required should the opportunity be available.

Beca does not consider it can gain an advantage in trade competition through this submission.



PP: Perri Unthank

17 August 2018

On behalf of the Planning team: Beca Ltd

Attention: Bryce Julyan

Address: [REDACTED]
[REDACTED]

Email Address: [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*	[REDACTED]	
Organisation (if applicable)	[REDACTED]	
Address	[REDACTED]	
Phone	[REDACTED]	
Email*	[REDACTED]	
Submitter type*	Individual	<input type="checkbox"/>
	NGO	<input checked="" type="checkbox"/>
	Business / Industry	<input type="checkbox"/>
	Local government	<input type="checkbox"/>
	Central government	<input type="checkbox"/>
	Iwi	<input type="checkbox"/>
	Other (please specify)	<input type="checkbox"/>

[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

2. CM-1: Definitions standard

Root Protection Area (RPA)

a. Individual definition

Please refer to attached

b. Additional definitions

[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.

[REDACTED]
[REDACTED]

As the professional body representing New Zealand's qualified Arborists, the [REDACTED] [REDACTED] welcomes the inclusion of root protection area (RPA) as a defined term in the *Ministry for the Environment. 2018. Draft National Planning Standards* (The Draft).

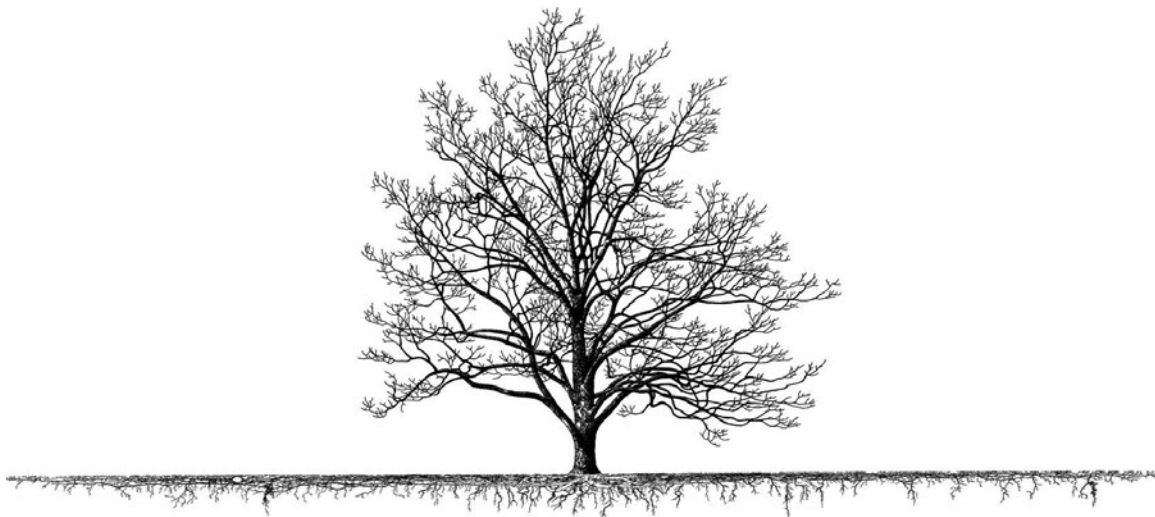
The Draft currently defines the root protection area (RPA) as *the circular area surrounding a tree, which is the greater of the radius, measured from the base of the trunk to: a) the outer extent of the branch spread; or b) half the height of the tree.* This being the area within a tree's drip line.

[REDACTED] proposes root protection area (RPA) to be defined as:
A root protection zone is the [arborist-defined] minimum area surrounding the trunk of a tree deemed to contain sufficient roots and rooting volume to maintain a tree's viability and to ensure future tree health and stability. The preliminary RPA can be determined as a circle with a radius twelve times the diameter of the tree's main stem (trunk).

[REDACTED] would like a revision to the definition of root protection area to be accepted as proposed. Based upon arboriculture industry best practice and standards, we recommend the definition be brought into alignment with the international industry standards and published BMP's referenced. A consistent method to determine the root protection area is to take a radial measurement from the base of the tree, which is founded on the diameter of a tree's trunk.

The use of drip line is often flawed as it unintentionally misrepresents a tree's root zone accurately.

This Morton Arboretum pictorial is a good diagram to demonstrate this:



When tree protection fencing is installed at the drip line of a large mature tree that has grown in an open area, the tree may consequently lose >50% roots. The drip line attempt at tree preservation can mistakenly lead to unanticipated stress and decline even though the intent was to protect and preserve it.

An example of the difference in RPA can be demonstrated by visualizing fencing installed at a drip line of a mature tree that has a trunk 1m in diameter. The outer branches may fall only six metres from the base of the tree due to species specific canopy form or prior pruning; whereas, when measured as a function of the trunk diameter, root protection fencing is placed at an appropriate 12 metre radius of root zone to be protected.

Confusion in the application of the drip line definition for tall excurrent, fastigate or columnar trees is commonly encountered in the field, this issue will be rectified with the adoption of the trunk measurement method.

The [REDACTED] is requesting that the Root Protection Area (RPA) in the *Draft National Planning Standards* is defined in congruence with industry best practice and standards and that the drip line diagram shall also be removed from the definition.

References:

The American National Standard: ANSI A300 (Part 5)-2012: Management of Trees and Shrubs During Site Planning, Site Development, and Construction

Best Management Practices: Managing Trees During Construction, Second Edition 2016, ISA

Australian Standard: AS 4970 - 2009 Protection of Trees on Development Sites

The British Standard: BS 5837:2012 Trees in relation to design, demolition and construction. Recommendations.

17 August 2018

Ministry for the Environment
PO Box 10362
Wellington 6143

By email: planningstandards@mfe.govt.nz



SUBMISSION OF THE MINISTRY OF SOCIAL DEVELOPMENT ON THE DRAFT NATIONAL PLANNING STANDARDS

The Property Group Limited has been engaged by the Ministry of Social Development (“MSD”) in regard to the Draft National Planning Standards.

Please find enclosed MSD’s submission on the Draft National Planning Standards.

MSD supports the Draft National Planning Standards and its purpose of improving consistency in plan and policy statement structure, format and content. However, MSD seeks a definition of transitional residential accommodation be included in the Draft National Planning Standards.

MSD would welcome the opportunity to discuss its submission with the Ministry for the Environment.

Please let us know if you have any questions or would like to discuss the above.

RACHEL RITCHIE
Senior Planner
The Property Group Limited

Copy to: Sarah Sinclair – Ministry of Social Development

[REDACTED]

SUBMISSION ON BEHALF OF THE MINISTRY OF SOCIAL DEVELOPMENT ON THE DRAFT NATIONAL PLANNING STANDARDS

Submitter name: Ministry of Social Development

Address for service: The Property Group

[REDACTED]

Submitter type: Central government

The Ministry for Social Development (“MSD”) is the government agency responsible for improving the quality and supply of public housing across New Zealand. One of the ways this is done is through the provision of transitional housing in places of need while more permanent public housing is found. Transitional housing provides warm, dry and safe short-term accommodation for people in need. It is managed by contracted providers, who are skilled in supporting tenants with a range of tailored social support, tenancy-related services, and are also responsible for maintaining the properties. Appendix 2 provides further information about the transitional housing programme.

Introduction

MSD supports the Draft National Planning Standards (NPS) and its purpose of improving the consistency of plan and policy statement structure, format and content. Variations in District Plan definitions relating to temporary or transitional residential accommodation create time and cost delays for MSD when trying to establish transitional housing around New Zealand.

The inclusion of a definition for transitional residential accommodation in the NPS would provide consistency in how it is defined in District and Unitary Plans. Individual plans would still determine how transitional residential accommodation is included in the rules and standards of the plan. However, having a standard definition would encourage Councils to give consideration to how it is provided for in the plan as a specific activity.

Background

MSD regularly seeks to establish transitional residential accommodation and more permanent public housing in various locations around New Zealand. Transitional residential accommodation is generally for an average of 3 months per household, until more permanent public housing can be found. For transitional housing complexes, onsite management and social wrap around services are also provided on site. Both the temporary nature of the residential accommodation and the accessory wrap around social services and supervision can create complications when determining what definition the activity falls under in District and Unitary Plans.

Whether or not resource consent is required for transitional residential accommodation varies depending on the particular location of the housing and the District or Unitary Plan that therefore applies. In particular, the specific wording of plan definitions will frequently determine whether or not resource consent is required. The uncertainty related to establishing MSD housing due to variations in District and Unitary Plans has, to date, resulted in considerable time delays and cost implications. Definitions in District and Unitary Plans are fundamental to the rules that apply to an activity in any given zone and jurisdiction.

Examples

To provide context to the planning issues facing MSD, it is useful to provide some examples of variations in District and Unitary Plan definitions that have affected MSD's provision of transitional residential accommodation. These are detailed in Appendix 1.

