

SUBMISSION FROM WAIPA DISTRICT COUNCIL

1. Introduction

Waipa District Council (the Council) welcomes the opportunity to submit on the draft National Planning Standards. As indicated in our feedback on the 2017 discussion papers on National Planning Standards in July 2017, the Council is generally supportive of the introduction of National Planning Standards to guide the structure, format and content of district and regional plans in New Zealand. Much of the proposed standardisation is regarded as sensible.

More specific comments are provided below. As with the feedback provided on the 2017 discussion papers on National Planning Standards, these comments are drawn from a collaborative contribution from a small team of staff members in the Council.

2. Draft District Plan Structure Standard and Content

The Council's preliminary view is that there is already a fairly good fit between the structure of the Waipa District Plan and the proposed District Plan Standard. Staff are supportive of the intention to rationalise the core suite of zones used in District Plans. The inclusion of special zones and provision for precincts will help address local context variations but there is a question as to whether these will be sufficient to show specific local character areas.

3. Draft Electronic Accessibility and Functionality Standard

The E Plan provisions are generally supported. This is an area which the Council believes should yield a significant improvement in the accessibility of district plans. There is a question though as to who or what would determine that E Plan is done correctly. Will MfE consider having a list or schedule of 'approved' suppliers for councils to use?

Point 11 in Table 18 of the draft standards requires all versions of the current plan since first becoming operative must be available from the Council's website is challenged for practicality purposes. This Council's view is that there should be the current operative plan up on the website and other versions available on request. There is also a question as whether policy maps should be kept separate to the zone maps?

4. Timing and Cost Implications

As a number of councils indicated at the MfE regional workshop held in Hamilton on 3 July 2018, the cost implications of implementing the National Planning Standards within a 5 year time period will be significant and will lie on top of any other costs incurred as the result of other RMA related changes to the District Plan. The reality of costs has to be carefully considered in term of what is feasible and practical.

The scheduled timing for the introduction of National Planning Standards should be considered together with other nationally led changes to the local council planning realm. These include currently for this Council, the National Policy Statement for Urban Development Capacity, National Environment Standard for Telecommunications and Plan Change 2 to the Waikato Regional Plan under the National Planning Standard for Freshwater Management.

Any long term financial benefit of having National Planning Standards to local councils is rather intangible at this stage. There should be good guidance and support from MfE to enable the step wise introduction of National Planning Standards. It is recommended that serious consideration be given to using the existing RMA plan review cycle period of 10years for introducing planning standards rather than the 5 year period specified in the draft standards.

5. Consequential Amendments

Again, as was discussed at the Hamilton regional workshop on 3 July 2017, and as included in the LGNZ submission on National Planning Standards, there is considerable uncertainty regarding what changes would be accepted as ‘consequential amendments’ under section 58I. As the LGNZ submission points out RMA processes are often very litigious and resorting to using the Schedule 1 process for consequential changes opens the process to appeal to the Environment Court.

Conclusion

The Council supports the LGNZ submission. Certainly if MfE is to proceed with rolling out National Planning Standards then a number of amendments to timing and scope should be made to make the introduction more sensible. The definition of ‘consequential amendment’ needs consideration in the next amendments of the RMA. The length of time for introduction of the standards should be extended to 10 years to coincide with the RMA plan review cycle.

Another important consideration that should be taken into account is the review of the RMA itself and a future framework for spatial and urban planning in New Zealand.



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DRAFT FIRST SET OF NATIONAL
PLANNING STANDARDS:

ISOVIST LTD SUBMISSION

JON RICHARDS

AUGUST 17, 2018

Dear Sir/Madam

Thank you for the opportunity to submit on the Draft First Set of National Planning Standards. Isovist Ltd have engaged in this process as we are the leading e-plan provider in NZ.

The following submission form sets out Isovist Ltd.'s comments on the Draft First Set of National Planning Standards. We have considered the Standards from the perspective of delivering e-plans. Consequently, our submission is based on an examination of the practicalities of implementing the Standards from an e-plan delivery perspective. We have therefore only provided responses to those matters that could relate to e-plan provision/implementation and we have not provided comments on other matters.

Please note that, on this e-planning matter, we will be available to provide further technical input and advice as needed to assist MfE.

Yours Faithfully



Jon Richards
Director

[Redacted]
[Redacted]
[Redacted]

Draft first set of National Planning Standards

SUBMISSION FORM

Contact information

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Submitter type*	Individual	☐	
	NGO	☐	
	Business / Industry	☒	
	Local government	☐	
	Central government	☐	
	Iwi	☐	
	Other (please specify)	☐	Click here to enter text.

Draft first set of National Planning Standards

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

- ☒ Yes
- ☐ No

Isovist generally support the Draft first set of National Planning Standards.

Increased consistency across plans together with the use of e-planning will assist in making the RMA process easier to navigate and more cost effective.

We have reviewed the content of the Standards as notified and have tested the application of these in an e-plan format. To do that we have taken the plan structure and content (including the definitions) and generated a template e-plan for each for each four types of plan set out in the draft Standards. (Through using these online templates, councils will be able to deliver their plans in line with the standards simply, consistently and cost effectively. Please contact Isovist Ltd - www.isovist.co.nz - for access to these e-plan templates).

These e-plan templates are designed to be easily and quickly updated to reflect any further changes to the Standards through to gazettal and for any future alterations that may be required. Consequently, we will be able to test and provide further feedback on future changes to assist MfE.

Whilst Isovist support the introduction of the National Planning Standards we have a few comments based on our review of the draft and from our testing.

2. S-RPS: Regional policy statement structure standard

The term "Historic Heritage" is used throughout document but in the "Mapping" Section these are referred to as "Heritage Items". This should be amended to the term "Historic Heritage" for consistency.

S-RPS, S-RP - Part 4 - Themes, Land and Water - The requirement says local authorities must consider whether to combine these chapters but no abbreviation has been given for a combined chapter. Isovist suggest that an abbreviation is created. Isovist suggest "LDW".

3. S-RP: Regional plan structure standard

S-RPS, S-RP - Part 4 - Themes, Land and Water - The requirement says local authorities must consider whether to combine these chapters but no abbreviation has been given for a combined chapter. Isovist suggest that an abbreviation is created. Isovist suggest "LDW".

Part 5 - Catchments, Insert name of catchment or freshwater management unit - No abbreviations given. Create abbreviations. Isovist suggest CATCH1 - and FMU1 -

4. S-DP: District plan structure standard

S-DP, Table 5 - Heritage sites and areas is referred to as 'Historic heritage' in all other plan types and in section F-6 as the district plan section name. Rename to Historic Heritage. Ensure wording is consistent in both S-DP and F-6

5. S-CP: Combined plan structure standard

Part 3 - Regional Policy Statement, Themes and Part 4 - Region Wide Matters - The requirement says local authorities must consider whether to combine these chapters but no abbreviation has been given for a combined chapter. Create an abbreviation. Isovist suggest PSLDW for Part 3 and LDW for Part 4

Part 3 - Regional Policy Statement, Significant resource management issues for the region, Significant resource management issue and discussion - No abbreviation has been provided for this section".
Provide an abbreviation

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

a. Introduction chapter

S-INTRO 4 a:

The seal can be provided as part of an e-plan and shown online with the rest of the plan content. Online PDF versions of plans often already do this however; we note that in practice the seal has not always been provided by councils in their online plans.

The role of the seal and its requirement are set out under sections 17(3) and 18(2) of the RMA, however this requirement doesn't reflect the increased functionality provided by online tools. E-plans have the ability to track plan progress and revisions over time. This functionality enables users to select current or earlier versions of the plan, and easily identify the legal status of version they are viewing. Legal status can be shown for the plan version as a whole, specific sections or lines of plan text and plan changes as they progress. The relevant details on operative dates, when the plan was adopted by council etc. are easily and clearly provided as part of the e-plan viewer and links can be provided to committee reports, court decisions etc., can be included for greater transparency if needed. This functionality ensures that the correct version, the legal status and background information on the decision process can all be available on screen and in detail.

f. National direction

S-IGP, S-NDI, Table 13 This section identifies the use tables within tables. This approach is workable but in terms of usability and onscreen clarity this is not always ideal on an online viewer, particularly on smaller, mobile devices. Consider laying out this section by avoiding tables within tables.

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

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

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

Natural Environment Values Chapter:

S-DWM, S-NEV, Instruction 6 a “identification of the coastal environment, either by mapping or narrative” Where features are spatial with rules that relate to that feature e.g. coastal environment these should be mapped rather than provided solely by narrative. Amend as follows: “identification of the coastal environment, spatially with narrative if required”.

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

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

12. **F-1: Electronic accessibility and functionality standard**

F-1, Table 19, Instruction 2:

The Standards indicate that the implementation of e-plans is tied to the delivery of the required plan layout, definitions and other matters around creating consistent plan formats. However, many of the councils are already providing plans on a level 5 e-plan platform as this offers significant benefits which can be reaped regardless of the introduction of the Standards

The Section 32 analysis for the Standards identifies major benefits in terms of improved ease of access to key information for users (especially for public users seeking to make simple enquiries around whether they need to apply for resource consent) and overall cost savings. In particular, it is noted that the s.32 and the accompanying cost benefit analysis considers that the Electronic Functionality Standard has the greatest overall benefit at 1.74. These savings can be made now with operative plans.

The draft sets out a list of Councils that are proposed to have an extended time frame post Gazettal of 7 years. Whilst we recognise that these councils’ plans are recent and there is practical and financially realistic element to them having additional time before redrafting and relitigating their plan content, we maintain that this should not be a reason for delaying putting their current plans online until 2026. That is a considerable delay in delivering the benefits of e-plans.

Furthermore, delivery of e-planning matches overall govt direction on the delivery of greater service delivery through the use of technology now without the need to wait artificially until the plans are reviewed. This approach appears to run contrary to the DIA ICT Strategy “Easier Access to Access Digital Services” which seeks delivery of easier access to digital services for individuals, and ensuring technology-enabled services for business.

Isovist therefore contend that e-delivery should not be wholly tied to the timeframes for the introduction of the Standards plan format and definitions as the benefits extolled around public access, usability and cost saving can be achieved now rather than waiting until that point.

Moreover, the timeframes as set out and the requirements attached to each can reduce the potential for innovation. Considering the pace that technology moves onwards, the lengthy 5 or 7 year periods identified are likely to be quickly out of step with technological advances. For example, our company products now meet the requirements of Level 6 on the MfE scale and are already heading into level 7 to meet councils’ needs and their desire to provide better customer service.

There is also a practical matter that needs to be considered in the stepped approach. Firstly, councils may waste money on buying software to meet minimum needs now and then will have to purchase further software later to meet the higher specification required. Secondly, with those purchasing software for their plan reviews, they need to consider the lead in times. We strongly recommend that councils obtain the software ready for drafting their plan reviews.

13. F-2: Mapping standard

a. Zone colour palette

Planning maps contain a significant amount of GIS layers and symbology, making it incredibly difficult to find colour schemes that work for all features. Therefore, we would suggest subduing (as they were in previous drafts) the zone colour palette table for the following reasons:

- Additional boundary symbology would be difficult to see, example Heritage Area around City Centre would be almost indistinguishable.
- Symbols such as heritage items, trees etc would again be difficult to see on the darker zone colours.

b. Symbology

F-2, Table 22 It is noted that some of the earlier drafts of symbology proposals have been dropped. Many of them related to spatial representations of features that are referenced in the plan rules such as state highways. Utilising WorkSafe NZ has also been dropped, the standardisation objective of the Standards is not assisted by allowing all Councils to represent utilities such as water and gas in a variety of ways. Consider providing symbology for such State Highways and the Work Safe utilities

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

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

16. F-5: Chapter Form standard

F-5, Part D, Instruction 3 - Instruction states Part 2 Tangata Whenua in plans must use the headings in order – including objectives, policies, rules if relevant etc. but no direction given in S-TW. Provide instructions in S-TW for local authorities to give consideration to whether objectives, policies, rules are required for Part 2 – Tangata Whenua, or remove from F-5, Part D, Instruction 3 if not

F-5, Table 26 We have put this Table format into our e-plan templates created using the draft standards. Please note that the number of columns indicated in the Standards is workable on an e-plan platform but we would advise against the use of more than three columns where substantive text is involved. Multi column text based tables can result in increased need for online scrolling and therefore reduced ease of use.

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

Numbering:

F-6, Table 28, District Plan Sections, HH - Historic Heritage Called 'Heritage sites and areas' in the S-DP Table 5. Retain this wording if amending in S-DP Table 5. Ensure wording is consistent in both S-DP and F-6

18. CM-1: Definitions standard

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

20. Implementation

a. ePlanning implementation

It is noted from previous discussions on e-plan requirements, that some smaller councils have been concerned over the need to fund and resource GIS expertise. It is noted that some may not have the in-house GIS resources and expertise required to deliver and update plan mapping, and this requirement would involve additional cost. We also note that councils in similar positions have already managed this approach with minimal cost by working with neighbouring councils through shared service arrangements to deliver this in a cost-effective manner.

Additionally, we also note that through the development of the standards, consideration has been given to centrally hosting some elements for those unable to deliver and maintain e-plans.

b. Timing

Please see our comments on the F1 Electronic accessibility and functionality standard above. Isovist content that e-delivery should not be tied to the introduction of the Standards plan format as the benefits extolled around public access, usability and cost saving can be achieved now rather than waiting until that point.

As stated above under F1 as a practical matter, those purchasing software for their plan reviews, need to consider the lead in times. We strongly recommend that councils obtain the software at the point no later than they are ready to start drafting their plan reviews.

21. Future content for standards

Other comments

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

Further suggested minor amendments:

In reviewing the notified documents and through our testing of the standards (through the creation of e-plan templates discussed above), we have identified a number of minor consistency matters for MfE's consideration and comments for improved ease of use in e-plans. These are in addition to the main comments given above and are provided in the following table:

Section Ref	MfE Page Ref (Word doc)	Planning Standard requirement	Question/ Comment	Isovist suggested solution
F-2, F-3, F-4	54, 58, 60		Inconsistent/ inaccurate language between sections F-2 (planning maps) and F-3 and F-4 (spatial planning tools). Consider that the latter is more appropriate.	Replace references to 'planning maps' with 'spatial planning tools'.
F-6, Numbering Form	70	Instructions: 1	Spelling error 'Part 1 – Introduction and general rovisions'	Amend

F-6, Numbering Form	71	Instructions: 14 and 15	Inconsistencies with following examples compared to Instructions: 12 and 13 examples TEMP-P1 and NH-O1: RR - R1 (gaps), RR – REQ1 (long dash and gaps)	Fix inconsistencies
F-6, Table 28	74	District Plan Sections, SD - Strategic Direction	SD - Strategic Direction should be in the Chapter row	Move from Sections row to Chapter row
CM-1, Table 29	79	Access Strip and Allotment	the definitions of access strip and allotment are inconsistent with the rest of the definitions (as set out in box below) vs. (as set out in <u>the</u> box below)	Fix inconsistency
CM-1, Table 29	81	Coastal Marine Area	Incorrect alphabetisation	Move to below the definition of Cleanfill
CM-1, Table 29	81	Coastal Water	Incorrect alphabetisation	Move to above the definition of Commercial Activity
CM-1, Table 29	85	Definitions relating to Noise Standards	Incorrect alphabetisation. Understand the grouping because of topic though!	Order below the definition of Kaitiakitanga: L_{A90} , L_{Aeq} , $L_{AF(max)}$, Lake, Land, Land Disturbance, Landfill, L_{dn} , L_{peak}
CM-1, Table 29	86	Net Site Area	Inconsistent definition highlighting	Highlight the rest of the land and site links and remove over-colouring from the first line
CM-1, Table 29	90	Swale	Inconsistent definition highlighting	Highlight land and stormwater
CM-1, Table 29	91	Water Sensitive Design	Inconsistent definition highlighting and linking	Highlight and link stormwater
CM-1, Table 29	91	Wet Abrasive Blasting	Inconsistent definition highlighting and linking	Highlight and link water
CM-1, Table 29		All definitions	In an e-plan, definition terms get automatically identified regardless of context. Alternatives (e.g. plurals) and exceptions (e.g. 'legal effect')	Local Authorities will not be able to edit Standard definitions, so the MfE will need to provide (and maintain if necessary) the

			need to be identified to retain correct context.	alternatives and exceptions
General			In an e-plan, a concise label is required in order to identify those parts of a plan that are linked to the Standards and therefore potentially not open to Schedule 1 processes, e.g. definitions. Ideally this would be an abbreviation of 'National Planning Standard', however using "NPS" or "Standard" as labels can be confused with other instruments.	Provide an appropriate abbreviation

Releasing submissions

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

☐



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SUBMISSION ON THE DRAFT NATIONAL PLANNING STANDARDS

INTRODUCTION

- 1 This submission is made by ACI Operations New Zealand Limited trading as O-I New Zealand (*O-I*), in relation to the first set of National Planning Standards (*Standards*) and accompanying documentation.
- 2 O-I operates a glass container manufacturing plant at 752 Great South Road, Penrose, Auckland (*Site*). O-I has been located at the Site since 1922 and its facility was one of the first buildings in the area. O-I is now part of a pocket of heavy industrial activities in the Penrose area, located in the Business – Heavy Industry Zone under the Auckland Unitary Plan – Operative in Part (*Unitary Plan*).
- 3 O-I is New Zealand's only glass bottle and jar manufacturer. O-I is also New Zealand's main glass recycler and is one of the largest recycling companies in the country. O-I therefore makes an important regional and national contribution towards waste minimisation in New Zealand. In O-I's opinion, the Resource Management Act 1991 (*RMA*) planning documents can and should better provide for the waste infrastructure network.
- 4 The contact details for O-I in relation to this submission are:

June Wright, EHS Manager

[REDACTED]
[REDACTED]
[REDACTED]

SUBMISSION ON THE FIRST SET OF NATIONAL PLANNING STANDARDS

Recognition of waste infrastructure

- 5 The Standards clearly recognise the need to address infrastructure in RMA planning documents – they include a definition of infrastructure, an 'Infrastructure and energy' chapter for regional policy statements, regional plans and district plans, and a requirement for provisions to manage reverse sensitivity effects between infrastructure and other activities.
- 6 However, the definition of infrastructure (adopted from section 2 of the RMA) does not include infrastructure for managing waste, which generally comprises landfills, refuse transfer stations, material recovery facilities and recycling plants (*waste infrastructure*). As a result of this gap in the definition, the Standards do not set up a structure that promotes effective resource management planning for waste infrastructure. This gap is evident in existing RMA planning documents, and is something that O-I considers should be addressed for New Zealand to better manage and minimise the waste it produces.
- 7 O-I considers that waste infrastructure should be thought of as a strategic network, which comprises different facilities to sort, repurpose and dispose of different types of waste. New Zealand's planning documents need to consider how these facilities operate together and with other infrastructure. For example, O-I is a major

recycling facility. O-I is strategically located to take advantage of supply chain efficiencies resulting from the Site's proximity to Auckland's southern motorway and to Visy Material Recovery Facility in Onehunga.

- 8 Furthermore, reverse sensitivity is a key issue for waste infrastructure. Reverse sensitivity can have a major impact on the ongoing operation and re-consenting of waste facilities – particularly in areas where sensitive activities (such as residential activities) are intensifying. Reverse sensitivity was a significant focus of O-I's submissions through the Unitary Plan process. O-I considers that protecting existing waste facilities from reverse sensitivity effects of new sensitive activities forms a key tenet of effective planning for waste infrastructure.

Definition of infrastructure – (Definitions Standard CM-1)

- 9 The definition of "infrastructure" in the RMA does not include waste infrastructure. The Ministry for the Environment's (MfE's) drafting principles for the Standards require application of any definition contained in the RMA "where it is fit for purpose". O-I considers the definition of "infrastructure" in the RMA is not fit for purpose, as its exclusion of waste infrastructure is a significant gap. O-I notes that the Unitary Plan definition of "infrastructure" expands on the RMA definition, with a number of additional facilities and services included. That definition specifically refers to "municipal landfills", although does not include wider waste infrastructure, which O-I seeks be included in the Standards' definition of "infrastructure".

- 10 Waste infrastructure plays an important role in the functioning of communities, businesses and industry and as such, it should be recognised as infrastructure for planning purposes. It is inconsistent to recognise wastewater facilities (ie drainage or sewerage systems as infrastructure¹), but not solid waste facilities. Accordingly, O-I seeks the amendment of the definition of "infrastructure" in the Definitions Standard CM-1 to add a reference to "facilities for the processing, management, recycling or disposal of solid waste, including landfills, refuse transfer stations, material recovery facilities and recycling facilities" (with corresponding structural modifications to the definition).

Infrastructure and energy chapter (S-IE)

- 11 As noted above, it is critical that waste infrastructure is treated as infrastructure by amending the definition of "infrastructure" in the Definitions Standard CM-1. The flow-on effect of that change is that the regional policy statement, regional plan and district plan structure standards create a 'home' for waste-related provisions within the *Infrastructure and energy* chapter. Without this change, the *Infrastructure and energy* chapter will not work as effectively, and it is inevitable that matters not included within the structure will, as a default, be excluded from planning documents going forward.

Definition of "reverse sensitivity" (Definitions Standard CM-1)

- 12 O-I supports the definition of 'reverse sensitivity' and considers it accurately captures the meaning of this concept, as held in case law. As above, amending the definition of infrastructure to include waste infrastructure will mean that the Standards require reverse sensitivity effects on waste infrastructure to be addressed through district plans. This is a key issue that merits national direction and consistency.