Issues

Definitions

District and Unitary Plan definitions tend to fall within 3 different categories:

1. Explicitly include transitional residential accommodation

Some plans, such as Whangarei District Plan, explicitly include transitional residential accommodation within the District Plan definition. This provides certainty about how transitional residential accommodation is categorized in the plan. However, depending on how the definition is worded, it can also mean transitional residential accommodation must comply with rules and standards that are not specific to effects of transitional residential accommodation. For example, under the Whangarei District Plan, the inclusion of transitional residential accommodation under the definition of residential activity means that it must comply with the rules and standards applying to residential activities in the zone it is located. These issues are discussed further below.

2. Specific numbers included in definitions

Some plans include specific numbers in the definition (e.g. up to 10 people) which the proposed transitional residential accommodation must comply with. We consider that numbers or limits to the activity should be included within the rule or standard, not the definition. For example, Hamilton City District Plan has caps on the number of people on a site for it to meet the definition of emergency

housing, which would apply to transitional residential accommodation provided by MSD, over which it becomes a managed care facility, with differing rules and requirements. The Rotorua District Plan simply has a cap at 8 individuals, after which point there is no activity to consider the application under.

3. Falling between the gaps where the activity does not meet any specific definition

In some plans, the provision of transitional residential accommodation is unable to meet any relevant definition. In these situations, MSD is at the discretion of the Council officers contacted or assessing an application to determine how/where/if transitional residential accommodation is included in any definition in the plan and accordingly determine which rules or standards in the plan a proposal must comply with.

For example, as transitional residential accommodation is not provided for in any definition in the Hastings District Plan, the Council has deemed it to not be provided for in the District Plan and any proposals will require resource consent as a Non-Complying Activity.

This is also the case where there is a general lack of specificity around what the activity should be classed as. For example, the Palmerston North City Council District Plan has determined that transitional residential accommodation falls within the definition of 'community housing' even though the definition does not specifically refer to transitional residential accommodation. As a result, internal Council staff at Palmerston North City Council took multiple weeks to make the decision that this activity would fall under this definition.

Repurposing existing buildings

When transitional residential accommodation is included within a definition of a permitted activity, such as for a Residential Activity, the building the transitional residential accommodation is located within must comply with the activity and building bulk and location standards in the zone in which the site is located. This can create issues given that most transitional residential accommodation is located within existing buildings, often former motels, hostels or backpackers.

While building bulk and location non-compliances are existing, Councils will often deem existing use rights for the non-compliances to be lost under section 10 of the RMA as they consider the effects of the use of the building (eg: motel, hostel, backpackers) for transitional residential accommodation are not the same or similar in character, intensity, and scale to that existing when the building was used as visitor accommodation. The reason given for this includes that the proposed use of the building will often also involve support services being established on the site, such as budgetary or counselling services, which are not required for visitor accommodation purposes. Also, Councils have considered that as the period of stay by occupants will generally be longer when used for MSD purposes, the effects will be different.

For example, in the Whangarei District Plan, transitional housing falls under the definition of a Residential Activity. As a result, if MSD chose to provide transitional/temporary accommodation in a former motel within a Whangarei residential zone (Living 1, 2 and 3 Environments), as a residential activity there is a maximum of one residential unit permitted on a site. In addition, the existing building will often not

comply with bulk and location standards including the requirement for an outdoor living court accessible from a habitable room with a minimum area of 10m² and a minimum dimension of 2m and capable of containing a 5m diameter circle. In reality, while these standards are arguably appropriate to manage on-site amenity and external effects resulting from standard residential occupation of a dwelling, when residing at a dwelling on a temporary basis the need and demand for such high levels of amenity are different.

Draft National Planning Standard definitions

The NPS contains the following relevant definitions:

Residential activity	<i>means the use of land and buildings by people for the primary purpose of living accommodation</i>
Residential unit	<i>means a building or part of a building that is use for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities</i>
Community facility	<i>means a non-profit facility primarily for recreational, sporting, cultural, safety and welfare, religious or similar community purposes</i>
Visitor accommodation	<i>means land and/or buildings used primarily for accommodating non-residents, subject to a tariff being paid</i>

These definitions do not provide enough certainty for MSD purposes that transitional residential accommodation would fall within these definitions when interpreted by Councils.

In particular:

- The definition of residential activity would not include MSD activities where social wrap-around services are provided with the residential accommodation. This definition would also not help the existing issues MSD has when repurposing existing buildings for transitional residential accommodation, as discussed above.
- The definition of residential unit refers to one household. However, no definition of a household is included in the NPS and therefore it is unclear whether use for temporary residential accommodation would fall within this definition.
- The definition of community facility does not appear to apply to residential activities.
- The definition of visitor accommodation would not include MSD activities where social wrap-around services are provided with the residential accommodation.

Discussion

A separate definition specific to transitional residential accommodation in District and Unitary Plans would ensure that all plans consistently refer to the term. This will also encourage plans to provide for transitional residential accommodation as an activity that is recognised as being separate from other activities, which may help reduce the problems when it falls within other generic definitions, such as for Residential Activity.

It is important that any definition distinguishes emergency or temporary housing for MSD or social purposes from that required for civil emergency purposes, such as provided by the Ministry of Civil Defence and Emergency Housing. It is also worthwhile removing the term 'housing' from the definition as transitional/temporary accommodation may be provided in a variety of forms in addition to housing, such as former motels, hostels and backpackers. Therefore, using the term 'transitional residential accommodation' would be appropriate.

Conclusion

We request a definition for transitional residential accommodation be included in the NPS. The following wording is proposed:

"Transitional residential accommodation":

- a) means temporary accommodation, care and/or support provided by another person or agency for residents (including children) on a temporary basis;*
- b) includes –*
 - i) night shelters*
 - ii) women's refuges*
 - iii) transitional housing*
 - iv) any Crown funded short term residential accommodation; but*
- c) does not include –*
 - i) secure units*

The Ministry for Social Development would welcome the opportunity to further discuss this submission with the Ministry for the Environment.

APPENDIX 1: EXAMPLES OF DISTRICT AND UNITARY PLAN DEFINITIONS

This section provides examples of District and Unitary Plan definitions, along with discussion of implications the definitions have had on proposals for MSD's transitional residential accommodation.

Whangarei District Plan

Residential Activity	<i>...the use or occupation of land and buildings by people for the purpose of living accommodation, where the occupiers voluntarily intend to live at the site for a period of one month or more, and includes accessory buildings and leisure activities directly associated with the residential activity. It also means the occupation of land or buildings for the purpose of living accommodation on a temporary basis (i.e. up to one month) where the accommodation is ancillary to the predominant use or activity on the site, and involves up to six people only, such as bed and breakfast, farmstay or homestay accommodation. For the purposes of this definition, residential activity therefore includes rest homes (Geriatric Care facilities), guesthouses, apartments, emergency and refuge accommodation, domestic pastimes and activities associated with residential accommodation. The definition of residential activity therefore does not include motels or hotels; backpackers, bed and breakfast, farmstay or homestay accommodation, for more than six people; which are commercial activities.</i>
Residential Units	<i>...a building or group of buildings, room or group of rooms, with associated services and facilities, designed, used or intended to be used separately or in conjunction with each other as a single independent and separate household unit for a Residential Activity...</i>

This definition of Residential Activity clearly includes emergency housing and the provision of living accommodation on a temporary basis. This definition would cater for MSD's use for transitional or temporary accommodation and more permanent public housing.

In addition to meeting the definition, to be a permitted activity in Living (Residential) Zones, transitional residential accommodation will need to comply with the bulk and location standards of the District Plan that apply to all residential activities. For example, in the Living 1 Zone, where there will be more than one residential unit on the site or each residential unit does not have a minimum site area of 500m², a resource consent is required. This can have implications for the repurposing of an existing motel or hostel type accommodation where the Council deems existing use rights are lost as it is unlikely the existing building will comply with the bulk and location controls that apply to residential activities to generate an appropriate level of on-site amenity for a multi-unit development, even though this may not be necessary for the provision of transitional or temporary accommodation.

Palmerston North District Plan

Community House	<i>Means land and/or buildings in which board and live-in health care or support is provided for more than five people. This includes homes for the elderly and halfway houses.</i>
Residential Centre	<i>Means land and/or buildings where long term accommodation is provided for more than five people. This includes hostels associated with tertiary and secondary educational institutions</i>

Transitional residential accommodation has been deemed to fall within the definition of community housing by the Council. This has been due to the support services (eg: financial planning, career advisory) that are often provided as part of the provision of transitional residential accommodation by MSD. Had these services not been provided, the transitional residential accommodation would have fallen outside the definition of community housing.