¹ Resource Management Act 1991 s2, incorporated into proposed definition of 'infrastructure' in the Standards.

Industrial activities and zones (Definitions Standard CM-1)

- 13 As O-I's manufacturing operation is also a heavy industrial activity, it wishes to submit on the definition of "industrial activity" and the zone definitions.

"Industrial activity" definition

- 14 The Definitions Standard CM-1 defines "industrial activity" to mean:

an activity for the primary purpose of (a) manufacturing, fabricating, processing, packing, storing, maintaining, or repairing goods; or (b) research laboratories used for scientific, industrial or medical research; or (c) yard-based storage, distribution and logistics activities; or (d) any training facilities for any of the above activities.

- 15 O-I's activities clearly fall under the umbrella of manufacturing, fabricating, processing and packing of goods. However, the Unitary Plan definition of industrial activity also includes the phrase "*the processing of raw materials*". For clarity, O-I considers that phrase would be a useful addition to the definition of "industrial activities" to ensure it captures all industrial activities.

Industrial zone definitions

- 16 The Standards include a light industrial zone, a heavy industrial zone and a (general) industrial zone. The definitions of the light and heavy industrial zones distinguish these zones by reference to whether the industrial activities are incompatible with sensitive activities (which are not defined) or not.
- 17 O-I has concerns about the 'negative' framing of the heavy industry zone definition, which creates potential uncertainty. To improve clarity, the zone should be defined by reference to activities that are considered appropriate within that zone, not in terms of activities that are inappropriate by reference to sensitive activities. The focus should be on the activity itself and its effects, recognising that adverse effects are appropriate and to be accommodated in some contexts.
- 18 As an illustration, the light and heavy industrial zones in the Unitary Plan are distinguished by whether the industrial activities may generate objectionable odour, dust or noise. O-I considers that this effects-based approach is more appropriate and more certain for industrial activities and other activities that may seek to locate in or near an industrial zone. It is important that there is a clear expectation that objectionable odour, dust or noise is a key characteristic of heavy industrial zones. Any other expectation puts at risk the ongoing operation of heavy industrial activities, such as O-I's activities, as a result of reverse sensitivity effects.

Draft Introduction and General Provisions Standard

- 19 The Standards require RMA plans to provide a link to the National Environmental Standards for Air Quality (NESAQ) and to record whether any plan rules developed are more lenient or stringent than the NESAQ. O-I considers this requirement will assist in ensuring that local authorities properly turn their minds to consistency between the NESAQ and RMA plans.

SUBMISSION ON FUTURE SETS OF STANDARDS

- 20 As discussed earlier in this submission, O-I considers the Standards can and should promote effective planning for waste infrastructure.
- 21 The effective management of waste infrastructure is a significant gap in existing RMA planning documents and the Standards provide an opportunity to rectify that. Waste is an issue that needs to be much more effectively managed, particularly in light of anticipated population growth and the need to minimise waste to landfill.

Addressing waste infrastructure through substantive planning provisions in future sets of planning standards would be consistent with MfE's goal of ensuring nationwide clarity and consistency in RMA planning documents.

- 22 O-I considers it would also be helpful for future Standards to include standard provisions eg objectives and policies, for the following matters:

22.1 Reverse sensitivity; and

22.2 Air quality.

- 23 O-I would be happy to meet with the Ministry for the Environment to discuss the potential for future sets of Standards to include provisions dealing with waste infrastructure.

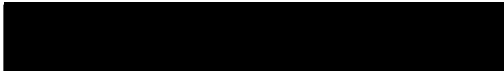
SUBMISSION - DRAFT FIRST SET OF NATIONAL PLANNING STANDARDS

Name: Michelle Gray

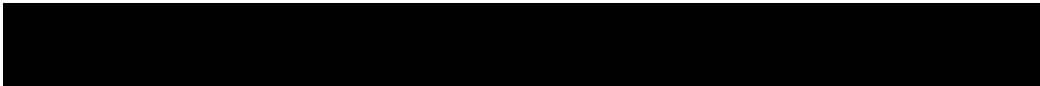
Address:



Phone:



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Submitter type: Individual

CM-2: Draft noise and vibration metrics standard

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

Any plan rule to manage an emission of noise must be consistent with noise measurement methods in the New Zealand Standards listed in table 30: Acoustic New Zealand Standards below.
5. Paragraph 4 of the draft standard states:

Any plan rule to manage **an emission of noise** must be consistent with the assessment methods in section 6 Rating Level and section 7 LMAX in New Zealand Standard 6802:2008 Acoustics – Environment Noise.
6. At least as it relates to impulsive sound, paragraphs 3 and 4 of the draft standards appear to be in conflict. This is because for impulsive sound such as gunfire or blasting (impulsive sound being transient sound having a peak level a very short duration, typically less than 100 milliseconds) should be described by the measurement of its peak level as indicated by the descriptor L_{peak} (refer clause 8.6, New Zealand Standard 6801:2008).
7. In comparison, the descriptor for a continuous steady sound is the L_{eq} which is a time average level i.e. L_{eq} is 'a different thing' from the peak level.

8. The assessment and determination of the rating level (as expressed in L_{eq} with adjustments for duration and special audible characteristics) and L_{MAX} in New Zealand Standard 6802:2008 will only be applicable and relevant if the type of sound is generally within the scope of NZS 6801:2008 and NZS 6802:2008.
9. Impulsive sound (gunfire and blasting) is generally outside the scope of NZS 6802:2008 (refer clause 1.2 NZS 6802:2008).
10. An (unintended) implication from the current drafting to the draft New Zealand standard may be a possible interpretation that gun clubs in New Zealand are subject to the assessment criteria requiring the calculation of a rating level (in L_{eq}) and the application of L_{MAX} when these are not the correct descriptors for impulsive sound.
11. It is submitted that it would not be logical to have a plan rule or draft national standard implying that emission of impulsive sound is to be assessed in a manner consistent (per paragraph 4 of the draft standards) with section 6 Rating Level and section 7 L_{MAX} in New Zealand Standard 6802:2008 Acoustics – Environment Noise – when L_{eq} and L_{max} are not applicable to the assessment of impulsive sound.

It is important to ensure validity of any draft standard that the draft standard not “overreach” the application of a rating level to types of sounds (such as gunfire and blasting) not intended to be addressed by the descriptors L_{eq} or L_{max} .

12. In the New Zealand context in *Brooks v Western Bay of Plenty District Council*, the Environment Court expressly recognised (based on expert evidence) that general amenity noise standards in New Zealand Standard 6802:2008 were not applicable to impulsive noise.¹

Outcome sought

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

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

14. The submitter requests to be heard in relation to this submission.

Date: 17 August 2018

M. Gray.

Michael Gray.

¹ *Brooks v Western Bay of Plenty District Council* [2011] NZEnvC 216 at [20].

Submission on the Draft National Planning Standards

Contact information

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Introduction

Since 1934 J Swap Contractors Limited (JCL) has had an association in civil contracting, quarrying, heavy haulage and more recently bulk storage and stock feed importation and distribution. Operations span the whole of New Zealand.

JCL own and operate 10 hard rock quarries that are either located in or supply aggregates to the Waikato, Bay of Plenty, Taranaki, Manawatu-Wanganui and Hawkes Bay Regions. JCL quarries and supplies finished quarry products that are used in roads, railways, concrete, asphalt, building infrastructure and other applications. These materials are used by organisations such as the New Zealand Transport Agency (NZTA), multiple District and Regional Councils, Kiwirail and the Port of Tauranga¹.

These materials underpin the infrastructure that New Zealand is built from. There is no alternative material on the market that is a replacement for aggregate. Roads, railways and cycleways for the majority, cannot be built out of any other material.

Supply is dictated to New Zealanders by virtue of an uneven and variable geology. Protecting and enabling the supply of aggregate should therefore be elevated over and above other interests that are flexible, optional or have alternatives. For example a decision on where to plant production forests can be made around a range of different interests, whereas a suitable rock source does not have this level of flexibility.

JCL have been involved in the development of a number of Regional and District statutory documents since the RMA was enacted and have encountered the same or similar challenges each time. The common issue is a lack of policy inclusion, description and support. The result is imbalanced decisions that are based on policy which supports a wide range of other interests. Either none, little, general or poor policy on quarries is present for decision makers to add to this process.

National direction would provide for consistency across the country.

Accordingly, within the National Planning Standards (NPSs) key questions then arise;

- Where in the current draft NPSs are quarries anticipated to sit?
- Are Councils only voluntarily required to consider quarries and aggregate supply e.g. under a rural or special purpose zone, or will it be mandatory for Councils to consider quarries within a specific new Quarry Zone provision?
- What alternative policy provisions are available or will result from the NPSs for quarries if quarry zoning provisions are not provided for?

This submission seeks to provide guidance to help answer these questions and seeks specific provisions that JCL believes will provide for the supply of a vitally important building material across New Zealand.

¹ For more information, the JCL website can be found here: <https://jswap.co.nz/>

JCL appreciates the opportunity to be involved in the development of the NPSs. Generally JCL supports the intent of the standards in so far as they are intended to make Council plans and policy statements under the RMA faster to prepare and easier for plan users to understand, compare and comply with.

Draft first set of National Planning Standards

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

☒ Yes

☐ No

JCL supports the intention of the National Planning Standards. There are several amendments that we would support as outlined below.

2. S-RPS: Regional policy statement structure standard

JCL supports the addition of a theme which considers minerals at the regional policy statement level. The importance of mineral extraction to the economy and development of infrastructure should be considered at this level particularly as the costs of sourcing aggregate are reflected in the costs of infrastructure development.

It is critical that this relationship is recognised and provided for at a regional level therefore providing support for the ongoing operations and development of these sites. It is also important that the cross boundary nature of these activities is recognised, in particular the transport of the material over regional boundaries. Transport of materials along strategic haul routes should also be acknowledged at a regional level.

Reducing the time and cost required to provide evidence regarding the importance of these areas and activities each time a regional policy statement is prepared will have a beneficial economic outcome. We note that infrastructure is included as a theme at the regional policy statement level but the associated quarries and aggregate supply is missing.

3. S-RP: Regional plan structure standard

JCL supports the addition of a theme which considers minerals at the regional plan level. As outlined above there is a direct economic link between extraction of minerals and infrastructure development.

We note that infrastructure is included as a theme at the regional plan level but the associated quarries and aggregate supply is missing.

4. S-DP: District plan structure standard

JCL note that mining has been used in the general district wide matters however we would support a more specific reference to quarries and the particular effects of this activity. JCL would refer the Ministry to consider the current Waipa District Plan in this regard. It includes a Significant Mineral Extraction Zone. This zone provides for regionally significant mineral extraction activities and includes specific policies and methods for the scale, intensity and character of these activities. We would expect these provisions to also be required in the case of combined plans.

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

JCL support the addition of a quarrying chapter as outlined above. This chapter would include appropriate provisions which provided for the activity and the protection of transport routes to and from quarry sites to main centres of demand. As noted above the transport of this material occurs across boundaries. We propose that the content proposed for the Infrastructure and Energy chapter (S-IE) could be replicated for a quarrying chapter.

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

In consideration of the comments made above it is unclear from the proposed standards how activities such as quarrying would be considered in a plan. For example some Council's may choose to provide for these activities via an additional special purpose zone (which would be subject to submissions and debate as part of a plan change process). Some Council's may choose to include quarries as precincts within a rural zone, other Council's may require some form of development plan. As such there is unlikely to be any consistent approach which does not support the overall intent of the standards.

JCL contends that a Quarry Zone is created. We would support the provisions included in the Waipa District Plan being considered as a template for a quarrying zone. This would include the extraction area, future extraction area, buffer areas and overburden disposal subzones. It is likely that the surrounding zone would be rural in nature and could be encompassed as part of the rural zone requirements. However it would still be necessary to create specific provisions to be applied to the quarrying activity.

7. F-1: Electronic accessibility and functionality standard

We support electronic accessibility and functionality.

8. F-2: Mapping standard

We support the addition of a colour for a quarry zone in Table 21.

9. F-6: Draft Status of Rules and Other text and Numbering Form Standard

Amend Table 28 based on the proposed amendment contained in this submission.

10. CM-1: Definitions standard

We support the use of standard definitions. We agree that this will provide for greater certainty in terms of the meaning of various terms across the country. We do have some comments regarding the proposed definitions as outlined below. We also propose two additional definitions.

a. Individual definitions

Support for the following definitions:

- clean fill / managed fill
- dust
- earthworks
- functional need
- industrial activity
- land disturbance
- reverse sensitivity

- setback
- stormwater
- structure

Support for the following definitions with some additions:

Quarry - we support the definition for quarry. We propose that the mineral extraction activity definition from the Waipa District Plan is utilised in this regard. This definition provides for a number of matters including the following:

means extraction and processing activities including:

- Blasting; and
- Excavating rock and minerals; and
- Processing rock and minerals by crushing, screening, washing, or blending them; and
- ancillary activities to rock and mineral processing; and
- Storing, distributing and selling rock and mineral products; and
- ancillary land disturbance activities; and
- Removing and depositing overburden; and
- Treating stormwater and wastewater; and
- Landscaping and rehabilitation works including cleanfilling; and
- Recycling or reusing aggregate from demolition waste such as concrete, masonry, or asphalt; and
- Accessory buildings and structures; and
- Ancillary residential accommodation for caretaking and on-site security; and
- Site offices.

Support for the definition for rural industry to include “or by the nature of the business must be located within a rural setting such as quarrying”.

JCL offers their support to assist in the development and agreement of these definitions if alternatives are sought.

b. Additional definitions

JCL support definitions to be provided for overburden and regionally significant industry.

We would refer the Ministry to the Waikato Regional Policy Statement for the following definition of ‘regionally significant industry - means an economic activity based on the use of natural and physical resources in the region and is identified in regional or district plans, which has been shown to have benefits that are significant at a regional or national scale. These may include social, economic or cultural benefits’.

The following definition for overburden is from the Waikato Regional Plan 'overburden - Clay, soil and rock associated with quarries, mining, earthworks, road construction and maintenance'.

JCL offers their support to assist in the development and agreement of these definitions if alternatives are sought.

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

JCL supports the proposed standard for noise and vibration metrics. A standard approach to these matters across New Zealand would be beneficial in terms of how the activities undertaken on a number of our sites are assessed and managed.

12. Future content for standards

As noted in our introduction JCL support the development of national standards for quarries and their associated activities. This would support a consistent approach to the development and ongoing operation of these activities.

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. ☐

Draft first set of National Planning Standards

SUBMISSION

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

To: Ministry for the Environment
PO Box 10362
WELLINGTON 6143

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Contact information

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

Submission form

The structure of this submission is in line with the submission form provided by the Ministry for the Environment for giving feedback on the first set of National Planning Standards. Only those questions of interest to the Oil Companies are addressed in the submission below, along with more general comments.

BACKGROUND

Mobil Oil New Zealand Limited, Z Energy Limited¹ and BP Oil New Zealand Limited (*the Oil Companies*) receive, store and distribute refined petroleum products.

The Oil Companies have commercial, shore and marine based, aviation and bulk storage facilities (which are regionally and nationally significant infrastructure). They are also owners of retail outlets (service stations and truck stops) and suppliers of petroleum products to individually owned (branded) retail outlets and other privately owned commercial and other facilities.

The Oil Companies have a unique history and perspective on the Resource Management Act (*RMA*):

- The Oil Companies have, for over twenty years, been acting collegiately in terms of inputs/submissions and appeals on environmental matters arising from various resource management plans and issues. This is managed through the Oil Industry Environmental Working Group (*OIEWG*). OIEWG currently comprises the Oil Companies, New Zealand Oil Services Limited² and the Motor Trade Association are associate members. OIEWG works collegiately on environmental issues where it is appropriate to have a common approach by individual players within the industry. OIEWG has made submissions on just about every district and regional plan in the country and on other relevant resource management issues (e.g.: Bylaws, NES and National Policy Statements).
- The nature and function of the Oil Companies networks provides a national perspective – in that the Oil Companies have assets in every region in New Zealand and therefore have had experience with the resource management and other relevant plans and consenting processes of virtually every local authority. That experience spans many years (including pre-RMA implementation) and there is not only considerable experience, but also considerable corporate memory as a result.
- The Oil Companies core assets effectively operate and function in the same or similar way irrespective of location. Fuel supply is a critical lifeline function and industry bulk storage facilities are lifeline utilities and regionally significant infrastructure. Maintaining the fuel supply into each region is a significant issue for each region, and is one which involves a number of cross-boundary and strategic considerations.
- OIEWG is interested in promoting a sound and responsible resource management framework for the key issues that impact on its business through a shared and collective approach to regional and district policy development.
- OIEWG is also an advocate of industry good practice. To this end, the oil industry, in concert with MfE and other parties, has developed a number of appropriate and relevant guidelines that apply to various aspects of its activities. These guidelines include:

1. "Guidelines for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand" (MfE 2011) (updated in relation to the Resource Management

¹ On behalf of the wider Z Group including the Z and Caltex operations in New Zealand.

² The Joint Venture Company that looks after a number of BP / Z terminals.

(National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (**NESCS**));

2. "*Above-Ground Bulk Tank Containment Systems - Environmental Guidelines for the Petroleum Marketing Oil Companies*" (MfE 1995); and
 3. "*Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand*" (MfE 1998) (**the Water Discharge Guidelines**).
- OIEWG is currently collecting additional data, with a view to enabling the latter guideline to be updated. In some locations, plans have explicitly recognised the value of these guidelines. For example, in the Waikato Regional Plan, compliance with the Water Discharge Guidelines is deemed to comply with the permitted activity conditions for stormwater discharges. In Auckland, under the Unitary Plan industrial and trade discharges can be permitted where they comply with the Water Discharge Guidelines.
 - The oil industry supports the recent removal of the hazardous substances function from District Councils under the RMA. OIEWG invested considerable effort in submissions to planning documents arguing to Councils that duplication of hazardous substances regulations was unnecessary and inappropriate, given that hazardous substances are already tightly and appropriately controlled (primarily under HSNO). That said; OIEWG recognises that there is a land use planning gap in relation to land use planning around major hazard facilities and to this end it has been promoting restrictions on sensitive land uses in proximity to such facilities, based on risk assessment.
 - The Oil Companies have specific experience with the provision and interface issues with district plan provisions around the implementation of the NESCS which makes specific provision for removal and replacement of underground fuel storage systems. This has given the Oil Companies a broad perspective on the interface between plan provisions and national standards.

Draft first set of National Planning Standards

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

- ☒ Yes
- ☐ No

The Oil Companies are generally supportive of the draft national planning standards. They consider there is benefit in standardising the structure of plans and some plan content, noting that caution is needed in determining what content is suited to standardisation.

2. Draft Structure Standards – general

The structure standards as drafted provide time periods for authorities to gazette documents in accordance with the national standards. Seven rather than five year terms are provided for implementation where councils have recently concluded a major plan process. These lists need to be updated to include the full list of authorities that are currently in, or have recently completed, major plan changes, for instance Otago RPS, Northland Regional Plan, Palmerston North District Plan. MfE recognises in the consultation documentation that it may have missed some of these plans and asks Councils to advise it accordingly.

3. S-DP: District plan structure standard

District Wide Matter Section (S-DWM) 'hazardous substances and contaminated sites'

The draft district plan structure standard sets out mandatory headings (i.e. part, chapter or section headings), which must be adopted in the order provided in the draft National Planning Standard. This includes Part 4 – District Wide Matters, which includes a chapter titled 'Environmental risks'.

The Oil Companies support the chapter heading 'environmental risks' and agree that this is appropriately located as a district wide matter. However, the naming of the 'hazardous substances and contaminated sites' section, within the 'environmental risks' chapter, is not supported.

The reference to 'hazardous substances' is inappropriate. It conflicts with the recent removal from the RMA of the explicit function for local authorities to regulate hazardous substances in RMA plans. The intent of that change was to *'remove the perception that councils must always place controls on hazardous substances under the RMA, and to ensure councils only place additional controls on hazardous substances if they are necessary to control effects under the RMA that are not covered by the HSNO or HSW Acts.'*³

A requirement to include a section titled 'hazardous substances' as part of the prescribed district plan structure directly contradicts that intent and will encourage councils to include controls on hazardous substances as a matter of course rather than promoting robust section 32 analysis to demonstrate why existing HSNO or Worksafe controls are not adequate and additional controls on hazardous substance use under the RMA are required.

As such, the Oil Companies consider the reference to 'hazardous substances' should be deleted from the list of mandatory section headings.

The Oil Companies recognise there may be situations in which additional controls on hazardous substance use under the RMA are appropriate and are not opposed to this being highlighted in

³ Resource Legislation Amendments 2017 – Fact Sheet 2 - MfE

the District Wide Matters Standards. This could be appropriately addressed by way of a comment in the third column of Part 4 District-Wide Matters (refer p 16 of the Draft National Planning Standards) under the statement ‘Local authorities must consider whether other sections should also be included in this chapter and include them if they are required’, along the following lines:

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

As a minimum, the section title should be amended to ‘risks associated with hazardous substances use’ rather than simply ‘hazardous substances’ to better describe the nature of controls that may be appropriate to include in RMA plans.