Where transitional residential accommodation is located within an existing building, it will often not comply with performance standards for community housing and trigger the need for resource consent as the scale or intensity of the use of the building is deemed to have changed.

Hastings District Plan

Residential Activity	<i>The use of land and buildings by people for the purpose of permanent living accommodation, and includes, residential buildings, residential unit buildings, supplementary residential buildings, and associated accessory buildings</i>
Visitor Accommodation	<i>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</i>

Transitional residential accommodation does not fit within the definition of a Residential Activity, nor does it meet the definition of Visitor Accommodation. The Council has therefore assessed proposals for emergency/temporary accommodation as requiring resource consent as a Non-Complying Activity due to it being an activity not provided for in the District Plan.

Christchurch District Plan

Community housing unit	<i>In relation to the Community Housing Redevelopment Mechanism, means a residential unit owned, let or to be let by or on behalf of the Council, Housing New Zealand Corporation, a not-for-profit housing entity or a registered community housing provider (under Part 10 of the Housing Restructuring and Tenancy Matters Act 1992) as social housing.</i>
Residential unit	<i>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 a building used for emergency or refuge accommodation shall be deemed to be used by a single household; where there is more than one kitchen on a site (other than a kitchen within a family flat or a kitchenette provided as part of a bed and breakfast or farm stay) there shall be deemed to be more than one residential unit; a residential unit may include no more than one family flat as part of that residential unit.</i>
Residential activity	<i>The use of land and/or buildings for the purpose of living accommodation. It includes: a residential unit, boarding house, student hostel or a family flat (including accessory buildings); emergency and refuge accommodation; and sheltered housing.</i>
Sheltered housing	<i>Means a residential unit or units used solely for the accommodation of persons for whom on-site professional emergency care, assistance or response is available, but not where residents are detained on the site.</i>
Social housing complex	<i>Means a group of residential units that are owned or operated by Housing New Zealand Corporation, the Council, a not-for-profit housing entity or a registered community housing provider (under Part 1 of the Housing Restructuring and Tenancy Matters Act 1992), including where one of these parties is in a public/private development relationship to provide mixed tenure housing; and provided to help low and modest income households and other disadvantaged groups to access appropriate and secure housing that is affordable.</i>

There are a number of definitions in the District Plan under which transitional or temporary social accommodation may fall so there is ambiguity around where it would sit. The District Plan provides a definition for Social Housing Complex, but this is specific for a group of residential units that are owned or operated by Housing NZ, the Council, a not for profit housing entity or a registered community housing provider.

This definition is at odds with the rules of the District Plan as rule 14.4.1.1 P5 provides for public housing complexes “up to and including 4 residential units” which seems to indicate a range of units from 1 to 4,

but the definition does not provide for 1 single unit. Council's interpretation to-date is that social housing is classified as a residential activity and therefore subject to residential rules.

Wairau/Awatere Resource Management Plan (Marlborough District Council)

Residential activity	<i>Land and buildings used by people for the purpose of living accommodation where occupiers voluntarily intend to live at the site for a period of one month or more and will generally refer to the site as their house and permanent address; and includes accessory buildings and leisure activities. For the purposes of this definition, residential activity shall include emergency and refuge accommodation but does not include visitor accommodation, camping grounds or homestays</i>
Residential unit	<i>Means a residential activity which consists of a single self-contained housekeeping unit, whether of one or more persons, and includes accessory buildings and a family flat. Where more than one kitchen facility is provided on the site, other than a kitchen facility for a family flat there shall be deemed to be more than one residential unit. For the purposes of this definition a residential unit shall include a holiday home, emergency unit or refuge.</i>

Transitional residential accommodation is provided for as a residential activity, which is normally a permitted activity in a residential zone subject to built form standards. However, the rules are generally designed for detached dwellings and are not adapted to the transitional housing needs (eg: repurposing a motel building) and the need for resource consent can rely on the interpretation of Council officers.

Hamilton City District Plan

Managed Care Facilities	<i>Means land or buildings, in which residential accommodation, supervision, assistance, care and/or support are provided by another person or agency for residents. For the purpose of calculating the number of residents, account shall be taken of owners and/or staff and any of their children aged 16 years or older who reside on the premises. All other staff are excluded from that calculation. They include but are not limited to, emergency housing and rehabilitation centres...</i>
Emergency Housing	<i>Means any Managed Care Facility in which temporary residential accommodation, care and/or support are provided by another person or agency for five or more residents (including children) on an emergency basis or for their personal protection. For the purpose of calculating the number of residents, account shall be taken of owners and/or staff and any of their children aged 16 years or older who live on the premises. Including, but not limited to night shelters and women's refuges.</i>

Residential Activities	<i>Means the use of land and buildings by people for living accommodation (whether or not any person is subject to care or supervision).</i>
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The relevant rules relating to Managed Care Facilities and emergency housing in the Hamilton City District Plan are very ambiguous. It is our interpretation that a site may accommodate between 5 to 10 people for emergency housing purposes (i.e. transitional / temporary accommodation), before resource consent is required. If the number of people within the site utilising the premises falls below 5 people, or above 10 people, then resource consent would be required.

APPENDIX 2: TRANSITIONAL HOUSING FACT SHEET



Transitional housing fact sheet

Transitional housing provides warm, dry and safe short-term accommodation for people in need, along with tailored support.

The programme is led by the Ministry of Social Development (MSD) with collaboration from Housing New Zealand, transitional housing providers, and the wider housing sector.

It is managed by contracted providers who are responsible for making sure the homes are warm, dry and safe, and ensuring the properties are well-maintained. They also look after the individuals and families living there, help them access any support they need, such as budgeting advice or social services, and help them find longer-term housing.

Transitional housing is not the same as an Emergency Housing Special Needs Grant (EH SNG). The EH SNG is a one-off grant to cover immediate housing costs for a period of seven days.

Who is transitional housing for?

Transitional housing provides short-term housing for individuals and families who don't have anywhere to live and have an urgent need for a place to stay.

They are likely to already live and work in the community, with children going to local schools.

Families could be in this situation for a number of reasons, such as the place they were renting being sold, or no longer being able to stay with family.

In all situations they will have struggled to find a place to rent, and will have been assessed by Work and Income as having the greatest priority.

Families and individuals stay in transitional housing for an average of 12 weeks or more while they are helped to find more permanent housing.

In most cases, they also receive a further 12 weeks support once they have found a more permanent place to live.

People living in transitional housing pay rent of up to 25% of their income, which is in line with income-related rents for public housing. The balance is subsidised to providers by MSD.

Where is transitional housing located?

There are more than 2,300 transitional housing places across New Zealand.

Transitional housing is diverse. In some cases individual, stand-alone residential homes can be used for transitional housing. In other cases it may be larger developments, such as former motels or purpose-built housing.

More information

More information on transitional housing is available on our website: www.msd.govt.nz; or you can email us at housing@msd.govt.nz.

People who need help with housing should contact Work and Income on 0800 559 009.

SUBMISSION ON THE DRAFT NATIONAL PLANNING STANDARD

Under Section 58D(3), Resource Management Act 1991

To: **Planning Standards**
C/- Ministry for the Environmental
Email: planningstandards@mfe.govt.nz

Submitter Details

Full name of submitter: **Mercury NZ Limited ("Mercury")**
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Stephen Colson
Manager Planning & Policy
for Mercury NZ Limited

Date: 17 August 2018

1 Introduction

This submission is made by Mercury in relation to the draft first set of National Planning Standards (“Standards”) and accompanying documentation.

Mercury is one of New Zealand’s largest electricity generators and retailers providing energy services to homes, businesses and industrial consumers throughout New Zealand. We have a long heritage in renewable energy in New Zealand serving about 1-in-5 homes and businesses under the Mercury brand and other speciality brands. We also have proven capability and technical expertise in smart metering services and solar. Our goal is to be the leading energy brand in New Zealand, inspiring our customers, owners and partners by delivering value, innovation and outstanding experiences.

100% of the Mercury’s generation comes from renewable resources, which includes the Waikato Hydro Scheme on the Waikato River and five geothermal power stations in the Waikato and Bay of Plenty regions, with several of these geothermal power stations being joint ventures with Maori Land Trusts. In addition, Mercury holds consents for two large windfarm developments (currently unbuilt) in the Manawatu-Wanganui region. These existing generation assets and consented development rights are spread across three regions and eight districts.

Ensuring that Mercury has a licence to operate, including through the operation, maintenance and upgrading of its assets, the ability to re-consent its existing assets and operations, and to plan for, consent and develop new generation capacity, are pivotal to Mercury’s business. To achieve this Mercury seeks to ensure that statutory planning documents recognise the resource use requirements of renewable electricity generation activities, and give effect to the requirements of the National Policy Statement on Renewable Electricity Generation 2011 (“NPS-REG”) in an integrated manner. Likewise, there is a need for statutory planning documents to recognise the Government’s renewable energy targets and climate change commitments as New Zealand transitions to a zero-carbon economy.