The reference to ‘contaminated sites’ in the section heading is also inappropriate. This part of the structure standard should be renamed to refer to ‘contaminated land management’. It is important to draw a distinction between ‘contaminated land’ and ‘contaminated sites’ to avoid potentially blighting large areas of uncontaminated land within a site. For example it is not appropriate to consider a whole farm contaminated when there may only be an issue in relation to an old sheep dip, or to consider a whole airport to be contaminated when there may only be an issue in relation to a refuelling, washdown or servicing area.

In summary, the Oil Companies seek the following changes to Part 4 – District-Wide Matters of the District Wide Matter Section (S-DWM) (additions underlined; deletions in ~~strikethrough~~).

Chapter	Section	Instruction
PART 4 – DISTRICT-WIDE MATTERS		Local authorities must implement the District Wide Matters Standard (S-DWM).
Environmental risks	Natural hazards	Local authorities must consider whether other sections should also be included in this chapter and include them if they are required. ... <u>If matters relating to hazardous substances use are to be addressed in the plan, they should be located in a section titled <i>risks associated with hazardous substances use</i> in the <i>Environmental risks</i> chapter.</u>
	~~Hazardous substances and~~ ~~contaminated sites~~ <u>land management</u>	

4. S-CP: Combined plan structure standard

Region Wide Matter Section (S-DWM) ‘hazardous substances and contaminated sites’

As per the draft district plan structure standard, the draft combined plan structure sets out mandatory headings (i.e. part, chapter or section headings), which must be adopted in the order provided in the draft National Planning Standard. This includes Part 4 – Region Wide Matters, which specifies that if the combined plan includes a district plan then local authorities must implement the District Wide Matters Standard (S-DWM), including a section titled ‘hazardous substances and contaminated sites’ within the ‘Environmental risks’ chapter.

For the reasons detailed above in relation to the District Plan structure standard, the Oil Companies oppose the section heading ‘hazardous substances and contaminated sites’ and seek that it be amended along the following lines (additions underlined; deletions in ~~strike through~~):

Chapter	Section	Instruction
PART 4 – REGION-WIDE MATTERS		Local authorities must implement the District Wide Matters Standard (S-DWM) to the extent it is relevant.
Environmental risks	Natural hazards	If the combined plan includes a district plan then local authorities must implement the District Wide Matters Standard (S-DWM).
	~~Hazardous substances and~~ ~~Contaminated sites~~ <u>land management</u>	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). <u>If matters relating to hazardous substances use are to be addressed in the plan, they should be located in a section titled <i>risks associated with hazardous substances use in the Environmental risks</i> chapter.</u>

5. S-DWM: Draft District Wide Matters Standard

a. Environmental Risks Chapter (S-ER)

The draft district wide matters standard provides the following guidance on what should be included in the ‘hazardous substances and contaminated sites’ section of district and combined plans:

If the following matters are to be addressed in the plan, they should be located in the Hazardous substances and contaminated sites section:

- any provision required to manage the land use aspects of hazardous substances where this is not covered by other legislation or regulation*
- provisions relating to the use, storage and disposal of hazardous substances on land and in the coastal marine area that presents a specific risk to human or ecological health and property*
- any provision required to address managing contaminated sites where this is not covered by existing legislation or regulation (ie, This section must not replicate the requirements of the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011).*

The guidance is generally supported. However, in relation to clause b, the Oil Companies consider this should be further qualified by noting that provisions relating to risk issues should only be included where these matters are not adequately addressed by other legislation or regulation. For example, it is widely recognised, including by MfE⁴, that for service stations and truck stops compliance with the HSNO Act and associated regulations

⁴ e.g. the Ministry for the Environment, Land Use Planning Guide for Hazardous Facilities, 2002

and industry codes of practice is adequate to contain the risks associated with these activities in the short and the long term. Additional requirements in RMA plans for risk assessment associated with these activities are unnecessary.

In addition, the Oil Companies consider there is a regulatory gap in addressing land use planning around major hazard facilities. This means such facilities may be at ongoing risk of encroachment by sensitive activities, which will have the potential to compromise safety and result in reverse sensitivity effects. Similarly a significant expansion of a major hazard facility could extend the risk footprint onto nearby sensitive activities resulting in unacceptable level of risk. This issue has been recognised in both the recent Auckland and Christchurch planning processes, whereby both independent panels recommended the introduction of overlay provisions to address risk management and land use compatibility issues in a defined area around significant fuel storage infrastructure i.e. the Wiri Oil Terminal in Auckland and the Woolston bulk fuel facilities in Christchurch.

As such, the Oil Companies consider the district wide matters standard should be amended to draw attention to the potential need to regulate land uses around major hazard facilities in order to address risk and reverse sensitivity issues.

As such, the following amendments are sought (additions underlined, deletions in strikethrough):

If the following matters are to be addressed in the plan, they should be located in the risks associated with hazardous substances use and contaminated sites ~~land management~~ section:

- a. any provision required to manage the land use aspects of hazardous substances where this is not covered by other legislation or regulation*
- b. provisions relating to the use, storage and disposal of hazardous substances on land and in the coastal marine area that presents a specific risk to human or ecological health and property where this is not covered by other legislation or regulation*
- c. provisions required to manage land use in close proximity to major hazard facilities in order to manage risk and reverse sensitivity issues*
- ~~ed.~~ any provision required to address managing contaminated ~~sites~~ land where this is not covered by existing legislation or regulation (ie, This section must not replicate the requirements of the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011).*

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

a. Zone purpose statements

The Oil Companies seek to ensure the zone purpose statements do not cut across the ability to provide for service stations in a range of zones. Service stations across the country are located in a broad range of zones including residential, rural, commercial, industrial and special purpose zones. This is because service stations provide a service to the community and are required to be strategically distributed across districts and regions to provide convenient and useful services in close proximity to the user.

In terms of effects, individual service station operations can typically be managed to protect the amenity and character of surrounding activities and risk issues are widely recognised,

including by MfE⁵, as being appropriately managed compliance with the HSNO Act and associated regulations and industry codes of practice.

Furthermore, the Oil Companies are (inter alia) entities carrying on certain businesses that are classed as lifeline utilities under the Civil Defence Emergency Management Act, Schedule 1, Part B(7)⁶. The National Civil Defence Emergency Management Fuel Plan⁷ recognises that:

... [Fuel products] “are essential for everyday life and the economy of New Zealand. They are also critical resources in the event of an emergency, with response agencies, businesses and the community all reliant to some extent. The oil industry has a national footprint which exposes various parts of its supply chain to the whole suite of New Zealand’s hazards. Disruptions to fuel distribution networks in an emergency and disaster are a real possibility and planning and coordination between the fuel sector and civil defence emergency management is vital in order to ensure the impacts of any disruptions are minimised and well managed.” ...

It is important, therefore, that service stations are able to locate in dispersed locations such that they are readily accessible when required and are not confined to one particular area, or suite of zones.

The zone purpose statements in the draft national standard appear broad enough to not preclude the establishment of service stations and in that context are not opposed.

The Oil Companies also seek to ensure the zone purpose statements make appropriate provision for bulk fuel storage facilities in heavy industry, port and airport zones.

The purpose statements for the Industrial, Light Industrial and Heavy Industrial Zones read as follows:

Light industrial 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.
Heavy industrial zone	The purpose of the <i>Heavy industrial zone</i> is to provide primarily for industrial activities that may be incompatible with sensitive activities.

The Oil Companies consider these statements to be descriptive of the type of activities that may occur in those zones rather than describing the purpose of the zone. The Heavy Industry Zone, for example, should provide a location for a full range of industrial activities that generate potentially significant effects. The zone should enable such industry to operate efficiently and not be unreasonably constrained by other activities.

The Oil Companies consider the purpose statement for the Heavy Industrial Zone should be amended to focus on the role of the zone. This could be achieved by making amendments as follows or to the same effect:

⁵ ibid

⁶ The Oil Companies (and associated distribution companies) are defined as lifeline utilities as: *An entity that produces, processes, or distributes to retail outlets or bulk customers any petroleum products used as an energy source or an essential lubricant or additive for motors for machinery.*

⁷ Supporting Plan [SP03/12] June 2012 Version 1, Page 7

Heavy industrial zone	The purpose of the <i>Heavy industrial zone</i> is to provide primarily for industrial activities that may ~~be incompatible with sensitive activities~~ <u>generate potentially significant effects and to enable such industry to operate efficiently and not be unreasonably constrained by other activities.</u>
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b. 'Initial guidance for draft National Planning Standards: F-4 Spatial planning tools (district), S-ASM Area-specific matters – zone framework'.

The Oil Companies do, however, have some concerns with the guidance on specific zones set out in the accompanying guidance document titled *'Initial guidance for draft National Planning Standards: F-4 Spatial planning tools (district), S-ASM Area-specific matters – zone framework'*.

In relation to the **residential zones**, the guidance generally recognises that activities may include small-scale non-residential activities where they service the immediate and wider neighbourhood and are compatible with residential amenity. The Oil Companies consider this guidance is broad enough to enable the appropriate consideration of service stations within residential zones.

In the **Rural Zone** and **Rural Production Zone**, identified activities include that *'there may be large scale infrastructure (e.g. electricity transmission, irrigation networks, transport corridors, airports) present'*. It is uncertain that this reference provides adequate recognition of the potential need for service stations to locate in these zones, as, while fuel pipelines are included in the definition of 'infrastructure', service stations are not typically considered to be 'infrastructure'. As such, the Oil Companies seek an amendment to the activity description to acknowledge that lifeline utilities may also be appropriately located in these rural zones. This could be achieved by making the following amendments (additions underlined):

- *there may be large scale infrastructure (e.g. electricity transmission, irrigation networks, transport corridors, airports) and lifeline utilities present*

Guidance on the **Rural Residential Zone** indicates only that residential or associated primary production activities may occur in that zone. In contrast to the guidance given on the residential zones and the rural and rural production zones, no acknowledgement is made that certain other non-residential activities or infrastructure / lifeline utilities may appropriately occur. As such, the Oil Companies seek that an additional bullet point is included in the 'activities' list for the Rural Residential Zone to recognise that certain other activities, such as service stations, may appropriately occur. This could be worded along the lines of the reference to non-residential activities in the residential zones, as follows:

- *Small-scale non-residential activities where they service the immediate and wider neighbourhood*

The **commercial zones** all recognise the expected presence of commercial activities, which could include service stations and this guidance is supported.

In the **industrial zones** reference is made to the potential presence or use of hazardous substances. The Oil Companies do not support this reference as it infers, by default, that the presence or use of hazardous substances will not be appropriate in any other zones. This is inappropriate as hazardous substances are ubiquitous and used in a broad range of activities and will be present in all zones (e.g. fuel in vehicles and small engines such as lawnmowers, household chemicals, LPG bottles). Further, it would be inappropriate to restrict the location of service stations to industrial zones on the basis that they store hazardous substances, where the overall location of such zones may have little relationship to the needs of the community and/or

commuters and risk issues are appropriately managed by compliance with the HSNO Act and relevant regulations, standards and Codes of Practice.

The Oil Companies acknowledge that major hazard facilities may be more appropriately located in industrial zones and consider the reference to hazardous substances should be amended accordingly. This could be achieved by making the following amendments (additions underlined; deletions in strikethrough):

- *There may be the presence ~~or use of~~ major hazardous facilities ~~substances~~*

Both the Special Purpose: Airport Zone and the Special Purpose: Port Zone contain reference to fuel storage and refuelling activities and this is supported.

7. CM-1: Definitions standard

The Oil Companies consider there will be benefit in standardising some definitions. However, they do not support the approach proposed by the draft National Planning Standards, which has seen the definitions developed in isolation. Definitions must be considered in the context in which they will be used and should have been developed as part of an analysis which involves the identification of relevant issues, objectives, policies, rules and associated definitions.

At the very least, the Oil Companies consider that there is a need to provide a transitional exclusion for words which do not currently have a high degree of commonality in their existing definition between existing district and regional plans and to allow councils to adopt standardised definitions at the appropriate time (i.e.: when a plan is reviewed).

The definition of words such as 'earthworks', 'alteration' and 'height' vary markedly between plans with these differences having evolved in response to different local problems and situations, to the community's response to those situations and, often, because of the way the rules have been drafted. Accordingly, the outcome of these rules may not be too different, but there are differences in the expression of the definition and the associated rule. Changing those definitions (to a standardised one) is likely to then require significant changes to associated rules which have developed from and in association with those definitions.

It is not clear how the consequences of replacing such definitions will be appropriately recognised by councils in the absence of a consultation process and potentially significant consequential amendments to maintain the intent of the relevant planning document. Where a council needs to adopt a different definition for a transitional period, it should be able to do so – subject to appropriately justifying that approach.

Notwithstanding the above, the Oil Companies make the comments set out in Table 1 below in relation to the individual definitions contained in CM-1: Definitions standard.

a. Individual definition

Table 1: Oil Company comments on individual definitions

Term	Proposed definition	Oil Companies position	Comment	Relief Sought
Abrasive blasting	<i>means the cleaning, smoothing, roughening, cutting or removal of part of the surface of any article by the use, as an abrasive, of a jet of sand, metal, shot or grit or other material propelled by a blast of compressed air or steam or water or by a wheel</i>	Support	The definition is supported.	Adopt the definition as proposed.
Bore	<i>(a) means any hole constructed into the ground that is used to— (i) investigate or monitor conditions below the ground surface; or (ii) abstract liquid substances from the ground; or (iii) discharge liquid substances into the ground; but (b) it does not include test pits and soak holes</i>	Support subject to amendment	The wording is problematic as it could result in tank pits or other excavations that require dewatering (e.g. for building foundations) being classed as a ‘bore’. That is, the tank pit could be considered to be a ‘<i>hole constructed into the ground that is used to</i>’... ‘<i>abstract liquid substances [dewatering water] from the ground</i>’. This is inappropriate as tank pits (dug out to facilitate installation, removal or replacement of a tank) are temporary and do not ‘fit’ within the context of regional plan rules that control bores. Such rules typically focus on controlling bore casings, drilling etc. This could be addressed by amending clause (a) of the definition to clarify that the hole has	Adopt the definition subject to changes as follows or to the same effect (additions <u>underlined</u>; deletions in ~~strike through~~): <i>(a) means any hole constructed into the ground <u>for the purpose of</u> ~~that is used to~~—</i> <i> (i) <u>investigating</u> or <u>monitoring</u> conditions below the ground surface; or</i> <i> (ii) <u>abstracting</u> liquid substances from the ground; or</i> <i> (iii) <u>discharging</u> liquid substances into the ground; but</i> <i>(b) it does not include test pits and soak holes</i>

			been constructed ' <i>for the purpose of</i> ' undertaking the activities listed in clauses (i)-(iii), rather than the current wording which includes any hole in which those activities occur.	
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>	Support	As noted in the s32 report, the definition of building is extremely significant for many district plans and influences the application of many rules. The introduction of a new standardised definition of 'building' will therefore require significant consequential amendments to plans to retain the same outcomes that are currently established by the specific relationships between plan definitions and rules for buildings. This definition, is therefore, particularly difficult to comment on in lieu of the associated rules that may be affected. However, it is not opposed.	Adopt the definition as proposed.
Cleanfill	<i>means an area used for the disposal of exclusively inert, non-decomposing material</i>	Support	The s32 report explains that the definition of 'cleanfill' has been intentionally limited to cleanfill as an activity and is not intended to include cleanfill material. This approach can be supported as the definition is considered too absolute to allow even for naturally occurring organic material in otherwise 'clean' soil (i.e. the definition requires that material must be exclusively inert and non-decomposing).	Adopt the definition as proposed.

			The Oil Companies note, however, that the term 'cleanfill' is used in the definition of 'land disturbance' as if it was a material, rather than an activity. This conflicts with the intent described above and is addressed further below in relation to the definition of 'land disturbance.'	
Coverage	<i>Means the percentage of the net site area covered by the footprint of structures as identified in the relevant rule</i>	Oppose	The Oil Companies do not support the definition of coverage. In the Oil Companies experience, rules relating to coverage currently address a range of issues including building coverage, impervious area coverage (e.g. for stormwater runoff purposes) or vegetation coverage. The proposed definition is limited to addressing issues associated with building coverage and anticipates that councils will refine what is or is not included as 'coverage' (e.g. eaves, bay windows, fences, decks etc) through the rule framework. Given the detail of what may or may not be included in 'coverage' rules will need to be provided in plan rules in any case, there seems to be little benefit in the definition, and potentially some disadvantages where plans that currently use the term 'coverage' in a different context will need to develop alternative terminology so as to avoid using a defined term in the wrong context.	Delete the definition and rely on the ordinary meaning of the term.
Earthworks	<i>means any 'land disturbance' that changes the existing ground contour or ground level</i>	Support	The Oil Companies support the distinction that has been made between 'earthworks' that result in changes to ground contour or ground	Adopt the definition as proposed.

			level and 'land disturbance', where the finished ground contour or level is not changed, such as for trenching or underground tank installation / replacement.	
Footprint	<i>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</i>	Oppose	The Oil Companies consider the definition to be unclear and uncertain. It is uncertain, for example, how the definition would apply to structures such as a service station canopy, a rubbish enclosure or a car wash, none of which would ordinarily be considered to have a 'ground floor'. The phrase 'at ground floor level' could be interpreted as applying to habitable buildings only. Further, it is unclear how the phrase 'protrude directly above ground' is intended to apply, particularly for a structure that may not be considered to have a 'ground floor'. The Oil Companies consider the ordinary meaning of this term could be used, being the outline from above on the ground. Alternatively, assuming the intent is not to limit a 'footprint' to a habitable building, the reference to 'ground floor level' should be amended. A term such as 'ground surface' could be used, noting that 'ground level' is specifically defined and would not be appropriate in this context.	Delete the definition and rely on the ordinary meaning of the term or amend to clarify that the definition will apply to all structures, not just habitable buildings. This could be achieved by making changes along the following lines: <i>means the total area of structures at ground floor level surface and the area of any section of any of those structures that protrudes directly above the ground</i>
Functional need	<i>Means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment</i>	Support	The Oil Companies have concerns that the requirement that activities '...can only occur in...' a particular environment may be too absolute and unduly onerous in certain situations. For example, it is uncertain whether	Adopt the definition of functional need provided a complementary concept of 'operational need' is adopted to provide for activities that may technically be able to occur in

			activities such as the fuel pipelines (including wharflines and bunkerlines) used by the Oil Companies to convey fuel between ships at a Port and adjoining land based bulk storage terminals would be considered to have a ‘functional need’ to locate in the coastal marine area (CMA) as, technically, they also occur in alternative environments. The Oil Companies’ acknowledge that MfE is working with a utilities group on model provisions and that this includes discussion around the concept of ‘operational need’, whereby an activity may be able to operate in an alternative location (e.g. not in the CMA) but there is some reason why it must be in a particular location (e.g. to connect between a ship and a fuel terminal). The Oil Companies are not party to those discussions but seek to ensure any concept of ‘operational need’ adopted through those discussions is broad enough to provide for the situation of a fuel terminal (and associated infrastructure) having an operational need to locate adjacent to a Port, notwithstanding that it may not have a functional need to locate in the CMA, or coastal environment.	alternative locations, but which have a technical, logistical or operational need to locate in a particular environment.
Industrial activity	<i>means an activity for the primary purpose of—</i> <i>(a) manufacturing, fabricating, processing, packing, storing, maintaining, or repairing goods; or</i>	Support subject to amendment	It is important the integrity of industrial areas is not undermined by the encroachment of inappropriate sensitive activities that constrain the operation and development of industrial activities and result in reverse sensitivity	Amend the definition to exclude educational activities, in order to avoid undermining the integrity of industrial areas and the creation of reverse sensitivity effects. This could

	<i>(b) research laboratories used for scientific, industrial or medical research; or</i> <i>(c) yard-based storage, distribution and logistics activities; or</i> <i>(d) any training facilities for any of the above activities</i>		effects. The proposed definition of ‘industrial activity’ can be supported, provided the reference in clause (d) doesn’t facilitate the establishment of ‘educational facilities’ as an industrial training activity. Educational facilities can involve large numbers of people and a range of associated activities (e.g. preparation and sale of food, child care, accommodation etc), that are inappropriate in industrial areas and can generate reverse sensitivity effects. The Oil Companies’ note that the definition of ‘educational facility’ specifically excludes ‘industrial activity’ and consider the definition of ‘industrial activity’ should be amended to similarly exclude educational facilities. For reference, ‘educational facility’ is defined as follows: <i>Educational facility</i> <i>(a) means the use of land or building for the primary purpose of regular teaching or training in accordance with a pre-set syllabus by suitably qualified or experienced instructors; but</i> <i>(b) does not include any industrial activity</i>	be achieved by changes as follows or to the same effect (additions <u>underlined</u>; deletions in ~~striketrough~~): <i>means an activity for the primary purpose of—</i> <i>(a) manufacturing, fabricating, processing, packing, storing, maintaining, or repairing goods; or</i> <i>(b) research laboratories used for scientific, industrial or medical research; or</i> <i>(c) yard-based storage, distribution and logistics activities; or</i> <i>(d) any training facilities for any of the above activities, <u>but does not include any educational facility.</u></i>
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 subject to amendment	The term ‘cleanfill’ is used in the definition of ‘land disturbance’ as if it was a material, rather than an activity. This conflicts with the definition of ‘cleanfill’, which (as detailed in the s32 report) has been specifically limited to cleanfill as an activity and not to cleanfill	Amend the definition to delete the reference to ‘cleanfill’ as follows (additions <u>underlined</u>; deletions in ~~striketrough~~): <i>means the alteration to land, including</i>

			material. Further, in relation to the definition of 'land disturbance' the s32 report states (refer p106) 'we have used the umbrella terms of soil, earth and substrate. We consider that these terms include all likely substances necessary.' The reference to 'cleanfill' is out of context and appears to be unnecessary. It should be deleted.	<i>by moving, cutting, placing, filling or excavation of soil, ~~cleanfill~~, earth or substrate land</i>
Official sign	<i>means all signs required or provided for under any statute or regulation, or are otherwise related to aspects of public safety</i>	Support	The definition is supported, noting that unlike many existing plan definitions of 'official signs', it is not limited to council and/or road signs. The Oil Companies are required under other legislation to display health and safety signage and hazardous substances signage at their facilities. It is important to recognise the unique nature of such signage and to enable it to be managed separately to more general advertising type signage.	Adopt the definition as proposed.
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 supported, particularly to the extent that it is not a complaints based definition.	Adopt the definition as proposed.
Sign	<i>(a) means any device, character,</i>	Support	The definition is supported.	Adopt the definition as proposed.

	<i>graphic or electronic display, whether temporary or permanent, that is visible from beyond the site boundary, for the purposes of—</i> <i>(i) identification of and provision of information about any activity, site or structure;</i> <i>(ii) providing directions;</i> <i>(iii) promoting goods, services or forthcoming events; and</i> <i>(b) includes the frame, supporting device and any associated ancillary equipment whose principal function is to support the message or notice; and</i> <i>(c) may be two- or three-dimensional, and manufactured, painted, written, printed, carved, embossed, inflated, projected onto, or fixed or attached to, any structure or natural object; and</i> <i>(d) may be illuminated by an internal or external light source</i>			
Stormwater	<i>means water from natural precipitation (including any contaminants it contains) that flows over land or structures (including in a network), to a waterbody or the coastal marine area</i>		The definition of stormwater is not supported for the following reasons: • The definition classifies stormwater as water that flows ‘...to a waterbody or the coastal marine area’. Waterbodies and the CMA are receiving environments for stormwater and it is unclear why they have been used as a means of defining	Amend the definition of stormwater consistent with that used by Greater Wellington Regional Council in its Proposed Natural Resources Plan and Northland Regional Council in its Proposed Regional Plan for Northland (refer s42A report), which reads as follows:

			what stormwater is. The Oil Companies do not consider the receiving environment to be an appropriate or necessary factor in defining what stormwater is – that is something that can be managed by councils through discharge rules. Further, no reference is made to ‘land’ or ‘groundwater’ as a receiving environment, with the implication that councils seeking to manage issues such as ground soakage or overflow of stormwater to adjoining properties (e.g. to manage flooding, sedimentation or erosion issues) will not be able to rely on the national standard definition of ‘stormwater’. The Oil Companies do not consider there to be any merit or basis in excluding these types of runoff from the definition of stormwater. • The definition specifies that stormwater is water ‘...that flows over land or structures (including in a network)’. The use of a general reference to ‘land’ means runoff from all land, whether modified by human activity or not, will be classified as stormwater and subject to plan rules. That could lead to an interpretation requiring runoff on a mountainside from rainfall to a river to be considered as stormwater and subject to associated rules. That is considered to be	<u>Runoff that has been intercepted, channelled, diverted, intensified or accelerated by human modification of a land surface, or runoff from the external surface of any structure, as a result of precipitation and including any contaminants contained therein.</u>
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			inappropriate and an outcome that councils are unlikely to seek to manage. The Oil Companies consider a more appropriate definition of stormwater, which appropriately addresses these issues, is that used by Greater Wellington Regional Council in its Proposed Natural Resources Plan and Northland Regional Council in its Proposed Regional Plan for Northland (refer s42A report), which reads as follows: <i>Runoff that has been intercepted, channelled, diverted, intensified or accelerated by human modification of a land surface, or runoff from the external surface of any structure, as a result of precipitation and including any contaminants contained therein.</i> The Oil Companies consider amendments are needed to the proposed definition of 'stormwater' and would support adoption of the definition above.	
Structure	<i>means any building, equipment, device or other facility made by people and which is fixed or located on or to land; and includes any raft, but excludes motorised vehicles that can be moved under their own power</i>	Support	The definition is supported.	Adopt the definition as proposed.

Questions from 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?

The views of the Companies have already been expressed and various amendments proposed. It is not considered that the proposed amendments will affect the proposed outcomes but rather assist in their implementation.

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

The Oil Companies consider there are a number of issues where standardised outcomes are appropriate, that are well justified from a resource managing perspective and have been refined over time through multiple planning processes.

- **Contaminated land** – the NESCS is intended to provide national direction on contaminated land management. However, there is significant variation in how the NESCS has been adopted and interpreted by councils across the country and an absence of national level policy guidance on this topic to assist in decision making. A planning standard could support more consistent application of the NESCS in district plans.
- **Utilities** – the consultation document identifies utilities as a topic for future standards on the basis that little variation is needed in how utilities are managed across districts and regions. The Oil Companies support the development of a future planning standard for utilities provisions and understand that work on such a standard is currently underway. The Oil Companies note that elements of their facilities are utilities and seek to ensure they are recognised as a stakeholder in this topic and are given the opportunity to participate as appropriate.
- **Managing land use around Major Hazard Facilities (MHF)** – WorkSafe acknowledged in its consultation on the MHF Regulations that the regulations do not address land use compatibility issues and that councils should be doing this. The Oil Companies have experienced inappropriate development in close proximity to MHF's and have been actively promoting appropriate land use planning approaches through council plan making / plan change processes as they arise. The failure at a national level to recognise and provide some regulatory guidance on these issues will run the long term risk of compromising MHF businesses, which in many cases can be considered regionally significant infrastructure and lifeline utilities. A national planning standard should be developed to address this regulatory gap.
- **Earthworks** – There may be a number of opportunities to standardise earthworks provisions, as the outcomes sought are typically the same (e.g. management of silt and sediment runoff, dust, land stability and amenity etc). This includes through exemption of certain activities – many types of earthworks are well regulated and managed through means other than RMA plans, such that requirements to obtain consent results in unnecessary duplication / regulation e.g. utilities (code of practice, RON etc) and tank pits (NESCS etc). In addition, there is broad variation in earthworks measurements, including over particular timeframes, height and depth measurements in relation to existing or natural ground levels,

measurement of soil volumes in situ or upon excavation. Earthworks provisions stand to benefit significantly from improved clarity in metric measurements.

- **Dewatering during construction** – Temporary dewatering is commonly required during construction activities including for utilities / infrastructure installation and maintenance, building foundations and the installation / replacement of underground tanks at service stations. Effects can be readily managed through water take, treatment train and discharge requirements. However, there is currently broad variation in approach to dewatering activities in plans. It is a temporary activity that should be managed in a consistent manner across districts and regions to minimise adverse effects.
- **Stormwater and other operational discharges** – There are many common elements in the management of stormwater and other operational discharges (e.g. abrasive blasting and spray painting) across the country. These activities have the same effects that could be dealt with by the same standards across all regions. As a minimum, a permitted activity framework could be developed to manage such activities. For example, stormwater discharges from sites storing or using hydrocarbons are typically permitted where an interceptor is in place to ensure appropriate water quality outcomes.
- **Zone provisions for Oil Company activities** – As noted in relation to the zone purpose statements, service stations are widely dispersed across the country and located in a broad range of zones. The effects of service station establishment, operation, maintenance and upgrade (e.g. tank replacement) are generally the same irrespective of their location and there is little need for variation in how such effects are managed across districts and regions (acknowledging that different effects thresholds may apply dependent on the underlying zone).

Structure standards

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

- As identified in relation to S-DWM: Draft District Wide Matters Standard and question 2 above, there is a regulatory gap in managing land use compatibility issues in and around Major Hazard Facilities. While zoning can be used to promote land use compatibility, experience is that it is not effective in all instances as it will not necessarily draw attention to risk and reverse sensitivity issues associated with proximity to MHFs. Further, any person can apply for land use consent and, depending upon activity status and how the plan works, Councils will not necessarily notify all applications. Consequently MHFs run the risk of being undermined over time by third party activities that create potential land use compatibility issues. The potential for reverse sensitivity effects and restrictions on facility operation alter the obligations of MHF operators under the MHF Regulations.

The risk management provisions included in the Auckland Unitary Plan have been drafted as 'Auckland wide' provisions such that they can be adapted to apply to other MHFs. Currently they apply to the Wiri Oil Terminal, the adjoining Liquigas Terminal and the Refinery to Auckland pipeline, noting that the extent of the management area around each facility has been determined by way of site specific risk assessment work.

These provide a good example / framework that could be used to develop national guidance

on the issue of managing risk and land use compatibility in relation to MHFs and to ensure Councils address these issues seriously.

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

- The purpose statements are useful if they are accurate. However, as detailed in relation to the zone purpose statements above, the industrial zone purpose statements provide more of a description of the type of activity that may locate in those zones. In particular, the purpose statement for the heavy industrial zone should acknowledge that the purpose of such zones is to provide for industry that generates potentially significant effects and to enable such industry to operate efficiently and not be unreasonably constrained by other activities.

Content and metric standards

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

- The drafting principles are supported.

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

- Definitions should not be developed in isolation. Any additional definitions should be developed and considered in the context of particular issues and as part of an analysis which involves the identification of relevant issues, objectives, policies, rules and associated definitions.

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

- There is a potential public information issue with using NZ Standards as the basis for noise metric and vibration standards as these standards are not freely available to the public and must be purchased. In addition, the Oil Companies are cautious about the extent to which standards may change outside the RMA plan framework and consequential effects on compliance with planning documents. These matters may be suitably addressed if all details are available in RMA plans.

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

- Such an approach is not supported. Appropriate noise standards will depend on the receiving environment, which may include a range of activities within a particular zone.

Implementation

Q23: What sort of guidance and support would be useful to plan users and councils? What guidance should we prioritise?

- Clear direction should be provided on the nature and circumstances in which councils should include controls on the use of hazardous substances and to clearly distinguish between what needs to be controlled in a RMA sense as opposed to what is already adequately managed

through compliance with HSNO and Worksafe legislation.

- Guidance should be provided on managing land use around Major Hazard Facilities and appropriate mechanisms for doing so.
- MfE should prioritise providing ongoing guidance / support to councils to ensure the national standards are interpreted and applied in a consistent way. There are numerous examples to date of how councils have interpreted and applied NES's differently, despite the intent that such documents would ensure national consistency.

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

- Not necessarily – experience to date is that one of the largest councils in the country is interpreting and applying the permitted soil disturbance provisions in the NESCS in quite a different way to most other councils.

Releasing submissions

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

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

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

When your submission is complete

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

- PDF
- Microsoft Word document.

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

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



SUBMISSION ON THE DRAFT NATIONAL PLANNING STANDARD

To: Planning Standards
C/- Ministry for the Environment
PO Box 10362
WELLINGTON 6143
Email: planningstandards@mfe.govt.nz

Submitter:

[REDACTED]
[REDACTED]
[REDACTED]

Attention: Todd Baldwin- Environmental Advisor
Phone: [REDACTED]
Email: [REDACTED]

For:

A handwritten signature in blue ink, appearing to read "C. Drayton".

Chris Drayton
Consenting Manager
Contact Energy Ltd

17th August 2018

Introduction

Contact Energy Limited (“Contact”) generates nearly a quarter of New Zealand’s electricity from eleven power stations, primarily consisting of renewable hydro on the Clutha River; geothermal power stations in the Waikato Region; and large gas turbine plant at Stratford in Taranaki. We also have assets at Te Rapa (Waikato) and Whirinaki (Hawkes Bay).

Until recently, Contact also owned the nationwide Rockgas LPG business, which has branches in most main centres of New Zealand; and we also supply natural gas to customers across the North Island. In all, Contact generates and supplies energy to over 560,000 businesses and homes across New Zealand, meaning we have a keen interest in New Zealand’s RMA planning guidance.

In recent years, Contact has transitioned itself towards increasing levels of renewable electricity generation, closed large baseload gas-fired power stations at Otahuhu and New Plymouth; and typically now generates around 85% of our electricity from renewable sources. The result is that our greenhouse gas emissions have fallen by over 50% since 2012. Our strategy is to continue to invest in new renewables and to help New Zealand decarbonise its electricity, industrial, and transport fuel sectors.

Contact’s activities and access to natural and physical resources like water, geothermal energy, wind sites and land, are enabled through resource consents and regional and district plans. As well as ensuring we act in a sustainable manner, the shape of New Zealand’s RMA planning regime is key to retaining our ability to meet new Zealand’s electricity demand by investing in renewable generation, and can assist (or constrain) central government’s desire to increase renewable energy production.

This submission will include particular reference to the importance of Integrated Management of Electricity Generation, and recommendations in relation to the definitions in the Draft NPS, particularly as they apply to Renewable Electricity Generation.

Integrated management of Electricity Generation

Planning documents in New Zealand are required to give effect to the 2011 National Policy Statement for Renewable Electricity Generation (**NPS REG**).

The NPS REG sets the strategic direction for New Zealand’s energy sector and recognises the role energy plays in the New Zealand economy.

The objective of the NZ Government is an efficient, renewable electricity system supporting New Zealand’s global competitiveness. To achieve this objective the Government has set a target that by 2035, 100% of electricity will be generated by renewable sources (such as geothermal, hydro and wind). This will require significant new investment by the electricity industry, and particular care by local authorities about the provisions they put in place to allow this to be achieved.

The NPS REG is intended to ensure that the national benefits of renewable electricity generation are appropriately recognised in consenting decisions and RMA plans. By giving this guidance, the NPS REG is intended to promote a more consistent approach to balancing the competing values associated with the development, maintenance and enhancement of New Zealand’s renewable energy resources. It also requires decision-makers to have particular regard to the locational requirements, the logistical or technical practicalities, and infrastructure requirements associated with developing, upgrading, operating or maintaining renewable electricity generation and gives greater certainty to applicants and the wider community.

Providing for integrated management of renewable electricity generation is key to enabling the aims of the NPS REG to be given effect to and in all relevant regional and district plans there should be clear linkages across the objective, policy and rule framework.

It is our experience that isolating individual activities into generic chapters tends to reduce the NPS REG’s ability to enable renewable energy development, or provide for recognition of specific benefits of particular infrastructure. Our submission is that the benefits of energy, particularly renewable energy, needs its own chapter within the proposed planning framework to ensure the objectives outlined in the NPS REG are given effect to, without being hindered, watered down or confused by more generic ‘infrastructure’ guidelines.

Specific submission to Draft National Planning Standards

Contact supports the desired outcome of the National Planning Standards to create a standardised guideline for planning documents in New Zealand. However, some sections would benefit from modifications to ensure appropriate planning outcomes can be achieved. In particular, the suggested changes are sought to ensure the integrated management of electricity generation.

In order to provide for the integrated management of renewable energy generation, Contact specifically recommends the following:

- Inclusion of an “Energy Generation” Chapter in planning documents
- Providing for more explicit connections and flexibility between chapters
- Inclusion of specific spatial tools for Energy generation activities

These considerations are outlined below:

Inclusion of separate energy chapter in planning documents

As outlined above, the NPS REG specifically recognises the benefits of renewable energy to New Zealand. Contact considers that a separate energy chapter within the proposed planning documents will enable better recognition of the national significance, benefits and RMA planning issues associated with renewable energy in comparison to other infrastructure.

Contact therefore proposes 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 an energy chapter. In addition, it proposes that the District Wide Matters Standard (S-DWM) be amended to provide direction on the matters to be included in the new chapter.

Providing for explicit connections and flexibility between chapters

Various existing Regional policy Statements have Integrated Management as a significant matter addressed through prescribed objectives and policies. In the proposed standards, the compartmentalised theme chapters appear to be restrictive in how the standards, objectives and policies are drafted. This does not appear to provide for clear linkages between chapters which may influence each other. Under the proposed standards there is a concern that issues may be considered in isolation to each other, resulting in a fragmented framework of planning guidance.

This could have consequences where specific chapters that are included to enable sustainable development, such as infrastructure and energy, conflict with other chapters which are likely to prioritise protection of natural resources. The outcome of this may be that there is difficulty prioritising the specific chapters over and above another, and could make it difficult to implement the aims of higher order planning documents, such as the NPS for Renewable Electricity Generation.

Contact proposes that the specific wording in the draft standards be amended to allow some flexibility to provide for linkages between chapters.

Inclusion of specific spatial tools for Energy Generation

Contact considers that a specific zone should be provided for in the Area Specific Matters (S-ASM), District Plan (S-DP), and Mapping (F-2) standards to reference electricity generation. This would allow for spatial recognition of the vital activities associated with electricity generation specifically, rather than relying on a more generic provision under the proposed ‘special purpose zone’.

Contact believes that electricity generation has at least the equivalent significance of some of the other activities afforded a specific zone under the draft standards, such as ports or airports.

Enabling a specific zone for electricity generation activities would provide the ability to allow more enabling guidance within a specific defined area. Given the importance of renewable energy as recognised in the NPS REG this is considered to be appropriate.

Contact therefore proposes that the Area Specific Matters (S-ASM), District Plan (S-DP) and mapping standards be amended to provide for an energy generation zone.

The specific proposed changes are outlined in the proposed amendments shown below.

Proposed amendments to the Draft Standards

Regional Policy Statement Structure Standard (S-RPS)

Amend Part 4 of Table 3 as follows (underline or ~~strike through~~):

PART 4 - THEMES		
<u>Integrated management</u>		If integrated management matters are addressed <u>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>Energy</u>		If energy matters are addressed in the regional policy statement they must be included in the <u>Energy</u> chapter, <u>acknowledging that matters related to the management of energy may also need to be addressed in other theme chapters.</u>
<u>Geothermal</u>		If geothermal matters (including geothermal water, energy, features and vegetation) are addressed in the regional policy statement they <u>must be included in the <i>Geothermal</i> chapter.</u>
...		...

Regional Plan Structure Standard (S-RP)

Amend Part 4 of Table 4 as follows (underline or ~~strike 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>Energy</u>		If the local authority chooses to address matters <u>on a theme basis and energy matters are addressed in the regional plan they must be included in the <i>Energy</i> chapter, acknowledging that matters related to the management of energy may also need to be addressed in other theme chapters.</u>
<u>Geothermal</u>		If the local authority chooses to address matters <u>on a theme basis and geothermal matters (including geothermal water, energy, features and vegetation) are addressed in the regional plan they must be included in the <i>Geothermal</i> chapter.</u>
...		...

District Plan Structure Standard (S-DP)

Amend Part 4 of Table 5 as follows (underline or ~~strikethrough~~):

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. ... <u>Energy 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 energy matters.</u>
Infrastructure ~~and energy~~		
<u>Energy</u>		
...		

Amend Part 5 of Table 5 as follows (underline or ~~strikethrough~~):

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	
...	...	

Combined Plan Structure Standard (S-CP)

Amend Part 3 of Table 6 as follows (underline or ~~strikethrough~~):

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 addressed 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>Energy</u>	<u>If energy matters are addressed in the regional policy statement on a theme basis they must be included in the <i>Energy</i> chapter, acknowledging that matters related to the management of energy may also need to be addressed in other theme sections.</u>
	<u>Geothermal</u>	<u>If geothermal matters (including geothermal water, energy, features and vegetation) are addressed in the regional policy statement on a</u>

		<u>theme basis they must be included in the <i>Geothermal</i> chapter.</u>
	...	...

Amend Part 4 of Table 6 as follows (underline or ~~strike 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>Energy</u>		<u>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, acknowledging that matters related to the management of energy may also need to be addressed in other theme chapters.</u>
<u>Geothermal</u>		<u>If 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 this chapter must be used.</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>If the combined plan includes a district plan, energy 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 energy matters.</u> 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). The Noise and Vibration Metrics Standard (CM-2) must be implemented through the <i>Noise and Light</i> section.
<u>Energy</u>		
...		

Amend Part 6 of Table 6 as follows (underline or ~~strike 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>Energy generation zone</u>	
	[Additional Special Purpose] Zone	
...	...	

District Wide Matters Standard (S-DWM)

Amend Directions 21 - 25 as follows (underline or ~~strike through~~) or similar (e.g. separate district wide directions specific to an *Energy* chapter):

Infrastructure chapter and Energy chapter (S-IE)

- 21 The Infrastructure ~~and energy~~ chapter must, to the extent relevant contain provisions that give effect to:
- ~~National Policy Statement for Renewable Electricity Generation 2011~~
 - ~~National Policy Statement on Electricity Transmission 2008.~~
- 21A The Energy chapter must, to the extent relevant include provisions that give effect to:
- National Policy Statement for Renewable Electricity Generation 2011
- 22 The Infrastructure ~~and energy~~ chapter must be consistent with the:
- Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009
 - Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016
 - National Policy Statement for Renewable Electricity Generation 2011
- 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:
- objectives, policies and methods including rules if any, relating to the operation, maintenance, upgrading and development of infrastructure including where relevant:
 - state highways and local roads
 - railways
 - airports
 - ports
 - ~~electricity generation~~, transmission and distribution
 - wastewater, stormwater and drinking water infrastructure
 - other network utilities not listed
 - bulk storage and transmission of fuel or energy
 - street furniture
 - any buffer corridor area provisions required for the national grid
 - a statement about the zoning status of roads; eg, the adjoining zoning applies to the centre line of the road
 - 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 Energy chapter unless provided in a special purpose [electricity generation] zone:

- a. objectives, policies and methods including rules if any, relating to the development, operation, maintenance, and upgrading of 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 Energy chapter must refer to any relevant applied Special Purpose Zone (eg, Airport zone, Port Zone, Hydro-electricity Generation Zone).