It is for the reasons mentioned above, that Mercury has an interest in the Standards and the proposals to refine the structure of statutory planning documents and align the use of definitions in these documents.

Mercury’s submission is structured as follows:

- Section 2 covers the need for integrated management of electricity generation activity in planning documents with other resources and values, which may potentially compete or conflict with electricity generation. This is followed in section 2.5 by proposed amendment to several of the Standards to achieve integrated management.
- Section 3 relates to the Definitions Standard, including definitions that Mercury supports (section 3.1) and definitions that Mercury considers require amendment (section 3.2).
- Section 4 covers other matters relating to the Standards, including the Noise and Vibration Metrics Standard (section 4.3).
- Section 5 addresses the question of content for future planning standards.

2 Integrated Management for Electricity Generation

For the reasons set out in sections 2.1 to 2.4 below, Mercury considers that amendments to the Standards are needed to better provide for the integrated management of electricity generation. Specifically, Mercury seeks that:

- The Structure Standards for the Regional Policy Statement (S-RPS), Regional Plan (S-RP), District Plan (S-DP), and Combined Plan (S-CP) be amended to include a dedicated Electricity Generation chapter and a dedicated Geothermal chapter (where relevant to a region).
- The District Wide Matters Standard (S-DWM) be amended to provide direction on the matters to be included in the new Electricity Generation chapter.
- Greater flexibility be introduced within the Standards to ensure integrated management; and
- An electricity generation zone be added to the list of special purpose zones.

Specific changes are proposed in section 2.5 below.

2.1 The Integrated Management Outcome for Electricity Generation

Providing for integrated management of electricity generation activities in planning documents will ensure there is a clear articulation across the whole objective, policy, and rule framework on how electricity generation activities are to be provided for across different resources and values, including values which sometimes compete or conflict with electricity generation activities. In addition, Mercury (and other generators) need to be involved in plan changes and plan reviews around the country, to ensure that the NPS-REG is appropriately given effect to in planning documents.



The NPS-REG is intended to confront two major energy challenges for New Zealand as it meets growing energy demand. The first is to respond to the risks of climate change by reducing greenhouse gas emissions caused by the production and use of energy. The second is to deliver clean, secure, affordable energy while treating the environment responsibly. The contribution of renewable electricity generation, regardless of scale, towards addressing the effects of climate change plays a vital role in the wellbeing of New Zealand, its people and the environment.

Therefore, proper integration of the NPS-REG into the Standards would lead to greater efficiencies. This will provide increased certainty for the on-going operation and authorisation of existing generation assets and the consenting and development of new generation capacity to assist meeting New Zealand's increasing electricity demands, Government targets for renewable electricity generation, and related climate change goals.

2.2 Prescribed Structure in the Draft Standards

The Standards set out a proposed structure for planning documents that will influence how electricity generation activities are to be provided for in planning documents. This includes the Structure Standards for Regional Policy Statements (S-RPS), Regional Plans (S-RP), District Plans (S-DP), Combined Plans (S-CP), and the District Wide Matters Standard (S-DWM) that direct the adoption of a compartmentalised structure based on prescribed themes (except a Regional Plan (S-RP) developed on a catchment basis).

This compartmentalised structure requires that infrastructure and energy matters are to be grouped together and contained in an *Infrastructure and Energy* chapter (except a Regional Plan (S-RP) developed on a catchment basis), along with other theme-based chapters, such as the coastal environment, landscapes landforms and natural character, ecosystem and indigenous biodiversity, environmental risk, land, and water (as relevant to the type of plan). Some of these chapters relate to natural resources and values for which section 6 of the RMA prescribes the adoption of a more protective approach, such as for natural character, outstanding landscapes, and significant indigenous biodiversity.

The draft implementation guidance for the Structure Standards provides that plan provisions are to be included in the most relevant theme chapter, or within a catchment chapter. For example, rules relating to protecting biodiversity in wetlands, can be located in the water chapter, the ecosystem and indigenous biodiversity chapter, or a relevant catchment chapter. Furthermore, the guidance notes that the infrastructure and energy chapter may include objectives, policies, and methods including rules that set clear outcomes for and manages the region's infrastructure and energy resources.

2.3 Implications of the Draft Standards for Integrated Management

In theory, the structure of a planning document should not drive outcomes, but requiring the adoption of a compartmentalised theme-based structure where plan provisions are included in the most relevant chapter could inadvertently emphasise or promote the protection of the environment in those chapters which address natural environment values (e.g. landscapes landforms and natural character) in isolation of enabling appropriate use and development to provide for social, economic, and cultural wellbeing. This will likely contrast with more enabling provisions for renewable electricity generation activities contained in an infrastructure and energy chapter.

The separation of those protective and enabling elements in theme-based chapters could lead to a fragmented objective, policy, and rule framework resulting in provisions which do not clearly articulate how electricity generation activities are to be provided for across different resources and values. This would not achieve integrated sustainable management under the RMA. The management of the geothermal resource is a useful case study to demonstrate this.

Case Study: Geothermal Resource

The Waikato and Bay of Plenty regions are responsible for sustainable management of 90 percent of New Zealand's geothermal resource. The issues regarding the management of geothermal water are different from those for freshwater, and consequently the Regional Policy Statements and Regional Plans for Waikato and Bay of Plenty regions contain separate chapters for the management of the regional geothermal resource, including specific objectives, policies, rules, and other implementation methods. These geothermal chapters provide for the integrated management of geothermal systems to enable the use and development of some of the geothermal resource to meet energy needs, through to the protection of some of the geothermal resource and some geothermal features.

The Structure Standard for Regional Policy Statements (S-RPS) states that "*If water matters are addressed in the regional policy statement (RPS) they must be included in the water chapter. Local authorities must consider whether to combine this chapter with the land chapter.*" A similar provision is included in the Structure Standards for Regional Plans (S-RP) and Combined Plans (S-CP). The definition of 'water' in the RMA includes freshwater, coastal water and geothermal water. Consequently, it is not clear that geothermal water can be dealt with in a *Special Topics* chapter. Requiring geothermal water to be dealt with in the same chapter as freshwater cuts across the intent of the RMA that



resource management issues specific to a region should be dealt with by that region. Geothermal water is recognised by the RMA as having different management issues from freshwater and needs to be treated differently.

Geothermal features and geothermal vegetation are specific attributes of geothermal resources directly linked to and influenced by geothermal water. Like the issue noted above for water and geothermal water, the Structure Standards (S-RPS, S-RP and S-CP) would require geothermal features to be addressed in the chapters for *landscape, landform and natural character or water* (depending on the type of feature), while geothermal vegetation would be addressed in the chapter for *ecosystem and indigenous biodiversity*.

Because of the different issues that geothermal water and land uses face, and because of the integrated nature of the effects of use of geothermal water and land, Mercury supports the current structure in the Waikato and Bay of Plenty Regional Policy Statements and Regional Plans of dealing with the geothermal resource issues together in a separate chapter. It is understood that this is also the preferred approach of Waikato and Bay of Plenty Regional Councils. However, this approach only need be applied to the regions where the geothermal resources are located.

The requirement for energy matters to be grouped together with other infrastructure in an *infrastructure and energy* chapter compounds the integration issues discussed above. Combining energy with infrastructure risks resulting in a generic framework being applied to all infrastructure without recognising specific differences of some forms of infrastructure. For example:

- Lineal infrastructure, such as roads, railway lines, electricity and telecommunication lines, does not share many characteristics found with electricity generation.
- There is a high degree of variability between and within types of electricity generation that makes it difficult to manage through provisions applying to other types of infrastructure.
- Unlike most infrastructure operators, an electricity generation operator is unable to be a requiring authority under the RMA and therefore electricity generation infrastructure cannot be provided by way of designation.
- It would not recognise the national significance and particular benefits and differences of renewable electricity generation under the NPS-REG in comparison to other infrastructure. In particular, the NPS-REG recognises a number of practical implications and constraints of operating, upgrading, and developing renewable electricity generation activities to achieve New Zealand's targets for renewable electricity generation.

These issues require a more targeted planning framework for electricity generation from that provided for other infrastructure. That may include spatial recognition of generation activities in plans through zones, overlays, precincts, or other methods in order that specific objectives, policies, and rules can be applied to them. It is considered there are several options to amend the Standards to achieve appropriate integration for electricity generation activities, as detailed in section 2.5 below.

2.4 Integrated Management Solution for Electricity Generation

2.4.1 Inclusion of a Separate Electricity Generation Chapter in Planning Documents

Mercury considers there is a strong case for electricity generation, including renewable electricity generation, to be contained in its own self-contained chapter in planning documents, separate from other infrastructure, while also acknowledging that matters related to the management of electricity generation may also need to be addressed in other theme chapters. This will better recognise the national significance, benefits, and differences of renewable electricity generation activities under the NPS-REG in comparison to other infrastructure through the inclusion of more targeted provisions. This will provide increased certainty for existing generation assets and the development of new generation capacity to meet demand and Government targets. Specific changes are proposed in section 2.5 below.

2.4.2 Inclusion of a Separate Geothermal Chapter in Planning Documents

Mercury considers there is a strong case for all geothermal matters to be contained in its own self-contained chapter in regional planning documents, or otherwise included in a special topics chapter. This would include all matters relating to geothermal water, energy, features and vegetation, which are unique features and elements to the regions where the geothermal resource is located. This will ensure that geothermal matters can be managed as a distinct resource in the same way that the Standard anticipates regional authorities will manage the air, coastal environment or water resources. However, it is acknowledged that matters related to the management of geothermal electricity generation may also need to be addressed in the Electricity generation chapter to the extent that this is relevant. This integrated approach will ensure the continuation of the management of the geothermal resource in the Waikato and Bay of Plenty regions according to the classification systems established by those regional authorities (e.g. development geothermal systems through to protected geothermal systems). Specific changes are proposed in section 2.5 below.



2.4.3 Providing Flexibility and Connections to Ensure Integrated Management

The purpose of a Regional Policy Statement is to provide an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region (section 59 RMA). Several existing Regional Policy Statements have 'Integrated Management' as a significant matter addressed through objectives and policies. This is partially achieved through the Structure Standards for the Regional Policy Statement (S-RPS), Regional Plan (S-RP), and Combined Plan (S-CP) by allowing local authorities to consider whether to combine the *Land* and *Water* chapters, but otherwise the only place to address this in the Standards is the *Special Topics* chapter.

Providing greater flexibility and connectivity in the Structure Standards for objectives, policies, methods, and rules across the different compartmentalised theme chapters will better achieve integrated sustainable management, including for electricity generation activities, by making it clear what provision takes precedence where there is a conflict between the outcomes sought. This will better ensure the protection of natural resources and values is not considered in isolation of enabling appropriate use and development to provide for social, economic, and cultural wellbeing. This integrated approach was demonstrated in the case study for the geothermal resource in section 2.3 above. One of the ways in which this could be achieved is through a specific theme chapter in a regional policy statement for integrated management, and the theme chapters in regional planning documents being connected in an integrated manner (e.g. the chapter on electricity generation may need to be connected to provisions in water chapter with respect to hydro electricity generation).

Specific changes to address this issue are proposed in section 2.5 below.

2.4.4 Spatial Tools for Energy Generation

Mercury considers that an option should be provided in the Standards for a specific zone for electricity generation. This could be for a particular type of generation relevant to a district (e.g. a hydro-electricity generation zone) or for multiple generation types. However, a specific zone may not be the best approach for all generation types, e.g. a windfarm site may be best managed as a rural zone where the land continues to be used for a rural production purpose alongside the windfarm activity.

Electricity generation shares many common features with other infrastructure that has been afforded a special purpose zone under the standards, specifically the airport zone and port zone. In addition, renewable electricity generation is nationally significant under a national policy statement, and often crosses multiple regional or district boundaries (such as a hydro power scheme that traverses territorial or regional boundaries).

Enabling the creation of a special purpose [energy generation] zone would also support inclusion of more targeted provisions for renewable electricity generation in a specific zone. For example, provisions which are more enabling for renewable generation given its national significance and benefits could be applied, which recognise the practical implications and constraints of operating and developing generation activities.

Specific changes to address this issue are proposed in section 2.5 below.

2.5 Proposed Amendments to Standards to Address Integrated Management

2.5.1 Regional Policy Statement Structure Standard (S-RPS)

Amend Part 4 of Table 3 as follows (proposed additions underlined and proposed deletions ~~struck through~~):

PART 4 – THEMES		
<u>Integrated management</u>		<u>If integrated management matters are address in the regional policy statement, they must be included in the <i>Integrated management</i> chapter.</u>
...		...
Infrastructure and energy		If infrastructure and energy matters are addressed in the regional policy statement they must be included in the <i>Infrastructure and energy</i> chapter.
<u>Electricity generation</u>		<u>If electricity generation matters are addressed in the regional policy statement they must be included in the <i>Electricity generation</i> chapter, <u>acknowledging that matters related to the management of electricity generation may also need to be addressed in other theme chapters.</u></u>
<u>Geothermal</u>		<u>If geothermal matters are relevant to a region (including geothermal water, energy, features and vegetation) and addressed in the regional policy statement they must be included in the <i>Geothermal</i> chapter, or otherwise included in a <i>Special topics</i> chapter, and acknowledging</u>



		that matters related to <u>geothermal electricity generation</u> may also need to be addressed in the <i>Electricity generation</i> chapter.
...		...

2.5.2 Regional Plan Structure Standard (S-RP)

Amend Part 4 of Table 4 as follows (proposed additions underlined and proposed deletions ~~struck through~~):

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 <i>Infrastructure and energy</i> chapter.
<u>Electricity generation</u>		If the local authority chooses to address matters on a theme basis and <u>electricity generation</u> matters are addressed in the regional plan they must be included in the <i>Electricity generation</i> chapter, <u>acknowledging that matters related to the management of electricity generation may also need to be addressed in other theme chapters.</u>
<u>Geothermal</u>		If the local authority chooses to address matters on a theme basis and <u>geothermal</u> matters are relevant to a region (including <u>geothermal water, energy, features and vegetation</u>) and addressed in the regional plan they must be included in the <i>Geothermal</i> chapter, <u>or otherwise included in a <i>Special topics</i> chapter, and acknowledging that matters related to geothermal electricity generation may also need to be addressed in the <i>Electricity generation</i> chapter.</u>
...		...

2.5.3 District Plan Structure Standard (S-DP)

Amend Part 4 of Table 5 as follows (proposed additions underlined and proposed deletions ~~struck through~~):

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>Electricity generation</u>		...
...		<u>Electricity generation matters may also be addressed via special purpose zones [e.g. electricity generation zone] or other provisions [spatial planning tools] that are applicable to the circumstances relating to specific electricity generation matters.</u>

Amend Part 5 of Table 5 as follows (proposed additions underlined and proposed deletions ~~struck through~~):

PART 5 – AREA SPECIFIC MATTERS		Local authorities must implement the Area Specific Matters Standard (S-ASM) as specified below.
...
Special purpose zones	...	
	<u>Electricity generation zone</u>	
	[Additional Special Purpose] Zone	
...	...	



2.5.4 Combined Plan Structure Standard (S-CP)

Amend Part 3 of Table 6 as follows (proposed additions underlined and proposed deletions ~~struck through~~):

PART 3 – REGIONAL POLICY STATEMENT		If a regional policy statement is part of the combined plan this part must be used
Significant resource management issues for the region	Significant resource management issues and discussion	Local authorities must include sections where the matters raised are relevant as significant resource management issues for the region.
Themes	<u>Integrated management</u>	<u>If integrated management matters are address in the regional policy statement on a theme basis, they must be included in the <i>Integrated management</i> section.</u>

	Infrastructure and energy	If infrastructure and energy matters are addressed in the regional policy statement on a theme basis they must be included in the <i>Infrastructure and energy</i> chapter.
	<u>Electricity generation</u>	<u>If electricity generation matters are addressed in the regional policy statement on a theme basis they must be included in the <i>Electricity generation</i> chapter, acknowledging that matters related to the management of electricity generation may also need to be addressed in other theme sections.</u>
	<u>Geothermal</u>	<u>If geothermal matters are relevant to a region (including geothermal water, energy, features and vegetation) and addressed in the regional policy statement on a theme basis they must be included in the <i>Geothermal</i> chapter, or otherwise included in a <i>Special topics</i> chapter, and acknowledging that matters related to geothermal electricity generation may also need to be addressed in the <i>Electricity generation</i> chapter.</u>
...