Area Specific Matters Standard (S-ASM)

Amend Direction 7 as follows (underline or ~~strike 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 (underline or ~~strike 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
...	...
<u>Electricity generation zone</u>	<u>The purpose of the <i>Electricity generation zone</i> is to:</u> • <u>enable the development, ongoing operation, maintenance, and upgrading of electricity generation facilities and activities</u> • <u>give effect to the National Policy Statement for Renewable Electricity Generation 2011, with respect to renewable electricity generation, including its national significance and benefits</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	...
...	...

Definitions Standard CM-1

Contact supports the concept of standardising definitions across the various planning documents throughout the country. However, it is important that definitions accurately incorporate all the activities or concepts that are intended to be covered under the definition. By over-simplifying a definition, there is a risk that an activity or concept is restricted or not represented, and may cause issues in planning processes in the future.

In this regard, Contact recommends the following additions or modifications to the Draft set of definitions:

Aquifer

In a geothermal system, an aquifer also yields geothermal water (including steam) and energy and this should be captured by this definition.

Contact recommends amending the definition as follows):

'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'

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.

Contact recommends amending the definition as follows:

- '(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'*

Geothermal Water

In its current form, the term 'geothermal water' is not included in the draft definitions standard. Contact's submission on the inclusion of 'geothermal water' in the 'aquifer' definition results in a requirement to define this in the standard.

It is recommended that the RMA definition of 'geothermal water' is adopted; i.e:

"geothermal water 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"

Contact therefore recommends the definition be worded as:

'has the same meaning as in section 2 of the RMA'

Functional Need

The definition in the Draft Standards does not suitably account for the *operational needs* of activities that may impact on where they can be located. 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. for 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;

In this regard, the definition of 'functional need' is considered to unnecessarily focus on locational factors related to the siting of an activity and does not appropriately consider the operational needs of activities. That is, 'functional need' is specific to the location of the activity, whereas an operational need is specific to the characteristics and constraints of the activity. In some cases, an activity has both a 'functional need' and 'operational need', in other cases, it may be one or the other.

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.

Contact 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 defined in the plan.

Contact recommends providing a new definition for 'operational need' as follows:

'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'

Reverse sensitivity

The proposed definition of 'reverse sensitivity' does not adequately provide for activities that are consented but not currently implemented. Prospective renewable energy developments are significant investments, require long term project planning and take a significant amount of time to bring online. Protecting resource management decisions and the investment already made from reverse sensitivity concerns are of particular importance to Contact.

The definition proposed should cover both existing and consented developments. Contact therefore recommends amending the definition as follows:

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

Small Scale Renewable Electricity Generation

Contact generally supports the definition of Small Scale Renewable Electricity Generation, however we consider that the 20kW limit may be overly restrictive in the face of new, emerging and improved technologies.

Regardless of the kW limit, any new small scale generation would need to comply with all relative guidance of planning documents. On this basis, Contact proposes an increased kW limit would still provide for small scale generation but ensure that reasonably sized small scale generation would not be categorised as large scale and hence be overly restricted in their development. Contact proposes that a 500kW limit could still be considered as 'small scale'.

Contact recommends the definition be amended to:

means renewable electricity generation which does not exceed a power rating of 20500 kW.

Special audible Characteristics

The proposed definition does not currently provide sufficient clarity, 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.

Contact recommends amending the definition as follows:

‘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.’

Noise and Vibration Metric Standard (CM-2)

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. Contact is supportive of this requirement.

We note however that the specific wording of the standard under clause 3, only requires that any plan rule to manage an emission of noise must be consistent with the noise *measurement methods* of the New Zealand Standards. There is no requirement in the standard for plan rules to adopt the corresponding noise *metrics* contained in the New Zealand Standards. Furthermore, while clauses 24 and 32 of the District Wide Matters Standard (S-DSM) do 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.

There is also a conflict within CM-2, table 30, where the standard references the various acoustic standards. However, direction 4 goes on to state that all plan noise rules must be consistent with NZS 6802:2008 Acoustics- Environmental Noise. The referenced acoustic standards were developed specifically to address the fact that they cannot fit within the Environmental Standard, and as such they need to be adequately catered for.

In light of the above, Contact recommends the following changes:

Amend Directions 3 and 4 as follows:

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.~~

District Wide Matters Standard (S-DSM)

Amend Direction 24 (for Infrastructure and Energy) and Direction 32 (for General District-Wide Matters chapter) as follows:

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

Future Planning Standards

One of the key questions presented in the Ministry for the Environment Consultation document was ‘what topics or matters should be investigated for future planning standards’.

New Zealand challenged with the need to transition towards a low carbon economy. The government’s target of having a 100% renewable electricity generation by 2035 is one of the key challenges to be addressed in New Zealand, and the RMA is instrumental in enabling or constraining that aim. Contact is positioning itself to accelerate the decarbonisation of industry and transport fuels in New Zealand, and a well-established and well aligned RMA planning system will be a key component to enable this.

Future planning standards will need to provide for and align with the governments push for renewable energy and to achieve this, it is highly likely that future planning standards will need to expressly recognise the importance of this.

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*	Beverley Hughes for Leonie Simpson, Chief Executive Officer, Te Runanga o Ngati Awa
Organisation (if applicable)	Te Runanga o Ngati Awa
Address	
Phone	
Email*	

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

[Click here to enter text.](#)

* Questions marked with an asterisk are mandatory.

Draft first set of National Planning Standards

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

- ☒ Yes
- ☐ No

The concept of standardised planning requirements is supported in principle only, at this stage. We'd like to see how government will treat submissions, but we fully recognise and support the intent behind the mandatory directions being promulgated in the Tangata Whenua Structure Standard appearing in this draft.

Te Runanga o Ngati Awa (TRONA) would feel more confident in offering full support if the national

standards required planners to lift their performance when recognising and providing for s6e matters, having particular regard for s7a matters and taking account of the principles and CONTENT of Articles in the Treaty of Waitangi. We think this is needed in post-settlement New Zealand because we find planners and consents officer struggle to recognise and provide for Maori and their various relationships with place.

We would like to see government compel planners to show they know about Maori relationships with place because it is unacceptable that planners, consents officers, Councillors and Commissioners do not recognise those relationships and how the various mandates and decision-making responsibilities that are that people in Maori society. Planners need to demonstrate understanding that one Maori person or many Maori people can have a number of relationships and decision-making responsibilities. A Maori person can be an elected hapu representative with responsibilities to their hapu community while mandated to collaborate at their iwi authorities in decision-making. That person can also be a kaitiaki, a hapu member, a whanau member, and/or a Trustee of privately but multiply owned Maori Freehold land that is nominated by the landowners and appointed by a Judge of the Maori Land Court of New Zealand.

Maori can own land in different ways than iwi authorities. Iwi authorities can own land that is has not come from settlements and settled iwi can own that kind of land as well as cultural redress, commercial redress (with leaseholders they inherit from the Crown), and waahi tapu and statutory areas as well.

A Maori person might be a pukenga (cultural expert) relied upon by their people as knowing most about the relationships, culture and traditions of the hapu and iwi – and those folk can be extremely important in the process of assessing consents and the appropriateness of activities that propose change in a takiwa – or that propose regulations that will permit or otherwise changes and activities within a rohe or takiwa as well.

Understanding how to recognise these important relationships and responsibilities and to provide for them in plans and consent processes is desperately needed by those who are making plans and decisions in regions and districts.

We seek that the National Planning Standards positively affect people in the planning discipline. Universities and members of the NZ Planners Institute, Engineers, archaeologists, hydrogeologists, and all persons exercising functions and powers or contributing expert opinion on developments and to regulatory planning provisions need education about how people in Maori society work.

We are pleased that MfE has prepared these Draft National Standards because they will help to ready to lead our country towards the healthy decision-making we need to be making together.

We say – kia kaha – keep going – we ‘get’ where you are headed and we’re with you if you stay the course

2. S-RPS: Regional policy statement structure standard

Table 3

Part 1 structure is shaping up well. We support the inclusion of a mihi in Part 1 but think the components in part 2 Tangata Whenua should be brought forward to the ‘national direction instruments’ in part 1. Doing this would show central government is promoting recognition of Maori indigeneity (not pandering to race); and providing direction to planners and Councils to show what they understand about the relationships of Maori in their region, including relationships that now beginning to be described in settlement statutes, statutory acknowledgements, settlement land

tenures and protocols that are outcomes of Treaty settlements.

Part 3

Significant iwi resource management issues need to be included here. A common issue affecting most regions is failure to understand how to recognise and provide for Maori values & interests, relationships, culture and traditions with ancestral taonga – in consents and planning decisions.

Part 4

We'd like to see each of these themes promote identification of Maori policy, objectives and methods of implementation. Criteria might also be developed with members of the Maori regional community.

Part 5

Likewise we would like to see a space promoting Matauranga Maori provisions in the evaluation and monitoring section.

Part 6

Schedule 11 from the RMA, Appendices including lists of operable iwi planning documents and settlement outcomes (like those that are showing in 'Ngaa Whakaaetanga a Ture ki te Taiao a Toi – Statutory Acknowledgements in the Bay of Plenty' - a compendium to all regional plans and the RPS in the Bay of Plenty region) are examples of how those nationally significant treaty settlement outcomes can 'come to life' and service our communities when they are fitted in to regional policy and plans.

Maps can be tricky, especially when slender lines are used to determine property and decision making status and rights. When, or if, it's necessary to show 'boundaries' between iwi, or specific sites of significance - let it be okay for plans to show indicative areas to trigger engagement and use broad brush-strokes rather than slender lines for 'certainty' sake. Encourage planners to be less hung up that level of specificity, when an indicator that triggers meaningful engagement will contribute just as usefully (if not more so), in faith that the more formal Schedule 1 process will test that metal.

Overall, in terms Table 3, we suggest you reach out to Nassah Steed (Team Leader Regional Integrated Policy, BOPRC) and take a look at the work he has done in preparation of Bay of Plenty Regional Policy Statement. Our RPS is sharp, simple and includes policy, objectives and methods that are well informed by the Maori regional community. It is supported by the Regional Integrated Policy team who ensure draft and proposed regional plans are consistent and district plans will give effect to regional policy provisions.

Our regional policy statement includes useful tools for Maori in a variety of provisions for 'Integrated Resource Management', 'Iwi Resource Management', 'Matters of National Importance', and many others. These provisions give Maori a 'hook to hang their hat on' that Councillors must show how they give weight to as they read and hear the contributions tangata whenua give to inform Council decision-making.

A key policy in the BOPRPS Policy that we promote with MfE is IW2B(b) that which states that decision-makers - 'Recognise that only tangata whenua can identify and evidentially substantiate their relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga'.

This policy is the hook for us to hang our hat on as we develop our Cultural Impacts Assessments, our written consents responses and even our submissions to draft or proposed planning provisions which

we also use as we participate in these more administrative acts of kaitiakitanga.

We think MfE use of IW2B(b) and a korero with Nassah may inspire useful core messaging in the National Planning Standards because that policy creates a clear, reasonable, fair and accurate platform for planners and consents officers, councillors and communities to recognise what Maori people bring to change management decisions in a shared geographic space that remains a homeland of the indigenous people.

Its up to government to promote recognition of Maori contributions to rates and taxes that are applied for the common good and that having contributed thus entitles Maori to public and civil service. It's also up to government to tell people that recognition and provision is due to Maori indigeneity, Treaty partnership with the Crown, and not due to race.

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

Mandatory directions are fully supported. We request that Whakatane District Council is not added to the 7 year list as their newly operable district plan does not include the matters described in sections 3, 4, 5 and 6 of the Tangata whenua Structure Standard despite their being a compendium to the BOPRPS and operable matters in the BOPRPS and plans since November 2010, that is about 2 years prior to development of the newly operative Whakatane District Plan.

The Whakatane district community would benefit greatly from the district council being required to amend its plan to include these important matters.

All of the matters identified in the Tangata Whenua Structure Standard are fully supported by Te Runanga o Ngati Awa.

Their inclusion under mandatory directions in the National Planning Standard would be a tremendously significant accomplishment that honours the principles and outcomes of treaty settlements. Their inclusion will bring greater clarity to communities, who would be encouraged to let go of prejudice and embrace new ways to share geographic space and foster fair and equitable access to a form of prosperity based on a peace and understanding in post-settlement NZ.

Our country cannot afford to revert to repeating the grievances of the past. We need government to lead us to a fair and just future. These tools will help us all arrive there. Well done. Keep going.

- a. Recognition of iwi/hapū chapter

These are supported for reasons outlined in the preceding section.

- b. Tangata whenua local-authority relationships chapter

These are supported for reasons outlined in the preceding section

- c. Iwi and hapū planning documents chapter

These are supported for reasons outlined in the preceding section

- d. Consultation chapter

These are supported for reasons outlined in the preceding section

- e. Use of te reo Māori

These are supported for reasons outlined in the preceding section

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

These are supported for reasons outlined in the preceding section and the narratives provided in response to questions 1 and 2 of this submission.

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

These are supported for reasons outlined in the preceding section

- a. Natural Environment Values Chapter

These are supported for reasons outlined in the preceding section

- b. Environmental Risks Chapter

These are supported for reasons outlined in the preceding section

- c. Community Values Chapter

These are supported for reasons outlined in the preceding section

Other comments

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

[Click here to enter text.](#)

Releasing submissions

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

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

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

When your submission is complete

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

- PDF
- Microsoft Word document.

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

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

SUBMISSION ON THE DRAFT FIRST SET OF NATIONAL PLANNING STANDARDS

1. INTRODUCTION AND EXECUTIVE SUMMARY

- 1.1 The New Zealand Airports Association ("**NZ Airports**") welcomes the opportunity to submit on the Ministry for the Environment's ("**MfE**") draft first set of National Planning Standards ("**Standards**").
- 1.2 NZ Airports is the industry association for New Zealand's airports and related businesses. Its members¹ operate 35 airports across the country including the international gateways to New Zealand. This infrastructure is essential to a well-functioning economy and the well-being of our communities.
- 1.3 NZ Airports' members have extensive experience dealing with resource management processes and issues, and in particular with the conflicts that arise when sensitive activities (such as dwellings and educational facilities) are established in proximity to airports.
- 1.4 NZ Airports has provided a range of feedback on resource management reforms in the past, including on the discussion papers for the first set of Standards. It participated in workshops to develop aspects of the Standards relevant to NZ Airports.
- 1.5 NZ Airports and its members have also been closely involved in the recent extensive plan review processes in Auckland and Christchurch. While time and cost intensive, NZ Airports sees this participation as crucial, given the critical role that planning frameworks play in airport operations. District and regional planning instruments are fundamental mechanisms by which airports can protect their existing and future operations, including from reverse sensitivity effects, while also ensuring any adverse effects arising out of the use of airports (such as noise) are managed.
- 1.6 This submission addresses the following draft Standards:
- (a) Zone Chapters Structure;
 - (b) Mapping;
 - (c) District wide matters;
 - (d) Spatial planning tools;
 - (e) Definitions; and
 - (f) Noise metrics.

¹

Our member airports are Ardmore Airport, Auckland Airport, Chatham Islands Airport, Christchurch Airport, Dunedin Airport, Gisborne Airport, Hamilton Airport, Hawke's Bay Airport, Hokitika Airport, Invercargill Airport, Kapiti Coast Airport, Kaikohe Airport, Katikati Airport, Kerikeri Airport, Marlborough Airport, Masterton Airport, Matamata Airport, Motueka Airport, Nelson Airport, New Plymouth Airport, Palmerston North Airport, Queenstown Airport, Rangiora Airport, Timaru Airport, Rotorua Airport, Takaka Airport, Taupo Airport, Tauranga Airport, Wairoa Airport, Wanaka Airport, Whanganui Airport, Wellington Airport, Westport Airport, Whakatane Airport, and Whangarei Airport.

2. S-ZONES: ZONE CHAPTERS STRUCTURE (LOCATED WITHIN S-ASM)

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

- 2.1 NZ Airports supports the inclusion of a standard set of zones, and considers that this national direction will be useful in providing greater efficiency in the way councils and plan users interact with various plans across the country.
- 2.2 In particular, NZ Airports considers that it is appropriate to have a specific Airport Zone to ensure that any underlying zone provisions enable the continued operation of airports and associated activities.²

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

- 2.3 NZ Airports supports the inclusion of purpose statements for zones. In NZ Airports' submission, it is critical that there is some level of consistency in how the zones are applied across different plans.
- 2.4 NZ Airports particularly supports the proposed Airport zone purpose statement, which is consistent with its proposed wording provided to MfE. It is critical that Airport Zone provisions, which are intended to provide for the operation of airports, are not conflated with provisions that are intended to manage the surrounding effects areas.
- 2.5 In addition, NZ Airports supports the 'characteristics guidance' for the Airport zone in the Initial Guidance document, which is consistent with the text provided by NZ Airports.³ NZ Airports considers that this additional guidance will assist in ensuring that there is consistency in how the zones are applied.
- 2.6 However, NZ Airports understands that the 'characteristics guidance' in the Initial Guidance document has no legal status, and therefore councils will not need to ensure that, when implementing the Standard, the provisions of the zones are consistent with the listed characteristics. NZ Airports considers that greater weight should be given to the characteristics, to ensure that the Zone chapters are applied sensibly and consistently.

3. F2: MAPPING

- 3.1 NZ Airports supports the standardisation of plan mapping in ensuring that there is consistency in how spatial information is displayed on a map.

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

- 3.2 NZ Airports supports the inclusion of noise contours in the symbology table. However, NZ Airports considers that only having one symbol for the contours may be problematic where there are multiple noise contours adjacent to each other.
- 3.3 For example, the Aircraft Noise Overlay in the Auckland Unitary Plan contains three different noise contours for Auckland International Airport – the high aircraft noise area, moderate

² This support is on the basis that NZ Airports assumes that the Airport Zone is not considered an "additional special purpose zone" for the purposes of mandatory direction 7 of the Draft Area Specific Matters Standard.

³ "Initial Guidance for draft National Planning Standards: F-4 Spatial planning tools (district), S-ASM Area-specific matters – zone framework", page 15.

aircraft noise area and the aircraft noise notification area. The same symbology is used for all three contours, with a bold line indicating the boundary between the contours.

- 3.4 NZ Airports considers that such an approach does not represent the most effective visual representation of the distinction between different contours, and that it is necessary to provide multiple colour options in order to clearly differentiate between the contours.
- 3.5 In comparison, the Christchurch District Plan provides for different shades for the fill colour within each of its three airport noise contours, demarcated by a line of a contrasting colour. NZ Airports considers that the approach to noise contours in the Christchurch District Plan more clearly communicates the extent of the various contours, and is less likely to cause confusion for plan users.
- 3.6 In NZ Airports' submission, the noise contour symbology should be amended to provide flexibility for councils to include multiple colours for noise contours.

4. S-DWM: DRAFT DISTRICT WIDE MATTERS STANDARD

- 4.1 The draft district-wide matters standard provides that noise provisions are to be located in the General District-Wide Matters chapter of a district plan:⁴
 - 31 If the following matters are addressed in the plan, they must be located in the Noise and light section:
 - (a) objectives, policies and methods, including rules (if any) managing noise and light
 - (b) objectives, policies and methods, including rules (if any) for noise, light spill and glare for different areas and receiving environments
 - (c) noise/light thresholds for each zone or other spatially defined area
 - (d) sound insulation requirements for sensitive activities or limits to the location of noise sensitive activities relative to noise generating activities
 - (e) specific requirements for common significant noise and light generating activities.
- 4.2 In some districts, the requirement for provisions that manage noise (and light) to be located in a specific *Noise and light* section will be a significant departure from the current approach. From NZ Airports' perspective, it makes sense for aircraft noise to be managed by the provisions in the airport zone chapter.
- 4.3 NZ Airports is concerned that requiring councils to amend their plans to comply with the Standards by stripping the zone-specific noise provisions from those zones will have unnecessary flow-on effects, which would require a plan change to rectify. In NZ Airports' submission, airport specific noise provisions should be able to be located in an airport zone chapter, providing additional flexibility for councils and certainty for plan users.
- 4.4 NZ Airports is also concerned to ensure that this Standard does not restrict the ability for plans to include objectives, policies and rules relating to noise and noise sensitive activities in overlays. Noise management overlays are a critical tool for the management of aircraft noise and land uses sensitive to aircraft noise in the proximity of airports.

4

Draft National Planning Standards, page 40.

- 4.5 It is essential that the use of such tools is not inadvertently restricted by the Standards. In NZ Airports' submission, the Standard must be amended to specifically enable the management of noise in overlays.
- 4.6 In addition, NZ Airports supports the inclusion of provisions to manage reverse sensitivity effects between infrastructure and other activities in the Infrastructure and Energy Chapter, within the draft District Wide Matters Standard.