Amend Part 4 of Table 6 as follows (proposed additions underlined and proposed deletions ~~struck through~~):

PART 4 – REGION WIDE MATTERS		Local authorities must implement the District Wide Matters Standard (S-DWM) to the extent it is relevant
...		...
Infrastructure and energy		If the combined plan does not include a district plan, and the local authority chooses to address infrastructure and energy matters on a theme basis this chapter must be used.
<u>Electricity generation</u>		<u>If the combined plan does not include a district plan, and the local authority chooses to address electricity generation matters on a theme basis this chapter must be used, acknowledging that matters related to the management of electricity generation may also need to be addressed in other theme chapters.</u>
<u>Geothermal</u>		<u>If geothermal matters are relevant to a region and the local authority chooses to address geothermal matters (including geothermal water, energy, features and vegetation) outside of the regional policy statement on a theme basis, they must be included in the <i>Geothermal</i> chapter, or otherwise included in a <i>Special topics</i> chapter, and acknowledging that matters related to geothermal electricity generation may also need to be addressed in the <i>Electricity generation</i> chapter.</u>
...		...
Infrastructure and energy		If the combined plan includes a district plan then local authorities must implement the District Wide Matters Standard (S-DWM).
<u>Electricity generation</u>		
...		<u>If the combined plan includes a district plan, electricity generation matters may also be addressed via special purpose zones [e.g. electricity generation zone] or other provisions [spatial planning tools] that are applicable to</u>



		<p><u>the circumstances relating to specific electricity generation matters.</u></p> <p>If the combined plan includes a regional plan, regional plan provisions may be integrated with the implementation of the General District Wide Matters Standard (S-DWM).</p> <p>The Noise and Vibration Metrics Standard (CM-2) must be implemented through the <i>Noise and Light</i> section.</p>
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Amend Part 6 of Table 6 as follows (proposed additions underlined and proposed deletions ~~struck through~~):

PART 6 – AREA SPECIFIC MATTERS		If the combined plan includes a district plan, the local authority must comply with this part. Local authorities must implement the Area Specific Matters Standard (S-ASM).
...
Special purpose zones	...	
	<u>Electricity generation zone</u>	
	[Additional Special Purpose] Zone	
...

2.5.5 District Wide Matters Standard (S-DWM)

Amend Directions 21 - 25 as follows (proposed additions underlined and proposed deletions ~~struck through~~) or similar (e.g. separate district wide directions specific to an *Electricity Generation* chapter):

Infrastructure ~~chapter~~ and Electricity Generation chapter (S-IE)

- 21 The Infrastructure ~~and energy~~ chapter and the Electricity Generation 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.
- Notwithstanding the above, the National Policy Statements place obligations on other land use activities (e.g. avoiding reverse sensitivity effects) that will need to be given effect through other chapters, as relevant.
- 22 The Infrastructure ~~and energy~~ chapter must be consistent with the:
- a. Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009
 - b. Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016.
- 23 If relevant to a local authority, the following matters must be addressed in the Infrastructure ~~and energy~~ chapter unless provided in a special purpose zone, requirement or designation:
- a. objectives, policies and methods including rules if any, relating to the operation, maintenance, upgrading and development of infrastructure including where relevant:
 - i. state highways and local roads
 - ii. railways
 - iii. airports
 - iv. ports
 - v. ~~electricity generation~~, transmission and distribution
 - vi. wastewater, stormwater and drinking water infrastructure
 - vii. other network utilities not listed



- viii. bulk storage and transmission of fuel or energy
 - ix. street furniture
 - x. any buffer corridor area provisions required for the national grid
- b. a statement about the zoning status of roads; eg, the adjoining zoning applies to the centre line of the road
 - c. provisions to manage reverse sensitivity effects between infrastructure and other activities.

23A If relevant to a local authority, the following matters must be addressed in the Electricity Generation chapter:

- a. objectives, policies and methods including rules if any, relating to the operation, maintenance, upgrading and development of electricity generation activities and structures, including in particular renewable electricity generation activities and structures.
- b. provisions to manage reverse sensitivity effects between electricity generation activities and other activities.

24 Any noise related metrics must be consistent with the Noise and Vibration Metrics Standard (CM-2).

25 The Infrastructure ~~and Energy~~ chapter and the Electricity Generation chapter must refer to any relevant applied Special Purpose Zone (eg, Airport zone, Port Zone, Hydro-electricity Generation Zone).

2.5.6 Area Specific Matters Standard (S-ASM)

In addition to, or as an alternative to providing a specific electricity generation zone through Direction 8 (below), amend Direction 7 as follows (proposed additions underlined and proposed deletions ~~struck through~~):

- 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 nationally significant or otherwise 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.

Amend Direction 8 as follows (proposed additions underlined and proposed deletions ~~struck through~~):

Discretionary direction	
8	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.
Zone	Purpose Statement
...	...
Electricity generation zone	<p>The purpose of the <i>Electricity generation zone</i> is to:</p> <ul style="list-style-type: none"> • <u>enable the ongoing operation, maintenance, upgrading and future development of electricity generation facilities and activities</u> • <u>recognise the national significance and benefits of renewable electricity generation activities</u> • <u>enable ancillary activities associated with electricity generation, including the system of electricity conveyance to the transmission or distribution network</u> • <u>enable electricity storage technologies.</u>
[Additional special purpose] zone	...
...	...



3 Definitions Standard

This section relates to the Definitions Standard (CM-1). The definitions that are supported are listed first and these definitions should be retained. This is followed by the definitions where amendments are sought.

3.1 Definitions that are Supported

All definitions in the Standard that adopt and carryover the same meaning as in the RMA are fully supported.

In addition, the following listed definitions are supported without change.

- Accessory building
- Ancillary activity
- Notional boundary
- Official sign
- Reclamation
- Setback
- Sewage
- Small scale renewable electricity generation
- Wastewater

3.2 Definitions Requiring Amendment

The following section sets out the definitions that are not supported in their current form and proposed amendments to address the matter of concern.

3.2.1 Definition of 'addition'

The term 'addition' is adequate in so far as it relates to a building addition, however, the term has a common English usage that can be applied in contexts other than for buildings. The term '*building addition*' or similar is considered more appropriate.

Amendment sought

Retain the definition but amend the term as follows (proposed additions underlined and proposed deletions ~~struck through~~):

'building addition – means...'

OR, in the alternative, the definition could be amended as follows (proposed additions underlined and proposed deletions ~~struck through~~):

'means, for the purpose of a building, any works...'

3.2.2 Definition of 'aquifer'

In the case of a geothermal system, an aquifer also yields geothermal water (which includes steam) and energy and this should be added to the definition, given that geothermal water and geothermal energy are themselves defined terms in the RMA.

Amendment sought

Amend the definition as follows (proposed additions underlined and proposed deletions ~~struck through~~):

'means a permeable geological formation, group of formations, or part of a formation capable of receiving, storing, transmitting and yielding water and/or geothermal water and energy'

3.2.3 Definition of 'bore'

As noted above for the definition of 'aquifer', in the case of a geothermal system, a bore is also used to abstract or inject gas (steam) as well as liquid (water). This gas component should be added to the definition. In the alternative, this could refer to 'geothermal water' rather than gas as this is defined in the RMA as including steam.

For clarification purposes, the definition should also refer to a hole that is drilled or constructed.

Amendment sought

Amend the definition as follows (proposed additions underlined and proposed deletions ~~struck through~~):

- '(a) means any hole drilled or constructed into the ground that is used to—
- (i) investigate or monitor conditions below the ground surface; or



- (ii) abstract liquid or gas substances from the ground; or
 - (iii) discharge liquid or gas substances into the ground; but
- (b) it does not include test pits and soak holes'

3.2.4 Definition of 'building'

There is a potential issue with the 'building' definition specifying "...enclosed with two or more walls and a roof, **or any structure that is similarly enclosed**" (emphasis added). The reference to "similarly enclosed" is unclear and relatively subjective, and Mercury is concerned that it will lead to uncertainty for plan users. The reference to "similarly enclosed" may also unintentionally capture structures that are not buildings by any ordinary sense of the word. For example, hydro dams can include internal rooms that are enclosed but these rooms are not the principle purpose of the structure. That is, a dam (and its internal components) should be classified as a 'structure' more specifically rather than being captured by the 'building' definition. The same would apply to other enclosed structures, such as tunnels, pipelines, and wind turbine towers. This issue would be remedied by the definition not referring to '*any structures that are similarly enclosed*'.

Amendment sought

Amend the definition as follows (proposed additions underlined and proposed deletions ~~struck through~~):

'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

3.2.5 Definition of 'footprint'

The proposed definition refers to 'ground floor level'. For consistency with other defined terms and to avoid confusion, it is considered the definition should simply refer to 'ground level'.

Amendment sought

Amend the definition as follows (proposed additions underlined and proposed deletions ~~struck through~~):

'means the total area of structures at ground ~~floor~~-level and the area of any section of any of those structures that protrudes directly above the ground'

3.2.6 Definition of 'functional need'

The definition of 'functional need' in the Standards does not suitably account for the operational needs of activities to locate in a certain area. In this regard, the definition of 'functional need' is considered to only focus on the nature of the activity related to the siting of an activity (i.e. the activity can *only* occur in that environment, such as a geothermal generation facility locating in a geothermal field) and does not appropriately consider the operational needs of activities (such as the need for a new generation facility to link in with existing transmission or distribution networks). In some cases, an activity will have both a 'functional need' and an 'operational need' to locate in a particular area.

The Ministry for the Environment Evaluation Report (Part 2C – Definitions, page 93) notes that the concept in 'functional need' is recognised in Policy C of the NPS-REG, but it does not acknowledge that logistical or technical practicalities and constraints (being the concepts in 'operational need') are also recognised by Policy C of the NPS-REG. Logistical or technical factors are those that would make it very difficult to construct a structure or carry out an activity in any other way.

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);
- A site having suitable transportation routes and access for construction, maintenance and upgrade projects to accommodate oversize or overweight loads, e.g. proximity to a suitable port for unloading equipment, strength of road bridges for heavy vehicles, and the tightness of road curves (e.g. transporting wind turbine blades);
- The design and placement of wind turbines within a windfarm to minimise turbulence effects; and
- The management of the flows and levels of lakes and rivers associated with hydro-electricity reservoirs to meet operational design and electricity market conditions;

Mercury also notes that more recent statutory planning documents include policies that refer to 'functional needs' and 'operational needs'. This includes the Auckland Unitary Plan, 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 separately defined in that Plan.



Amendment sought

Provide a new definition for 'operational need' as follows (proposed additions underlined):

'operational need – means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints'

An alternative, although less preferred approach, would be to merge the concepts of 'functional need' and 'operational need' into a single definition (e.g. a definition for 'functional or operational need').

3.2.7 Definition of 'geothermal water'

It is suggested that the RMA definition of geothermal water is added to the Standards, as the term is used in Mercury's proposed amendment to the definition of 'aquifer'. We note that the RMA definition of 'water' and 'freshwater' is in the draft Standard; the definition of 'water' includes geothermal water, while 'freshwater' excludes geothermal water. The inclusion of the geothermal water definition would clarify the meaning of the 'water' and 'freshwater' definitions also.

Amendment sought

Provide a new definition for 'geothermal water' as follows (proposed additions underlined):

'has the same meaning as in section 2 of the RMA (as set out in the box below)

means water heated within the earth by natural phenomena to a temperature of 30 degrees Celsius or more; and includes all steam, water, and water vapour, and every mixture of all or any of them that has been heated by natural phenomena

3.2.8 Definition of 'height' [in relation to a district plan]

The Standard proposes two definitions for 'height'; one for district plans that uses 'ground level' as the reference point; and the other for a regional policy statement or regional plan that uses different reference points, being either:

- a. the 'ground level' outside the coastal marine area; or
- b. other reference point stated in a rule outside the coastal marine area; or
- c. mean sea level inside the coastal marine area.

It is the district plan definition for 'height' with the 'ground level' reference point that is problematic for hydro power schemes and possibly other lake bed or riverbed structures. Under clause (b) of the 'ground level' definition, the existing surface level becomes the default where there is no subdivision involved, "*except areas of cut or fill associated with the construction or alteration of a building*". This exclusion applies to a 'building' only, whereas the reference point in the 'height' definition applies to all 'structures' relative to 'ground level'. This is problematic for some hydro power schemes where there are different types of 'structures' (e.g. dam, spillway, transformers and transmission structures) and 'buildings' (e.g. powerhouse and maintenance buildings), all of which are integrated and transition from a land environment to a lake bed or riverbed environment. Assessing 'ground level' in these circumstances becomes unworkable. A similar problem may also exist for other structures, such as bridges.

Part of the issue stems from the overlapping jurisdiction for lake beds or riverbeds whereby district councils control land use which can extend to land covered in water that amounts to the bed of a lake or river. As an example, the Waikato Hydro Scheme traverses through five districts and each of the respective district plans control land use within the beds of lakes and rivers through district plan zoning controls. It is in these circumstances where an alternative reference point becomes appropriate, for example using the existing hydro dam crest for the construction of a minor structure on top of the dam, as 'height' assessments relative to 'ground level' become somewhat meaningless. Other alternative reference points include a reduced level elevation (RL) or a water level datum.

To address this matter different reference points are required to measure 'height' of 'structures' where it is not practical to use 'ground level' and this will ensure the 'height' definition does not unnecessarily modify an existing permitted activity framework, i.e. where the district plan currently uses a different reference point. It is considered that a 'height' definition in district plans that differs from that in a RPS/regional plan only adds unnecessary complexity. It is further noted that a combined plan is required to adopt the RPS/regional plan 'height' definition, which demonstrates that the RPS/regional plan is fit for use in a district plan (with minor modification). Mercury's suggested amendments will provide 'ground level' as the default reference point but allow bespoke height rules to be drafted to address the complexities of measuring the height in relation to water bodies, and any other scenario where a bespoke approach is needed.



Amendment sought

Amend the district plan definition of height as follows (proposed additions underlined and proposed deletions ~~struck through~~):

~~'means the vertical distance between ground level at any point and the highest part of the a structure immediately above that point and a reference point. The reference point is ground level, unless otherwise stated in a rule.'~~

3.2.9 Definition of 'industrial activity'

Mercury considers that this definition is too narrow in scope and would potentially exclude many existing industrial activities. Clause (a) needs to be broader than just applying to "goods". For example, a wastewater treatment plant does not involve goods, but the processing of waste materials is industrial in nature and effects.

The definition should include a reference to "*industrial or trade process*" as defined in the RMA. The Ministry for the Environment Evaluation Report simply claims the RMA terms were too narrow and circular. However, by including references to these RMA terms it expressly captures the chain of process from receipt of raw materials through to dispatch or use in another process, and acknowledges that an industrial activity can involve the use, storage, treatment or disposal of waste material, and the discharge of contaminants (e.g. air discharges) associated with the industrial or trade process.

To help support this change, it is noted that the definition for 'sewage' states that it includes "...*any waste in water from industrial or commercial processes*".

Amendment sought

Amend the definition as follows (proposed additions underlined and proposed deletions ~~struck through~~):

'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) undertaking an industrial or trade process (as defined in section 2 of the RMA); or
- ~~(e)~~ any training facilities for any of the above activities'

3.2.10 Definition of 'reverse sensitivity'

The term 'reverse sensitivity' is now well entrenched in resource management policy statements, plans, and case-law but there are two potential issues with the proposed definition.

The first issue is the definition applies to existing lawfully established activities but not unimplemented consented activities. In particular, Policy D of the NPS-REG requires decision makers to "...*manage activities to avoid reverse sensitivity effects on consented and on existing renewable electricity generation activities*" (emphasis added). This avoid policy is a strong directive and its application to consented activities (renewable electricity generation) is unique amongst the current NPS documents. The Ministry for the Environment Evaluation Report (Part 2C – Definitions, page 120) states that "*such [consented but unimplemented] activities form part of the existing environment, and therefore are caught by the term "existing activity".*" Although case law confirms that unimplemented consents do form part of the existing "environment", the current proposed definition of reverse sensitivity refers to "an existing lawfully *established* activity". Mercury is unclear on whether a consented (but unimplemented) resource consent will meet the establishment test. This is a significant issue needing to be addressed in order to give effect to the NPS-REG.

The second issue is that the definition implies a new activity sensitive to an existing activity must be recently established for there to be a reverse sensitivity effect. It is common for plans to seek the avoidance of reverse sensitivity effects (and is also the requirement in Policy D of the NPS-REG) which may mean the sensitive activity is not established in a particular locality. The definition should therefore refer also to the "*potential establishment*" of new activities.

Given that many electricity generation projects have a long lead time from consenting to construction / implementation, 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 characteristic would be common to many infrastructure projects. For example, the establishment of a new dwelling in close proximity to a consented infrastructure project that is consented to emit higher noise levels (e.g. a wind farm, a road, a railway line, a port or airport), with the resultant effect that the new dwelling may have its amenity affected by the infrastructure project if constructed.



Amendment sought

Amend the definition as follows (proposed additions underlined and proposed deletions ~~struck through~~):

'means the potential for the operation of an existing lawfully established activity or a consented (but unimplemented) renewable electricity generation activity to be compromised, constrained or curtailed by the more recent establishment, or potential establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an existing activity or consented (but unimplemented) renewable electricity generation activity'.

OR, in the alternative, the definition could be amended to more broadly relate to existing or consented infrastructure (which would encompass renewable electricity generation).

3.2.11 Definition of 'sewage'

The definition is supported in so far as it refers to "...any waste in water from industrial or commercial processes". 'Sewage' is referred to in the definition for 'wastewater' which is also supported. Any change to the definition for 'sewage' may require a consequential change to the 'wastewater' definition to ensure it continues to capture the liquid waste from an industrial or trade premises/process.

3.2.12 Definition of 'site'

Mercury considers there are flaws in the proposed definition that will need to be remedied for the definition to be workable. This is considered important as the term 'site' is embedded in many of the other definitions in the Standard and would result in unintended consequences in other definitions. Some of the problems with the definition are:

- the definition essentially defines property (and an alternative to the RMA definition of 'allotment') but in plans 'site' can mean a spatial feature or area, a permitted activity or a consent area, all of which may not align to property boundaries;
- it is unclear how the definition would be applied in the coastal marine area;
- clause (a) to (e) of the definition all refer to 'land' but the RMA definition of 'land' does not include the bed of a lake or river for the purpose of a regional council function or a regional rule. This is problematic when defining some activities, such as a bridge or dam.
- The definition for 'setback' refers to "...the boundary of its site, or other feature specified in the Plan". It is considered that "other feature" should be able to be defined as a site, e.g. a SNA, or outstanding landscape which in many cases do not align to property boundaries.