5. F-3 AND F-4: SPATIAL PLANNING TOOLS

- 5.1 In its feedback to MfE on the discussion papers for the first set of Standards, NZ Airports submitted that overlays should be reserved for those matters contained within section 6 of the Resource Management Act 1991.
- 5.2 The stated function for overlays in the draft district Standards is:⁵

An overlay spatially identifies an area, feature or item that following a district wide assessment has been determined to have distinctive values, environmental risks or factors that require management in a different manner from the underlying zone provisions

- 5.3 In NZ Airports' submission, that function is not particularly useful in defining the situations in which overlays should be used, and leaves the door too open for individual interpretation in different districts and cities. The non-statutory Initial Guidance document provides what NZ Airports considers are helpful examples of appropriate overlays,⁶ however, in NZ Airports' submission, the characteristics of those examples have not been adequately reflected in the stated function.

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

- 5.4 As outlined above, overlays are essential tools for noise management at airports. Airports should be able to rely on effective overlays to protect their operations from reverse sensitivity effects. Overlays also provide guidance and certainty to landowners about appropriate development near airports. In order to preserve the existing planning regime at airports, it is essential that overlays are available to fulfil the existing noise management function, but are not overly prescribed for other planning matters that are more appropriately managed by other spatial planning tools.
- 5.5 NZ Airports is also concerned by the apparently intentional lack of prescribed hierarchy in the spatial planning tools, which, according to the Initial Guidance document, are "intended to be 'layered' and to work together to provide specific planning responses".⁷ In light of the difficulties that have arisen in interpreting the layered effect of spatial planning tools in the Auckland Unitary Plan context,⁸ NZ Airports considers that it would be prudent for the Standards to provide some guidance on hierarchy.

⁵ Draft National Planning Standards, page 60.

⁶ Initial Guidance for draft National Planning Standards: F-4 Spatial planning tools (district) S-ASM Area-specific matters – zone framework, page 6.

⁷ Initial Guidance for draft National Planning Standards: F-4 Spatial planning tools (district) S-ASM Area-specific matters – zone framework, page 4.

⁸ *Auckland Council v Budden* [2017] NZEnvC 209.

5.6 Such guidance would provide the benefit for councils and plan users of greater consistency across plans, and more clarity regarding how plan provisions would apply. In particular, given the significance of overlays in managing reverse sensitivity effects on airports, NZ Airports is concerned to ensure that inconsistent or illogical plan interpretation results in precincts and development areas being used to defeat a noise management overlay.

5.7 In NZ Airports' submission, further clarity in this respect is required in order for the Standard to fulfil its intended purpose.

6. CM-1: DEFINITIONS

6.1 NZ Airports generally supports the proposed introduction of national standardised definitions. NZ Airports is grateful to have had the opportunity to engage further with MfE in relation to airport-related definitions.

6.2 Key definitions in this first Standard relevant to NZ Airports are:

- (a) **commercial activity** – NZ Airports is concerned that this definition is too uncertain, and submits that a table approach similar to that taken in the Auckland Unitary Plan should be preferred;
- (b) **habitable room** – NZ Airports supports this definition, including the inclusion of educational facilities and commercial activities;
- (c) **notional boundary** – this definition refers to 'activities sensitive to noise', which have not been proposed to be included in this set of Standards. While NZ Airports is neutral on the definition of 'notional boundary', it would expect to be consulted if a definition of 'activities sensitive to noise' was to be included in the first set of Standards;
- (d) **reverse sensitivity** – NZ Airports supports this proposed definition;
- (e) **visitor accommodation** – NZ Airports supports this proposed definition.

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

6.3 NZ Airports would be grateful for an opportunity to engage with MfE in the future, in the event that further definition standardisation is contemplated. In particular, NZ Airports would support a proposal to provide standardised definitions of 'sensitive activities', 'activities sensitive to aircraft noise' or 'noise sensitive activity' (or a similar term) and 'nationally significant infrastructure'.

7. CM-2: NOISE AND VIBRATION METRICS

7.1 Noise and noise management is a significant planning issue for all of NZ Airports' members. NZ Airports therefore supports the proposal to standardise noise metrics across plans.

7.2 NZ Airports is concerned about the process for the noise metrics Standard to be implemented in plans. Given the relationship between airports and noise, any gap between the mandatory directions being included in a plan and the subsequent necessary plan changes to remove perverse planning outcomes from that plan have the potential to cause significant issues for airports.

- 7.3 Airports already operate under aircraft noise emission limits, and any unintended reductions of those limits have the potential to disrupt critical operations until such consequences are resolved. In NZ Airports' submission, an intermediary arrangement in the Standards may be appropriate in order to ensure that airports can carry on business as usual in the event that the implementation of the standard causes issues in the planning framework.

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

- 7.4 NZ Airports supports the use of NZ Standards as the basis for noise metric standards, which are already widely recognised and implemented in plans. While NZ Airports understands that the reference to New Zealand Standard 6805:1992 "Airport noise management and land use planning" is intended to refer to the parts of that standard that relate to measurement only (ie Part 2 and Part 3), NZ Airports suggests that a minor amendment is required to ensure this is clearly communicated, by replacing "measurement only" with "Parts 2 and 3 only" in Table 30.
- 7.5 What is not clear in the Standards, however, is how the Standard will be affected by the release of an updated acoustical standard. New acoustical standards may prescribe different measurement methodologies, with associated changes in noise limits.
- 7.6 Table 30 currently lists the current acoustical standards. However, given the extended timeframe for implementation of the Standards, it is likely that some of those acoustical standards will be updated within the five to seven year implementation period.
- 7.7 In NZ Airports' submission, plans should adopt the principles in the most recent acoustical standards. The Standard should therefore set out the mechanism for the Standard to be updated in the event that an updated acoustical standard is released, and the process for how the amendments to the Standard are included in plans.

Mandatory direction 3

- 7.8 This direction in the Standard states:

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

- 7.9 This direction should refer to 'noise assessment', rather than 'noise measurement'.

Mandatory direction 4

- 7.10 NZ Airports considers that it is necessary to include an additional sentence in this direction to clarify that the Rating Level and L_{max} levels of measurement in NZS 6802:2008 are not appropriate for all types of management, as follows:

Where there is another applicable acoustical New Zealand Standard listed in Table 30, any rules shall recognise the measurement and assessment methodology of the applicable standard.

- 7.11 'Rating Level' is not applicable to aircraft noise, therefore it is important that the Standards clarify that aircraft noise is managed using the mechanisms in the appropriate acoustical standard (ie NZS 6805:1992). This amendment is critical to ensure that the Standards

do not result in unreasonable planning outcomes that unnecessarily constrain the operation of airports.

Coastal marine area

- 7.12 NZ Airports proposes that the Standard should be amended to clarify that it applies to the coastal marine area, as well as land-based measurements. A number of airports' operations involve noise emissions over the coastal marine area, and it should be made clear in the Standard that the same measurement methods apply.

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

- 7.13 In NZ Airports' submission, the Standards should not be used to set standardised noise limits. Given the local and regional differences in noise-related land use planning, it would be more appropriate for the Standards to leave it open for councils and airports to determine how land use planning for airport noise is approached in each district.

8. CONCLUSION

- 8.1 Given the significant implications on airports of provisions that could potentially be included in the draft Standards, NZ Airports would welcome any opportunity to discuss this submission further with MfE in the finalising phase of the Standards.

NZ AIRPORTS ASSOCIATION:

Signature:



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17 August 2018

File ref: [26-003-016]

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DRAFT NATIONAL PLANNING STANDARDS

Thank you for the opportunity to comment on the draft National Planning Standards. Overall, Heritage New Zealand Pouhere Taonga (HNZPT) supports the concept of standardisation of plans and policy statements made under the RMA. It is HNZPT's stated policy to encourage greater consistency between councils. The need for greater standardisation of the tools and terms used in plans and policy statements is strongly supported by people and organisations working across the heritage sector. Results from the Built Heritage Protection Survey carried out by the Ministry for Culture and Heritage (MCH) in July 2018 indicated that a lack of standardisation created considerable difficulties and inefficiencies for iwi and organisations working across several local authorities.

While we support the concept, we have reservations about some of the detailed provisions being proposed.

Protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance. As New Zealand's key heritage agency, Heritage New Zealand Pouhere Taonga advocates for the identification and protection of historic heritage, including archaeological heritage and cultural heritage sites and areas of significance to Māori.

Key overall concerns are:

- The NPS does not require/facilitate a framework of district and regional plan objectives, policies and rules giving effect to the regional policy statement. For example, the inclusion of a historic heritage chapter in regional policy statement is seen as optional – it should be mandatory for RPSs to address this matter of national importance, and to give direction for regional and district plans.
- Two matters of national importance, parts 6(e) and 6(f) are tucked away under the heading "Community values", diminishing their importance and making them difficult to find in the plan. We have made a number of suggestions to rectify this.
- The standard does not address the identification and protection of highly significant archaeological sites.
- The standard does not address a gap in many plans: how issues significant to tangata whenua should be addressed.
- The requirements for heritage schedules and schedules of sites of significance to Māori do not contain enough information to be helpful. A list of requirements is proposed.
- The proposed rules table is excessively complex
- The icon suggested for showing historic heritage on planning maps does not represent New Zealand heritage.

Details of our comments are set out in the attached submission table.

We would welcome the opportunity for a follow-up discussion on our comments, aiming to resolve the major issues we have raised that affect the identification and protection of historic heritage.

Ngā Mihi



Manager Statutory Advocacy/Kaiwhakahaere ā-Kokiri

Encl: NPS HNZPT submission.doc

Draft first set of National Planning Standards

SUBMISSION FORM

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	Iwi	☐	
	Other (please specify)	☐	Click here to enter text.

	Content HNZPT comments relate to	Support?	Comment and rationale	Proposed change
1. Do you support the national planning standards?	Overall concept	Support in part	Support the concept of national planning standards, but with reservations about some of the details of the proposal. Planning standards obligations should be split here between what has to happen within the initial 5-year period and what should happen through a proper plan process in the future. Not all plans would currently have all of the sections listed, and won't be therefore able to put them into the planning standards format during the initial five years. For example, not all district plans currently have a coastal environment section.	Specific comments are set out below. Recognise that while most standards can be implemented by local authorities without providing additional plan sections and without using a Schedule 1 process, some of the standards will need to be implemented over a longer timeframe through a plan change schedule 1 process. MfE guidelines on implementation of the standards will be essential, particularly to assist smaller councils with the transition.
2. S-RPS: Regional policy statement structure standard	Sets out the order of chapters	Support	With e-plans the order is less relevant, but standardising the numbering of the sections to reflect hierarchy and specifying the order of the chapters and sections will help people find what they are looking for (see numbering below). Prescribing the order of the chapters will assist users still reliant on hard copy versions.	
a. Parts 3 and 4 – Core policy statement provisions	Requires Part 2 “tangata whenua” (mandatory) and a <u>voluntary</u> heritage chapter within Part 4 “themes”	Support in part	Historic heritage is a matter of national importance (RMA s. 6(f)) and should therefore be a requirement in all regional policy statements – and is already included in most. The tangata whenua standard as set out here seems more about providing information about iwi and hapū and relationships with local authorities rather than providing the matters to be addressed. Is it an information section or is it supposed to be creating an obligation for the regional policy statement? While historic heritage chapters usually spell out how matters will be addressed, the tangata whenua chapter seldom does, leaving a gap, and lack of direction for regional and district plans	Clarify that in order to implement the RPS, regional plans should address historic heritage in an appropriate way. Clarify where within the RPS matters of significance to iwi should be addressed
b. Part 5 – Evaluation and Monitoring		Support in part	It's not clear if Part 5 is mandatory. Evaluation and monitoring of plans and policy statement is a crucial part of the planning process and this should be mandatory	Evaluation and monitoring should be a mandatory section – this is already required by RMA s.35
3. S-RP: Regional plan structure standard	Sets out the <u>order</u> of chapters	Support	See point 2 above. The “How the plan works” section is critical in understanding the relationship between zone rules and overlay rules (e.g. the rules for historic heritage) and which predominates if there is a conflict.	Clarify that the “how the plan works” should explain the relationship between rules in different chapters
a. Parts 3, 4 and 5 – Core plan provisions	Requires Part 2 “tangata whenua” (mandatory) and a <u>voluntary</u> heritage chapter within Part 4 “themes”	Support in part	Planning standards seem less than robust when considering linkages between RPS – down through Regional Plan or district plan. For areas where the regional policy statement addresses heritage – so should the relevant regional plan. See comments above related to tangata whenua chapter	Clarify the requirements to give effect to the regional policy statement, and particularly to address historic heritage Clarify the topics to be covered in the tangata whenua sections, and where within the plan matters of significance to iwi should be addressed.
b. Part 6 – Evaluation and Monitoring			It's not clear if Part 6 is mandatory. Evaluation and monitoring of plans and policy statements is a crucial part of the planning process and this should be mandatory	Evaluation and monitoring should be a mandatory section – this is already required by RMA s.35
4. S-DP: District plan structure standard	Sets out the <u>order</u> of chapters	Support	See point 2 and 3 above.	Clarify that the “how the plan works” should explain the relationship between rules in different chapters
	Requires Part 2 “tangata whenua” and Part 3 Strategic Direction (mandatory)	Oppose in part	The name “Community values” does not reflect that this chapter is about the identification and protection of two specific section 6 matters, historic heritage (6(f)) and Māori cultural values 6(e), and will make these matters harder to find. It fails to recognise that these are matters of national importance.	This chapter may be better entitled “Historical and cultural heritage” Historic heritage and Sites of significance to Māori should be separate chapter – rather than subchapters under the meaningless heading “community values”. This would also reflect the separate status given in

	sections within a “Community Values” chapter, within Part 4 District-wide matters. It’s not clear the extent to which these sections are mandatory Schedules come at the end of the plan (see Schedules standard S-SAM).		In the Auckland context – the current layout of the particular sections indicates to the plan users how the plan works e.g. overlay rules over zoning rules etc. To change into this new format and set up would mean re-writing how that plan works. No specific mention of designations or heritage orders but presumably would be in appendices	the ‘tangata whenua’ standard at the beginning of the plan. A separate Plan Part for section 6 matters would highlight their importance. Clarify that these sections are mandatory Clarify the location of information on designations and heritage orders.
5. S-CP: Combined plan structure standard	Requires Part 2 “tangata whenua” Combines regional and district requirements as above. Requires separate RPS and regional/district chapters for historic heritage.		See comments above on items 3 and 4.	
6. S-IGP: Introduction and general provisions standard – Part 1 of all plans and policy statements:				
a. Introduction chapter	Plan operative date and update table provided for but do not seem to be mandatory	Support in part	A table showing the operative date of the plan, and the proposed or operative dates of plan changes is important to the understanding of the plan. Proposed dates are important for aspects such as historic heritage where the provisions have legal effect once the plan or plan change is proposed.	Make this table mandatory, and include the dates of <u>proposed</u> new plans and plan changes.
b. How plan works chapter		Support	It is critical to be able to see at a glance the relationship between zone rules, policies and objectives, and the equivalent provisions in specific chapters such as historic heritage and infrastructure.	
c. Interpretation	Separates definitions, abbreviations, glossary of te reo Māori terms. Details of definitions are in standard CM1	Neutral	Clause 21 – ‘Where a term is defined in other relevant NZ legislation, that reference to the other New Zealand legislation must be included in the glossary table’. This seems irrelevant if the glossary of Te Reo terms is to be informative.	The intention of the Te Reo glossary should be stated clearly, maybe at the beginning of the interpretation section
d. Plan integration		Support		
e. Formation of standards with tangata whenua				
f. National direction	Table stating how national direction (NES, NPS) addressed	Support	Clarity on how national instruments are incorporated would be useful	
7. S-TW: Tangata whenua structure standard – Part 2 of all plans and policy statements:	States matters to be included in this chapter <u>if addressed</u> in the plan	Support in part	A lot of the requirements in the tangata whenua standard seem to be about information rather than obligation. E.g. history of the rohe, history of consultation etc. As mentioned above, there is often a gap in plans on how issues relevant to tangata whenua will actually be addressed Information on statutory acknowledgements and treaty settlements is useful.	Specify where in the plan issues of significant to tangata whenua will be addressed.
a. Recognition of iwi/hapū chapter	Lists matters to be included if addressed in plan, including statutory acknowledgements	Neutral	The history of the iwi/hapū within the rohe can be complex – in some areas there are many. And not all of them would agree on the same relationships with the rohe or environmental perspective of values.	
b. Tangata whenua local-authority relationships chapter	Formal relationships			
c. Iwi and hapū planning documents chapter	How iwi/hapū planning documents taken account of in the plan	Support	Clarity on how iwi/hapū planning documents are incorporated or addressed would be useful	
d. Consultation chapter	Consultation processes, best practice			
e. Use of te reo Māori				
8. S-SD: Strategic direction structure standard – Part 3 of District plans	Significant issues, strategic objectives and policies (unless better located in specific chapters), Māori issues			

9. S-DWM: District wide matters standard – Part 4 of District plans				
a. Natural Environment Values Chapter	Includes coastal environment chapter, giving effect to NZCPS	Support with amendments	The Natural Environment Values Chapter may not be the best location for the coastal environment section. District plans should address the coastal environment, but the issues are wider than natural values. Coastal areas contain many archaeological sites and sites of significance to Māori, as well as historic heritage structures.	Provide a separate chapter in the structure for addressing the coastal environment
b. Environmental Risks Chapter	Includes natural hazards			
c. Community Values Chapter (heritage and trees)	If the listed matters are included in the plan they should be in this chapter	Oppose	See the comments above, the name of this chapter is not appropriate, would not facilitate finding provisions for heritage, and heritage and sites of significance to Māori should be separate chapters, not collected under this heading.	See comments above on reorganising the layout of the chapters, and renaming.
<i>Historic heritage</i>	Objectives and policies, methods and rules (if any) to manage heritage resources and their heritage values. Heritage orders. Identification, Cross ref to heritage schedule	Oppose in part	It is difficult to see how territorial authorities can manage historic heritage without using rules. HNZPT recommends an effects-based rule structure and this concept has been implemented by most territorial authorities The term “heritage resources” is not used in the RMA or the HNZPT Act. “Historic Heritage” is defined in the RMA and should be used throughout the planning standard, or alternatively “Historical and Cultural Heritage”, the term used in the HNZPT Act, which makes it clear that the discussion includes sites of significance to Māori. 17d is confusing - it is difficult to unpack it and determine what it is actually trying to say. Specific guides developed collaboratively between MfE and HNZPT would assist local authorities to implement this standard.	The matters to address (sections 17 and 18) should distinguish between the matters a plan <u>must</u> address (e.g. in 17(a)) as set out in section 15, and provide for the optional matters, e.g. those in RMA section 75(2), that are usually found in plans, such as issues, methods and environmental outcomes. Clarify the requirements for cross- referencing in 17d - break it into meaningful chunks, also the schedules are to be in an appendix rather than a chapter? Replace “heritage resources” with “historic heritage” and refer to “historic heritage values” rather than “historic values”
<i>Sites of significance to Māori</i>	Objectives and policies, methods and rules (if any) to manage sites of significance to Māori, process of identification, protection, description of sites, cross ref to schedule, how iwi engaged	Oppose in part	Comments as above Section 18e seems to conflate/confuse information on specific scheduled sites and areas with overlays information e.g. statutory acknowledgements are usually an information layer – so different than a sites of significance layer. Putting them in the same list could be confusing. Many sites of significance to Māori are archaeological sites, and many archaeological sites are of significance to Māori. It would be useful to have specific provisions to protect identified, ground-truth, assessed significant archaeological sites. While the HNZPT Act provides for the management and protection of pre-1900 sites through the archaeological authority process, some sites of special significance should be identified and protected in a plan, particularly if they are post-1900 sites. These sites should be well-researched, the precise location known, of special value, and require protection over and above the protection provided by the HNZPT Act. Heritage New Zealand Pouhere Taonga recommends that plans contain an advice note on the requirements for archaeological authorities under the HNZPT Act to modify or destroy and archaeological authority. This makes sure that plan users are aware of the additional requirements.	Distinguish between scheduled sites and areas, and information overlays Consider a separate section on archaeological sites, with objectives, policies and rules applying to scheduled archaeological sites. Consider an information-only advice note about the requirements of the HNZPT Act for archaeological sites, as an appendix and referred to in a section on archaeological sites, and also in the earthworks and subdivision sections.
d. Infrastructure and Energy Chapter	Giving effect to relevant NPSs and NESs, objectives and policies, reverse sensitivity, noise			
e. Subdivisions Chapter	Technical requirements, objectives, policies, methods, rules, codes of practice			

f. General District Wide Matters Chapter	Objectives and policies, methods and rules (if any) including for earthworks, signs,		As discussed above, it is important that the plan states clearly how the rules in these sections interact with the historic heritage and sites of significance to Māori rules.	
10. S-ASM: Draft area specific matters standard – Part 5 of District plans, Part 6 – Combined plans				
a. Zone framework (individual and range)	Specifies 23 zones to select from – can have additional special zones		It is not clear how the zone provisions will take account of different density of settlement nationwide. For example, low density residential in Auckland or Wellington might be high density in the Wairarapa	
b. Purpose statements				
c. Additional special purpose zones and criteria				
d. Precincts chapter <i>A Precinct spatially identifies and manages an area where two or more additional provisions apply which modify the policy approach of the underlying zone(s) or refine or modify land use outcome</i>	Each Precinct chapter must contain objectives, policies, and methods including rules if any, may include a design guide	Oppose	The use of the term “Precinct” is problematic. Areas containing a high concentration of historic heritage sites are usually referred to in plans as heritage precincts, identified in the heritage schedule, with specific rules that apply to the precinct – e.g. Cuba St heritage precinct, Jackson St heritage precinct. These precincts are best (and currently always) dealt with within the heritage chapter. The term “heritage precinct” distinguishes district plan precincts from “historic areas” entered on the New Zealand Heritage List/Rārangī Kōrero	Consider whether this term is intended to apply to heritage precincts. Clarify that heritage precincts are to be dealt with within the historic heritage chapter and associated schedule.
e. Development areas chapter	Optional chapter, must have at least one objective and policy, When the development is completed, the development plan section must be removed from the plan.			
f. Designations chapter	Designations <u>table</u> specifying basic information, alphabetical order by requiring authority and then designation Designation conditions must be in a <u>schedule</u> to the district plan			
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	Sets out a generic table for schedules: • Unique identifier • Site identifier (eg, legal description, physical address, • site name/description) • Site type (including description of values) • Reference to study/material used for identification Does not cover specific types of schedules. Possible requirements for heritage-related schedules set out below.	Oppose in part	The requirement is too generic – this is an important aspect of the plan and needs to be broken down into different types of schedule, with different information requirements. Many historic heritage schedules in plans fail to provide sufficient information. See specific discussion below.	
	<i>Heritage Schedules</i>	Amended provision	The proposed schedules table is generic and does not take account of specific requirements for heritage schedules. It isn’t clear what specification 8 means: <i>Except as provided in direction 9 below, appendices <u>may only include technical and/or descriptive specifications required to be complied with to meet a rule or rule requirement in a topic or zone based chapter.</u></i> This is overly restrictive and doesn’t allow for the information that is useful on a heritage schedule, and which many plan schedules already contain (as specified below).	Table for heritage should cross reference the rules that apply to these items, and include (additions underlined) • Unique identifier • Site identifier: ~~{eg,~~ olegal description,<u>and</u> ophysical address, <u>and</u> oreference to planning map, <u>and</u> ocoordinates • site name/description)