The proposed amendments below are only considered a partial fix to the problems with the definition. Further changes to the definition may be necessary to address the issues raised here and should be done so after considering other similar submissions on the definition. Alternatively, the definition could be deleted so that a local authority can define 'site' to suit their particular circumstances.

Amendment sought

Amend the definition as follows (proposed additions underlined and proposed deletions ~~struck through~~):

'means:

a)...

...

e)...

unless otherwise stated in a rule'

OR, in the alternative, delete the definition.

3.2.13 Definition of 'small scale renewable electricity generation'

The definition is supported. The 20kW limit is considered a reasonable threshold to accommodate 'small scale' for the many different forms of renewable electricity generation that may support an individual activity or site.

3.2.14 Definition of "special audible characteristics"

The definition does not currently provide sufficient certainty, such as the location where its "subjective acceptability" is applied or how it is assessed. Any 'special audible characteristics' should only be applied at a 'notional boundary' (as defined by the draft Standard) and its assessment should be in accordance with a relevant Acoustic New Zealand Standard.



Amendment sought

Amend the definition as follows (proposed additions underlined and proposed deletions ~~struck through~~):

'means sound that has a distinctive characteristic such as tonality or impulsiveness which affects its subjective acceptability assessed (unless otherwise stated in a rule) at the notional boundary in accordance with the applicable New Zealand Acoustical Standard.'

3.2.15 Definition of 'structure'

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.

The inclusion of a definition of 'structure' in the Standard that differs from the RMA raises issues with respect to which definition takes priority. The Ministry for the Environment Evaluation Report (Part 2C – Definitions, page 125) fails to provide any evaluation for the term 'structure' (e.g. that the RMA definition is not fit for purpose, or why the definition differs from that in the RMA).

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), 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'.

If the definition of structure is to be changed it should specifically include 'dams' to put this beyond doubt. Currently it can be inferred that they are structures from the restrictions under section 13(1)(a) of the RMA.

Amendment sought

Amend the definition as follows (proposed additions underlined and proposed deletions ~~struck through~~):

'has the same meaning as in section 2 of the RMA (as set out in the box below)

<p><u>'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.'</u></p>

3.2.16 Definition of 'wastewater'

The definition is supported in so far as it refers to 'sewage' which itself is defined as "...any waste in water from industrial or commercial processes". Any change to the definition for 'sewage' may require a consequential change to the 'wastewater' definition to ensure it continues to capture the liquid waste from an industrial or trade premises/process.

4 Other Matters

4.1 Introduction and General Provisions Standard (S-IGP)

The Introduction and General Provisions Standard, relating to all policy statement and plans, is generally supported, and in particular Direction 9, which requires a section dealing with cross boundary issues, including the processes to be used to manage matters that cross local authority boundaries. Many of New Zealand's electricity generation facilities cross local authority boundaries so it is important that Direction 9 is retained.

4.2 District Wide Matters Standard (S-DWM)

Direction 31 of the Standard relates to noise and light matters in a district plan, including in clause (d) the sound insulation requirements or location of noise sensitive activities relative to noise generating activities. This element is supported.

Direction 7 of the District Wide Matters Standard 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 features and landscapes from inappropriate development (as well as the maintenance and enhancement of amenity values). Mercury considers that the direction to safeguard the "life supporting capacity" of such values is an inaccurate summary of the obligations on decision-makers under sections 6 and 7 of the RMA.



Mercury therefore requests that Direction 7 be amended as follows (proposed additions underlined and proposed deletions ~~struck through~~):

- 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. the identification of landscapes, landforms and natural character that are outstanding, significant or valued by the community
 - b. objectives, policies and methods, including rules (if any) that will protect outstanding natural features and landscapes from inappropriate subdivision, use and development ~~ensure the life supporting capacity of these systems are safeguarded~~
 - c. objectives, policies and methods, including rules (if any) that will manage those features and landscapes.

4.3 Noise and Vibration Metric Standard (CM-2)

The Noise and Vibration Metrics Standard requires rules in planning documents which manage emission of noise to be consistent with the acoustic New Zealand Standards. Mercury is supportive this requirement, and in particular the inclusion of New Zealand Standard 6808:2010 Acoustics – Wind Farm Noise in the standard.

However, the specific wording under Direction 3 which requires any plan rule to manage an emission of noise must be consistent with the noise measurement methods of the New Zealand Standards and accordingly, there is no requirement in the Standard for plan rules to adopt the corresponding noise metrics contained in the New Zealand Standards. Furthermore, while Directions 24 and 32 of the District Wide Matters (S-DSM) Standard do require any noise related metrics to be consistent with the Noise and Vibration Metrics (CM-2) Standard, those Directions do not require the measurement methods to be consistent with the New Zealand Standard. These inconsistencies between the various noise related Directions in the Standards appear to be unintended.

There also appears to be a conflict within 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 our understanding that many of the specific acoustic Standards referenced in Table 30 have been developed as they don't fit within the requirements of NZS 6801 and NZS 6802, so forcing them to be consistent with NZS 6802 through Direction 4 is at odds with their purpose.

The following amendments are proposed to Standards to appropriately implement the relevant acoustic New Zealand Standards.

4.3.1 Noise and Vibration Metrics Standard (CM-2)

Amend Directions 3 and 4 as follows (proposed additions underlined and proposed deletions ~~struck through~~):

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.~~

4.3.2 District Wide Matters Standard (S-DSM)

Amend Direction 24 (for Infrastructure and Energy) and Direction 32 (for General District-Wide Matters chapter) as follows (proposed additions underlined and proposed deletions ~~struck through~~):

Any noise related metrics and measurement methods must be consistent with the Noise and Vibration Metrics Standard (CM-2).



5 Future Planning Standards

The final part of this submission is in response to one of the questions presented in the Ministry for the Environment Consultation Document, *What topics or matters should be investigated for future planning standards?*

One of the key findings of the Productivity Commission's draft report into transitioning to a low-emissions economy was that an efficient and well-functioning electricity system will play a central part in the transition. New Zealand's largely decarbonised electricity sector is a major international advantage for New Zealand, and considerable scope exists to further increase the supply of electricity from renewable sources which will create opportunities elsewhere in the economy, most notably in the areas of transportation and industrial processes where we currently rely on emissions-intensive energy sources.

There is a growing consensus that additional renewable electricity generation will be required as electricity becomes the fuel of choice in more sectors of the economy, particularly as the use of electric vehicles (EVs) becomes widespread. The Productivity Commission's analysis suggests that nearly 50% more renewable electricity will be required by 2050 to power more EVs and shift process heat to electricity. Transpower in its recently released Energy Futures Whitepaper (Te Mauri Hiko) estimates that electricity demand is likely to more than double from 40 TWh per annum to 90 TWh by 2050 requiring significant and frequent investment in both grid connected technologies such as wind and hydro and distributed technologies such as solar and batteries. EVs are expected to reach 40% of market share by 2030 and 85% by 2050.

While the NPS-REG is broadly consistent with the Government's climate change goals it has not led to greater consistency across regional and district, policy statements and plans for the provision and management of renewable electricity generation activities. Often the supporting rules that exist to implement policy are not sufficiently enabling. There remains a high degree of variability in local government planning documents that has not increased the level of certainty for renewable electricity generation projects. There remains conflict between the NPS-REG and other matters of national importance in Part 2 of the RMA and with other NPS documents. For these reasons, Mercury considers that future planning standards should specifically address content relating to energy and electricity generation, including its connection to transmission and distribution networks. We understand this view is shared by other major electricity generation companies.



17 August 2018

020-11-10
18090187



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Wellington 6143

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Dear Madam/ Sir

SUBMISSION ON MFE'S DRAFT NATIONAL PLANNING STANDARDS 2018

Waipa District Council appreciates the opportunity to make a submission on the Ministry's Draft National Planning Standards 2018 document. Please find attached a copy of the submission electronically submitted on 17 August 2018. The Draft National Planning Standards were discussed at a Council workshop on 31 July 2018 and the Council's submission will be confirmed at the Council's meeting on 31 August 2017.

You are welcome to make contact with Waipa District Council with regards to any of the points made in our submission. In this regard and in the first instance David Totman can be contacted either via email at  or telephone at 

Yours sincerely



Garry Dyet
Chief Executive

Attachment: Waipa District Council Submission on the Draft National Planning Standards 2018

Submission

DRAFT National Planning Standards

August 2018