			In preparing district and regional plans, territorial authorities must have regard to the New Zealand Heritage List/ Rārangī Kōrero. An important aspect of this is scheduling NZ Heritage List items so that they can be protected by rules. To be able to assess whether NZ Heritage List items have been identified and protected, it is important to be able to identify them on the plan heritage schedule. The NZ Heritage List reference number and status (Category 1, Category 2, Historic Area etc) is the most reliable method, backed up by other locational information, that needs to be correct and clear. This information is also useful to plan users. As well as the requirement to take account of the NZ Heritage List, local authorities must also take into consideration that the protection of historic heritage is a matter of national importance under part 2 of the RMA. This also applies to heritage precincts, and the information needed is both for the precinct, and the heritage places within it. Local authorities have at least five years to come up with this information, and Heritage New Zealand Pouhere Taonga can assist with the majority of the information for Listed places and areas.	• Site type (including description of values) • Reference to study/material used for identification (<u>e.g. heritage assessments</u>) and where available links to heritage assessments • <u>Heritage classification (e.g. Group A or B)</u> • <u>New Zealand Heritage List/ Rārangī Kōrero reference number and status</u> • <u>NZAA reference number (where the site is also an archaeological site)</u> In addition, the schedule should be downloadable as an excel spreadsheet to assist plan users looking at the whole of plan provisions, undertaking analysis of heritage provisions, etc
	<i>Māori heritage schedules</i>	Amended provision	See comments above	The schedule should cross reference the rules that apply to these places. The information required on a Māori heritage schedule, for places and areas (unless silent file areas), is: • Unique identifier • Site identifier: ~~(e.g.~~ <u>legal description, and</u> <u>physical address or location description, and</u> <u>reference to planning map, and</u> <u>coordinates</u> • site name/description) • Site type (including description of values) • Reference to study/material used for identification (<u>e.g. heritage assessments</u>) and where available links to heritage assessments • <u>Heritage classification (e.g. wāhi tapu site, wāhi tapu area, wāhi tūpuna)</u> • <u>New Zealand Heritage List/ Rārangī Kōrero reference number and status</u> • <u>NZAA reference number (where the site is also an archaeological site)</u> • <u>Iwi affiliated to the site</u>
	<i>Archaeological schedules</i>	Amended provision	Many plans have schedules of archaeological sites but don't make it clear if there are rules attached, or if they are for information only	Archaeological sites should be included in a separate schedule where possible, and it should be clear whether the schedule is for information only or whether rules apply (cross reference to the rules) The minimum requirements are : • Unique identifier • Site identifier: ~~(e.g.~~ <u>legal description, and</u> <u>physical address or location description, and</u> <u>reference to planning map, and</u> <u>coordinates</u> • site name/description) • Site type (including description of values) • Reference to study/material used for identification (<u>e.g. archaeological</u>

				<u>assessments) and where available links to heritage assessments</u> <u>New Zealand Heritage List/ Rārangī Kōrero reference number and status (if listed)</u> <u>NZAA reference number</u>
12. F-1: Electronic accessibility and functionality standard:				
a. Standard baseline requirements	Common naming, three clicks to find the plan/RPS, hyperlinks provided to MfE, information on when last updated, cross-referencing within and between plans, all versions of operative plan available, previous versions also available; upload plan data to government website,	Support in principle	General requirements aimed at ease of finding the plan and information on when the plan was last “updated” are useful and supported. Many plans now include in footnotes “last updated xdate”. Without a table of plan proposed and operative dates, including dates of plan changes (as proposed above), the term “last updated” is meaningless. Cross referencing within plans is useful but making hyperlinks work between them is very difficult. If it hasn’t been done properly it can ‘break’ the plan.	
b. Level 5 requirements	Sets progression of increasing accessibility from 1 to 7 for progression from paper to e-plan	Support in principle	Sometimes there is a need for an off-line electronic or paper copy	Ensure that plan chapters can be downloaded as a pdf
13. F-2: Mapping standard:				
a. Zone colour palette	Standardised colour palette for zones	Support in principle	There are some problems with the colour palette – LD residential and MD residential – hardly any difference. Red and Green should be avoided due to 20% of the male population being partially colourblind.	
b. Symbology	ICOMOS symbol for heritage, other symbols defined for marae, heritage areas, still to consult on symbol for sites of significance to Māori. A quick survey of how heritage is shown on recent planning maps shows dots, stars, various colours and shapes of little house, and in Ashburton a yellow square with a dot in the middle. Some, like Timaru (red little house) actually show the heritage schedule information when you click on the marker, most don’t.	Oppose	The ICOMOS symbol represents European buildings of a type almost non-existent in New Zealand. It does not represent the majority of NZ buildings, nor represent heritage that is not a building or structure. Also it has too much detail and this will become indistinct when reduced to the size of a map marker. It is more important to have the marker connected to heritage information, a simple inclusive shape preferred. Having different marker for built historic heritage, marae, and sites of significance to Māori reinforces perceived differences and fails to convey the important message that this is <u>all</u> our heritage If agreement cannot be reached on a suitable marker, then it would be preferable to use a standardised colour dot or plain house shape. It’s also important to know what a symbol means in terms of the scheduling – is a dot representative of the whole site or part of the site. As below – points/polygons or a mix of all?	Find a single marker that represents all New Zealand types of historic heritage, or a simple dot or house shape of a distinct colour. Clarify how scheduled historic sites that have an extent, and historic precincts, will be dealt with – is this the intention of 14d below?
14. F-3: Spatial planning tools (Regional) standard	Sets out requirements of spatial planning tools used in regional plans			
a. Range of tools				
b. Zone	CMA – polygon			
c. Overlay	Point, polygon, 3-D polygon			
d. Specific control	Point, line or polygon representing where control applies			
e. FMU	Freshwater management unit - polygon			
f. Airshed	NES Air Quality - polygon			
g. Area	Area that is none of the above			
15. F-4: Spatial planning tools (District) standard	Sets out requirements of spatial planning tools used in district plans			
a. Range of tools				

b. Zone	Area with common environmental characteristics or desired outcomes – polygon – zone chapters			
c. Overlay	Area/location with distinctive features or risks requiring management – polygon or points - district wide chapters, schedules			
d. Precinct	Area with management different to underlying zone – polygon – precincts chapter, design guides		See comments above about heritage precincts	
e. Specific control	Point, line or polygon representing where control applies. Not sufficient to warrant using precinct or overlay tool, e.g. height of a building – polygon or point			
f. Development areas	areas where conceptual plans such as structure plans, framework plans, outline development plans, or growth area plans apply to determine future land use and/or development.			
g. Designation	Spatial representation of designation identified in designations chapter			
Heritage order	Spatial representation of heritage order identified in heritage chapter - Polygon or point			
16. F-5: Chapter Form standard	Mandatory (must consider whether each category is needed) for tangata whenua, district-wide and zone chapters, otherwise optional			
a. Chapter form	Intro, issues, objectives, policies. Objectives grouped together, then policies grouped together.	Oppose in part	To understand the framework of Objectives, Policies and Rules, the optimum is to group the applicable policies under each objective, and list the rules that apply. Rules should be in the same chapter as the objectives and policies, at least for historic heritage and sites of significance to Māori.	Use cross referencing so that it is clear which objectives and policies are given effect to by which rules and methods.
b. Rules	Methods, Rules – standardised abbreviation P, C, RD, D, NC	Support		
c. Rule tables	Optional rules table, mandatory layout and minimum content. Overview table: activity and rule number. Rule table – rule number & name, where/what applied to, status, criteria, matters of control/discretion, notification and status if rule not complied with	Oppose	A rule overview table is critical to understanding the plan, and the way it is set out is confusing. The term “rule requirements” rather than “criteria” is confusing. The proposal for a rule table has generated much internal debate but no clear answers, other than that it is way too complex for most people to understand, particularly for complex chapters. Issues identified are: • If a controlled activity parameters are exceeded and it defaults to RD, it often defaults to a new rule that applies more generally. The approach taken invites duplication and accidental variation • The table with the rules shouldn’t have all that extra information – that can sit under the table somewhere else otherwise the tables will be huge and completely unwieldy. • what if you’re using the same criteria for more than one rule – do you replicate all the criteria over and over again?	Rule overview table should be mandatory. Further work is needed to come up with that provides clarity on the rule status of each activity, what happens if the rule requirements are not met, and allowing for jumping more than one category. For example, if a Controlled Activity requirement is not achieved, the activity could jump to Discretionary The most useful Rule overview tables in plans are the simplest, containing, for example: • First column: Short description of the activity (e.g. earthquake strengthening affecting exterior) • Next few column headings status of activity P, C, RD, D etc with a dot in the relevant column • Next column any specific inclusions or exclusions • Next column the status if the rule criteria not met • Next column link to the rule text.

			- Notification in the rule table seems risky – you assess notification based on a lot of rules usually. - If this kind of table was used for anything like infrastructure or earthworks – it could be hundreds of pages long. Also – - what if you have different activity status based on say category A or cat B – usually they would sit beside each other in the table e.g: Cat A Demolition NC Cat B RD But if you had to put all that other information in – you’d have to have separate tables.	
17. F-6: Status of rules and other text and numbering form standard				
a. Status of rules and other text	Use of shading (e.g. to indicate text required by NPS/NES, have legal effect early, are under appeal). Identifying the date changes made to plan text.			
b. Numbering	Details of <u>exactly</u> how to number plan chapters, sections, schedules, objectives, policies etc. Table 28 sets out exactly how to number each possible plan item.	Oppose in part	While a standardised numbering system is supported in principle, the proposed letter referencing is not intuitive and is likely to confuse plan users. Historic Heritage is concealed within the heading “Community Values” in the district plan chapter list – see comments above	Rethink the proposed numbering system, devise a system that lay people and casual plan users understand.
18. CM-1: Definitions standard	Requires a single list of definitions – specifies format of definitions table. Must use the definitions in the standard, but can use definitions for subcategories. Relevant definitions highlighted in purple. MfE surveyed selected councils to assess problems with definitions (I have the spreadsheets).			
a. Individual definition			Many of the definitions are repeating definitions in other Acts. This doesn’t help very much, and it would be better to say that if there’s a suitable definition in an Act, especially the RMA, it should be used and referenced. If it is important to clarify that the definition is the one used in a specific Act, then that should simply be stated in the interpretation section. Writing out the definition provided in the Act creates issues if the legislation changes the definition in the Act – the plan will be wrong. None of the definitions are directly related to historic heritage, a matter to be addressed in subsequent standards. “Addition” is too generic to be useful, even with criteria in the rules Sometimes definitions rely on other definitions that are not currently on the list e.g. building/site/GFA – the list includes GFA but not building. The proposal assumes all plans use terms in the same way - e.g. accessory building, ancillary activity – and there’s some variation out there – so will they have to change, and will associated rules need to change?	If it is important to clarify that a specific term is defined in a specific Act, then simply state the term and then “is defined in the RMA/HNZPT Act/Building Act etc” Investigate whether standardising the proposed definitions will require amendments to plan rules.
b. Additional definitions	Which definitions should be put forward for inclusion in the standard –		HNZPT position is that particular definitions relate to historic heritage that are different from the common meaning – e.g. repair and maintenance	

	noting that heritage rules can be dependent on the precise nature of the definition? Is it too soon to try to standardise the heritage-related definitions?		For now, local authorities will continue using their disparate definitions for things like demolition, partial demolition, alteration, repair and maintenance. However, we note that heritage rules can be dependent on the definition, and wholesale changes to definitions may require amendments to the rules.	
19. CM-2: Draft noise and vibration metrics standard	Adoption of most recent versions of NZS 6801-9 in plans			
a. Technical support				
20. Implementation			Overall, guidance on all these issues will be useful to local authorities. When local authorities amend plans to reflect the standards, it would help users if they provided a “road map” of where plan sections have moved to.	
a. ePlanning implementation				
b. Timing				
c. Support				
d. District plan structure guidance				
e. Regional policy statement and regional plan structure guidance				
f. District plan spatial planning tools and zone framework guidance				
g. Regional plan and policy statement spatial tools guidance				
h. Chapter form and status of rule and other text numbering guidance				
i. Additional guidance materials required				
21. Future content for standards			Matters of national significance should be handled consistently across TAs. HNZPT publishes guidance on appropriate levels of control on activities that may affect historic heritage, for example we recommend a non-complying activity status for demolition or destruction of the most significant historical or cultural heritage sites. The next tranche of standards provide an opportunity to address recurring issues we find in reviewing proposed plans and in our triennial assessment (this is a preliminary list, further issues may arise when the 2018 review of heritage provisions in plans is complete) : • Inconsistent definitions relating to historic heritage and sites of significance to Māori , such as repairs, maintenance, additions, alterations, safety alterations. • Permitted activity criteria hidden within activity definitions • Lack of or inappropriate criteria for scheduling historic heritage • Inappropriate rules for activities affecting historic heritage • failure to schedule places and areas on the New Zealand Heritage List/Rārangi Kōrero, particularly for wāhi tapu sites and areas and wāhi tūpuna • Failure to identify and protect significant archaeology • Addressing historic heritage schedules that are for information only and have no rules attached.	

			Standardising definitions may require adjustment to rules (where the criteria were in the definition). This, and updating heritage and wāhi tapu schedules, may require a Schedule 1 process.	
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SUBMISSION

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Submission on: Draft National Planning Standards – 1st Set

From: Federated Farmers of New Zealand Incorporated

Date: 17 August 2018

Contact:



SUBMISSION TO MINISTRY FOR THE ENVIRONMENT

ON:

DRAFT NATIONAL PLANNING STANDARDS – 1ST SET

1 INTRODUCTION

- 1.1 Federated Farmers of New Zealand Incorporated ("Federated Farmers") thanks the Ministry for the Environment ("the Ministry") for the opportunity to provide submissions on the Ministry's Draft Planning Standards – 1st Set, which are proposed by the Ministry ("the Proposal").
- 1.2 In regard to this submission, Federated Farmers has engaged in some limited consultation with a proportion of its members with particular interests in the matters involved. It is noted that Federated Farmers made a submission on the Resource Legislation Amendment Bill, which put in place the legislation enabling the Planning Standards, and which generally supported the use of tools such as the National Planning Template, as the Planning Standards were then known, to aid consistency across the country. Federated Farmers also made a submission on the National Planning Standards – Discussion Papers, on which submissions were sought about a year ago, which also generally supported the Ministry's proposal to develop a set of National Planning Standards, and which offered some high-level feedback on particular aspects of what was then proposed.
- 1.3 Federated Farmers was pleased to be able to participate as part of the Rural Sector Group, which provided feedback to the Ministry on various of the proposed National Planning Standards and definitions. Federated Farmers looks forward to such further consultation with the Ministry about the National Planning Standards as may be appropriate. However, Federated Farmers takes the opportunity to express some disappointment that the Group was not offered the opportunity to participate to a greater extent in the latter stages of the development of the Proposal, and the development of the Definitions Standard in particular. Overall, Federated Farmers considers that the standards in the Proposal have an overly urban perspective, and such participation may have resulted in the Proposal being more suited to application in rural areas.
- 1.4 Federated Farmers is also concerned about the practicality and costs implications of implementing the standards within the timeframes prescribed. Federate Farmers accepts the value of there being a consistent set of standards across the country, but suggests that a more appropriate approach might be to require the Standards to be implemented only when a comprehensive review of policy statements or plans is undertaken.
- 1.5 Accordingly, Federated Farmers would appreciate the opportunity to discuss this submission in greater detail. Federated Farmers seeks the opportunity to participate in any relevant discussions, workshops or hearings that might be held.
- 1.6 In particular, Federated Farmers takes the opportunity to signal its wish to continue to be involved in the development of the National Planning Standards.

2. SUMMARY OF RECOMMENDATIONS

2.1 Federated Farmers recommends:

That the development of the National Planning Standards, generally along the lines set out in the Proposal be proceeded with;

That the responses to the questions posed in the Consultation Document in the Specific Comments section of this submission be noted;

That the points made regarding the definitions which are discussed in the Specific Comments section of this submission and in the associated Table of Definitions be noted.

3. GENERAL COMMENTS

- 3.1 The broad purpose of this submission is to state the continued support of Federated Farmers in respect of the Ministry's proposal to develop a set of National Planning Standards, and to offer some responses to questions raised in the Consultation Document and to provide submissions on some particular definitions that are proposed.
- 3.2 As Federated Farmers understands it, overall, the objective of the Planning Standards is to make RMA plans simpler to prepare, easier for plan users to understand, and easier for everyone to comply with. It is understood that individual Planning Standards are intended to be applied generally, to specific regions or districts, or to areas of New Zealand, with this first set seeking to align the structure, form, e-delivery and some common content of policy statements and plans, but not determining policy matters.
- 3.3 It is understood that the requirement for Planning Standards arose as a response to the wide variation which exists in the regional and district plans and policy statements, with the aim of having Standards being that of addressing the costs, time, complexity and inaccessibility, as well as a lack of true implementation of national direction, which has consequently given rise to unnecessary variation in planning instruments. Nevertheless, it is understood that the Planning Standards will provide for plans and policy statements to contain sufficient flexibility to address local planning issues, with timeframes for implementation of the Standards also being set within the Standards.
- 3.4 Federated Farmers generally supports the Ministry's proposals in respect of the National Planning Standards. Federated Farmers considers that they will bring much needed consistency to many aspects of plans, with one of the benefits being that they will reduce costs for both Councils and plan users. However, Federated Farmers considers it to be important that appropriate scope remains for local decisions in respect of local issues, which was one of the points Federated Farmers made in its submission on the enabling legislation. Federated Farmers agrees that the benefits of the Standards that can reasonably be anticipated include increased efficiency and affordability, consistency among councils, a clear national / regional / local policy hierarchy, accessibility, and ease of use.
- 3.5 Federated Farmers takes the opportunity to seek to be actively involved as one of the selected groups participating in the testing and improvement of proposed Standards, before they are released for public submissions.

- 3.6 Federated Farmers takes the opportunity to comment briefly on some of the aspects of some of the Proposal. Generally, Federated Farmers considers that the Proposal on Zones and Overlays, Definitions, Metrics and General Provisions are the most relevant to its interests.

4. SPECIFIC COMMENTS

4.1 Responses to Questions in the Consultation Document

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

Federated Farmers generally supports the proposed standards, but does have concerns about the practicality of its implementation and about some of the definitions. The concerns about some of the definitions are discussed in Section 4.2 of this submission.

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

All matters should be investigated for future planning standards, with emphasis placed on expanding the list of definitions, and on the use of overlays.

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

Yes.

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

This matter is considered best left for local authorities to comment on.

- 4.1.5 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?

This matter is considered best left for local authorities, iwi authorities and tangata whenua to comment on.

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

Yes. It is considered that the proposed zones for rural areas are generally adequate and sufficient to meet the needs of rural New Zealand, although consideration could be given to including rural services / industries zones.

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

As noted in the response to the previous question, consideration could be given to including rural services / industries zones in rural areas.

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

Yes.

4.1.9 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.

4.1.10 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?

This matter is considered best left for local authorities to comment on.

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

This matter is considered best left for local authorities to comment on.

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

Federated Farmers supports the use of standard colours and symbols on maps.

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

This matter is considered best left for local authorities to comment on.

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

Federated Farmers supports the limits to the set of spatial planning tools provided, although the matter is probably best left for local authorities to comment on.

4.1.15 Q15: Should additional spatial planning tools be included?

There are none that Federated Farmers has to offer.

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

Federated Farmers agrees with the format proposed.

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

This matter is considered best left for local authorities to comment on, although it is considered useful to have a consistent text and numbering format across all policy statements and plans.

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

Federated Farmers supports the drafting principles provided, and is particularly supportive of the standard which provides that definitions should avoid containing (or becoming) de facto rules.

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

Federated Farmers recommends the Ministry putting together a group such as the Rural Sector Group to work through a common set of definitions that are applicable to the rural area.

Federated Farmers considers that the terms defined in the National Planning Standards should include terms defined in the RMA, but include a more fulsome explanation to achieve enhanced national consistency. For example, the term "river" is defined in the RMA, and includes the full range of rivers, permanent, intermittent and ephemeral. Definitions by way of National Standards could therefore include a description of the difference between, for example, intermittent and ephemeral rivers.

Another example is provided by the RMA definition of "wetlands", where the issue is the different types of protection that should be afforded to the different types of wetland, and the importance of differentiating wetlands from land that is wet pasture. A definition of what is meant by "water quality" could also be useful.

Federated Farmers considers that the list of definitions should include terms that are commonly used in rural production activities, such as "drain" (as opposed to "river").

Turning to the list of definitions included in the Proposal, as is discussed below, Federated Farmers considers there are a number of problems with how some of the proposed definitions will apply in a rural context, for example, the definitions of "earthworks", "land disturbance", "building" and "structure".

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

Yes

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

Yes, it is considered appropriate for the planning standards to set noise limits for certain types of zone, including rural zones, but noting that an exemption is usually made for noise arising from the operation of mobile plant and equipment and animal noises in rural production zones.

4.1.22 Q22: How will these implementation timeframes affect your council?

This matter is considered best left for local authorities to comment on, although it is apparent to Federated Farmers that the standards are likely to create greater implementation issues for smaller councils, and those whose policy statements and plans are most at variance with the proposed standards.

Nevertheless, Federated Farmers is concerned at the practicality and costs implications of implementing the standards within the timeframes prescribed, and suggests that a better approach might be to require the use of the Standards only when a comprehensive review of policy statements and plans is undertaken.

4.1.23 Q23: What sort of guidance and support would be useful to plan users and councils? What guidance should we prioritise?

This matter is considered best left for local authorities to comment on.

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

The logic in the discussion preceding this question isn't easy to follow. All things being equal, the implementation costs for large councils should be roughly the same as those for smaller councils. That said, it would seem appropriate to target greater support to smaller councils, which have fewer resources available to implement the standards.

4.2 Definitions

4.2.1 Federated Farmers strongly agrees with there being a standardised set of definitions through the National Planning Standards, to help improve the user friendliness of plans and give plan users certainty as a result of consistent plan interpretation. It is considered that standardised definitions will also result in time and cost savings for people working across council boundaries as well as councils themselves that spend significant time developing definitions, and should enable councils and practitioners to spend more time focusing on core resource management issues, rather than deliberating over the nuances of definitions.

4.2.2 Federated Farmers considers that many of the definitions included in the Definitions Standard in the Proposal are urban centric, and do not adequately reflect the sorts of situation the definitions need to address in rural areas. For example, the definition of "earthworks" as it applies in rural production areas needs to address matters such as cultivation, crop harvesting and fencing, while in rural areas being developed for urban use, earthworks involving landscaping is more of an issue. Yet the definition as

it currently stands seems to be more applicable to urban home gardening, than it is to large scale farming or forestry activities.

- 4.2.3 Federated Farmers has adapted the Definitions Table, Table 29, provided in the Draft Definitions Standard, and provides comments on some of the definitions and offers some suggested changes to some of the definitions. In the case of definitions where comments are made and changes are suggested, the term being defined is highlighted in red, and the suggested changes are also highlighted in red.

- 4.2.4 The adapted Table follows:

Definitions Table

Term	Definition	Federated Farmers' Comments
abrasive blasting	means the cleaning, smoothing, roughening, cutting or removal of part of the surface of any article by the use, as an abrasive, of a jet of sand, metal, shot or grit or other material propelled by a blast of compressed air or steam or water or by a wheel	
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	
access strip	has the same meaning as in section 2 of the RMA (as set out in box below) means a strip of land created by the registration of an easement in accordance with section 237B for the purpose of allowing public access to or along any river, or lake, or the coast, or to any esplanade reserve, esplanade strip, other reserve, or land owned by the local authority or by the Crown (but excluding all land held for a public work except land held, administered, or managed under the Conservation Act 1987 and the Acts named in Schedule 1 of that Act)	
addition	In relation to buildings, means any works undertaken to an existing building which has the effect of increasing the gross floor area of that building	Clarifies that the definition can only relate to buildings
allotment	has the same meaning as in section 218 of the RMA (as set out in box below)	

Term	Definition	Federated Farmers' Comments
	means— (a) any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not— (i) the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or (ii) a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or (b) any parcel of land or building or part of a building that is shown or identified separately— (i) on a survey plan; or (ii) on a licence within the meaning of Part 7A of the Land Transfer Act 1952; or (c) any unit on a unit plan; or (d) any parcel of land not subject to the Land Transfer Act 1952	
amenity values	has the same meaning as in section 2 of the RMA (as set out in the box below) means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes	
ancillary activity	means an activity that either provides support to, or is incidental and subsidiary to, the primary activity on the same site	
aquifer	means a permeable geological formation, group of formations, or part of a formation capable of receiving, storing, transmitting and yielding water in the form of groundwater	This definition needs to be related to the definition of "groundwater" somehow, for clarity

Term	Definition	Federated Farmers' Comments
bed	has the same meaning as in section 2 of the RMA (as set out in the box below) means— (a) in relation to any river— (i) for the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks; (ii) in all other cases, the space of land which the waters of the river cover at its fullest flow without overtopping its banks; and (b) in relation to any lake, except a lake controlled by artificial means,— (i) for the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the lake cover at its annual highest level without exceeding its margin; (ii) in all other cases, the space of land which the waters of the lake cover at its highest level without exceeding its margin; and (c) in relation to any lake controlled by artificial means, the space of land which the waters of the lake cover at its maximum permitted operating level; and (d) in relation to the sea, the submarine areas covered by the internal waters and the territorial sea	The opportunity could usefully be taken to embellish the definition of “river” in the Standards by describing which parts of a braided river system are intended to meet the definition of “river”, and which are not.
best practicable option	has the same meaning as in section 2 of the RMA (as set out in the box below) in relation to a discharge of a contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to— (a) the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and (b) the financial implications, and the effects on the environment, of that option when compared with other options; and (c) the current state of technical knowledge and the likelihood that the option can be successfully applied	
bore	(a) means any hole constructed into the ground that is used to—	

Term	Definition	Federated Farmers' Comments
	(i) investigate or monitor conditions below the ground surface; or (ii) abstract liquid substances or steam from the ground; or (iii) discharge liquid substances or steam into the ground; but (b) it does not include test pits and soak holes and offal holes	This has caused issues in some areas
boundary	means the legal perimeter of a site	
boundary adjustment	means a subdivision that alters the existing boundary between adjoining sites, without altering the number of sites	
building	means any structure, whether temporary or permanent, moveable or fixed, that is enclosed, with 2 or more walls and a roof, or any structure that is similarly enclosed	On the face of it, this is a reasonable definition. It seems to exclude "stacks of materials" which is included in the definition of "building" in the Auckland Unitary Plan, meaning that silage, etc, stacks are "buildings" which need consent in some instances. However, there are many different types of building and structures in rural areas which would appear to be buildings, but which qualify only as structures (for example haybarns, covered yards)
building damage from vibration	means any permanent effect of vibration that reduces the serviceability of a structure or one of its components	
cleanfill	means an area used for the disposal of exclusively inert, non-decomposing material	
commercial activity	means an activity with the primary purpose of trading in goods, equipment or services	The word "equipment" is neither necessary nor helpful. Equipment is necessarily also "goods". Reference to the definition of "goods and services" in taxation terms might be helpful.
community facility	means a non-profit facility primarily for recreational, sporting, cultural, safety and welfare, religious or similar community purposes	A word in a definition should not be the same as a word in what is being defined

Term	Definition	Federated Farmers' Comments
coastal marine area	has the same meaning as in section 2 of the RMA (as set out in the box below) means the foreshore, seabed, and coastal water, and the air space above the water— (a) of which the seaward boundary is the outer limits of the territorial sea: (b) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of— (i) 1 kilometre upstream from the mouth of the river; or (ii) the point upstream that is calculated by multiplying the width of the river mouth by 5	
coastal water	has the same meaning as in section 2 of the RMA (as set out in the box below) means seawater within the outer limits of the territorial sea and includes— (a) seawater with a substantial fresh water component; and (b) seawater in estuaries, fiords, inlets, harbours, or embayments	
contaminant	has the same meaning as in section 2 of the RMA (as set out in the box below) includes any substance (including gases, odorous compounds, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat— (a) when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or (b) when discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged	
contaminated land	has the same meaning as in section 2 of the RMA (as set out in the box below)	

Term	Definition	Federated Farmers' Comments
	means land that has a hazardous substance in or on it that— (a) has significant adverse effects on the environment; or (b) is reasonably likely to have significant adverse effects on the environment	
coverage	means the percentage of the net site area covered by the footprint of structures as identified in the relevant rule	
discharge	has the same meaning as in section 2 of the RMA (as set out in the box below) includes emit, deposit, and allow to escape	
drain	means any artificial watercourse, open or piped, that is designed and constructed, or used, for the purpose of the drainage of surface or subsurface water	A definition of what is, and what is not, a watercourse is needed, for clarification and certainty. There is a clash with the definition of “river” in the RMA, which states to the effect that drains that are modified watercourses are rivers, rather than drains
drinking water	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	
dry abrasive blasting	means abrasive blasting using materials to which no water has been added	
dust	means all non-combusted particulate matter that is suspended in the air, or has settled after being airborne. Dust may be derived from materials including sand, cement, fertiliser, coal, soil, paint, ash, animal products or wood	
earthworks	means any land disturbance that changes the existing ground contour or ground level	This definition appears unworkable. Even digging in the garden would meet this definition. From a farming perspective, the definitions of earthworks and land disturbance need to ensure the ability of councils to distinguish cultivation and harvesting at rural production scales from other earthworks and land disturbance activities is not impaired. As things stand, the definition of “earthworks” seems to be the same as that of “land disturbance”.

Term	Definition	Federated Farmers' Comments
		It is suggested that the definitions of "earthworks", "land disturbance" "ancillary farming earthworks" and "ancillary forestry earthworks" and the relationship between them might be of assistance.
educational facility	(a) means the use of land or building for the primary purpose of regular teaching or training in accordance with a pre-set syllabus by suitably qualified or experienced instructors; but (b) does not include any industrial activity	
effect	has the same meaning as in section 3 of the RMA (as set out in the box below) includes— (a) any positive or adverse effect; and (b) any temporary or permanent effect; and (c) any past, present, or future effect; and (d) any cumulative effect which arises over time or in combination with other effects— regardless of the scale, intensity, duration, or frequency of the effect, and also includes— (e) any potential effect of high probability; and (f) any potential effect of low probability which has a high potential impact	
environment	has the same meaning as in section 2 of the RMA (as set out in the box below) includes— (a) ecosystems and their constituent parts, including people and communities; and (b) all natural and physical resources; and (c) amenity values; and (d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters	
esplanade reserve	has the same meaning as in section 2 of the RMA (as set out in the box below)	

Term	Definition	Federated Farmers' Comments
	means a reserve within the meaning of the Reserves Act 1977— (a) which is either— (i) a local purpose reserve within the meaning of section 23 of that Act, if vested in the territorial authority under section 239; or (ii) a reserve vested in the Crown or a regional council under section 237D; and (b) which is vested in the territorial authority, regional council, or the Crown for a purpose or purposes set out in section 229	
esplanade strip	has the same meaning as in section 2 of the RMA (as set out in the box below) means a strip of land created by the registration of an instrument in accordance with section 232 for a purpose or purposes set out in section 229	
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, ~~or plants or, indirectly, animals~~; but (b) does not include ~~lime livestock~~ and human effluent, or pathogens	This definition captures lime, which is considered to be a soil conditioner, rather than a fertiliser. The words “indirectly, animals” are inappropriate and unnecessary. Animal remedies applied to pasture, for example bloat control chemicals, are not fertilizers Livestock effluent is used as a fertiliser in some situations
footprint	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	
freshwater	has the same meaning as fresh water in section 2 of the RMA (as set out in the box below) means all water except coastal water and geothermal water	
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	There should also be a definition of, and a distinction made from, “operational need”, which is a need to undertake certain activities in a certain environment because the activities are already taking place in that environment, even where there is no functional need for them to be in that environment. For example, there may be an operational need to put a hayshed in an ONL, but it wouldn't be

Term	Definition	Federated Farmers' Comments
		a functional need because there is no functional need to feed animals in that location as they can be fed elsewhere.
green infrastructure	means natural ecosystems and built products, technologies, and practices that primarily use natural elements, or engineered systems that mimic natural processes, to provide utility services . This includes built infrastructure, such as rain gardens, natural elements in modified environments, managed aquifer recharge systems and natural waterbodies	Utility services needs to be defined. Is a farm diary effluent irrigator intended to be a utility service? It is considered useful to spell out that managed aquifer recharge systems are green infrastructure
greywater	means untreated liquid waste from sources such as household sinks, basins, baths, showers and similar appliances but does not include any sewage, rural production wastewater such as farm diary effluent, or industrial waste	The definition needs clarification. Rural production wastewater does not seem to be intended to be included
gross floor area	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	
ground level	means— (a) the actual finished surface level of the ground after the most recent subdivision that created at least one additional allotment was completed (at the issue of the section 224c Certificate or the previous legislative equivalent), but excludes any excavation or filling associated with the construction or alteration of a building; (b) if the ground level cannot be identified under paragraph (a), the existing surface level of the ground, excluding areas of cut or fill associated with the construction or alteration of a building; (c) if, in any case under paragraph (a) or (b), a retaining wall or retaining structure is located on the boundary, the level on front of the retaining wall or retaining structure where it intersects the boundary	
groundwater	means water, including water in an aquifer , occupying openings, cavities, or spaces in soils or rocks under the surface of the land	The definition of “groundwater” needs to be related to the definition of aquifer
habitable room	means any room in a residential unit, visitor accommodation, educational facility, commercial activity or healthcare facility used for the purposes of teaching or respite care or used as a living room, dining room, sitting room, bedroom, or similarly occupied room	

Term	Definition	Federated Farmers' Comments
hazardous substance	has the same meaning as in section 2 of the RMA (as set out in the box below) includes, but is not limited to, any substance defined in section 2 of the Hazardous Substances and New Organisms Act 1996 as a hazardous substance	
height [in relation to a district plan]	means the vertical distance between ground level at any point and the highest part of the structure immediately above that point	
height [in relation to a regional plan or 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	
height in relation to boundary	means the maximum height of a structure relative to its distance from the boundary of a site or other specified location	

Term	Definition	Federated Farmers' Comments
historic heritage	has the same meaning as in section 2 of the RMA (as set out in the box below) (a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities: (i) archaeological; (ii) architectural; (iii) cultural; (iv) historic; (v) scientific; (vi) technological; and (b) includes— (i) historic sites, structures, places, and areas; and (ii) archaeological sites; and (iii) sites of significance to Māori, including wāhi tapu; and (iv) surroundings associated with the natural and physical resources	
home business	means an occupation, craft, service or profession that is secondary to the use of the site for a residential activity	
industrial activity	means an activity for the primary purpose of— (a) manufacturing, fabricating, processing, packing, storing, maintaining, or repairing goods; or (b) research laboratories used for scientific, industrial or medical research; or (c) yard-based storage, distribution and logistics activities; or (d) any training facilities for any of the above activities	
infrastructure	has the same meaning as in section 2 of the RMA (as set out in the box below)	Federated Farmers considers that the opportunity could usefully be taken to embellish the definition of "infrastructure" by spelling out that managed aquifer recharge infrastructure, which is often community operated, meets the definition of "infrastructure".

Term	Definition	Federated Farmers' Comments
	means— (a) pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy: (b) a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001: (c) a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989: (d) facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person— (i) uses them in connection with the generation of electricity for the person's use; and (ii) does not use them to generate any electricity for supply to any other person: (e) a water supply distribution system, including a system for irrigation: (f) a drainage or sewerage system: (g) structures for transport on land by cycleways, rail, roads, walkways, or any other means: (h) facilities for the loading or unloading of cargo or passengers transported on land by any means: (i) an airport as defined in section 2 of the Airport Authorities Act 1966: (j) a navigation installation as defined in section 2 of the Civil Aviation Act 1990: (k) facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988: (l) anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166 and includes managed aquifer recharge systems	

Term	Definition	Federated Farmers' Comments
intensive primary production	means primary production activities that involve the production of fungi, livestock or poultry that principally occur within buildings and has limited or no dependence on natural soil quality on the site. It does not include the rearing of young animals.	This definition is too loose, and could capture certain types of dairy farming operations, such as the rearing of young animals (calves, lambs etc) which are contained indoors for some of the time and fed milk/meal for the first few months of their lives as part of normal replacements
iwi authority	has the same meaning as in section 2 of the RMA (as set out in the box below) Means the authority which represents an iwi and which is recognised by that iwi as having authority to do so	
kaitiakitanga	has the same meaning as in section 2 of the RMA (as set out in the box below) the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship	
lake	has the same meaning as in section 2 of the RMA (as set out in the box below) means a body of fresh water which is entirely or nearly surrounded by land	
land	has the same meaning as in section 2 of the RMA (as set out in the box below) (a) includes land covered by water and the airspace above land; and (b) in a national environmental standard dealing with a regional council function under section 30 or a regional rule, does not include the bed of a lake or river; and (c) in a national environmental standard dealing with a territorial authority function under section 31 or a district rule, includes the surface of water in a lake or river	
landfill	means the use, or the previous use, of land for the primary purpose of the disposal of waste	
land disturbance	means the alteration to land, including by moving, cutting, placing, filling or excavation of soil, cleanfill, earth or substrate land	See the comments regarding earthworks. As things stand, land disturbance seems to be the same as earthworks.

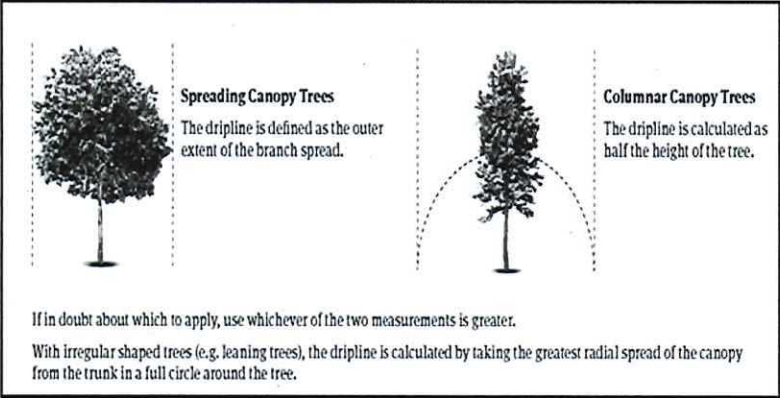
Term	Definition	Federated Farmers' Comments
L_{Aeq}	has the same meaning as 'time-average A-weighted sound pressure level' in New Zealand Standard 6801:2008 Measurement of Environmental Sound	
$L_{AF(max)}$	has the same meaning as the 'maximum A-frequency weighted, F-time weighted sound pressure level' in New Zealand Standard 6801:2008 Measurement Of Environmental Sound	
L_{A90}	has the same meaning as the 'Background ground level' In New Zealand Standard 6801:2008 Measurement of Environmental Sound	
L_{peak}	has the same meaning as 'Peak sound pressure level' in New Zealand Standard 6801:2008 Measurement of Environmental Sound	
L_{dn}	has the same meaning as the 'Day night level, or day-night average sound level' in New Zealand Standard 6801:2008 Measurement of Environmental Sound	
mana whenua	has the same meaning as in section 2 of the RMA (as set out in the box below) customary authority exercised by an iwi or hapu in an identified area	
mining	has the same meaning as in section 2 of the RMA and Crown Minerals Act 1991 (as set out in the box below) (a) means to take, win, or extract, by whatever means,— (i) a mineral existing in its natural state in land; or (ii) a chemical substance from a mineral existing in its natural state in land; and (b) includes— (i) the injection of petroleum into an underground gas storage facility; and (ii) the extraction of petroleum from an underground gas storage facility; but (c) does not include prospecting or exploration for a mineral or chemical substance referred to in paragraph (a)	
minor residential unit	means a self-contained residential unit 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.	

Term	Definition	Federated Farmers' Comments
natural and physical resources	has the same meaning as in section 2 of the RMA (as set out in the box below) Includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures	
natural hazard	has the same meaning as in section 2 of the RMA (as set out in the box below) means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment	
net floor area	a) means the sum of any gross floor area designed for tenant occupancy and exclusive use; and b) Includes— (i) both freehold and leased areas; and (ii) any stock storage or preparation areas, whether exclusive or not; but c) does not include— (i) liftwells and stair wells including landing areas: (ii) corridors and mall common spaces: (iii) building service rooms: (iv) required parking areas	
net site area	means the total area of the site, but does not include: a) any area of land that legally provides access to another site: b) any area of land used primarily for legal access to a rear site: c) any area of land subject to a designation that is intended to be taken or acquired under the Public Works Act 1981	

Term	Definition	Federated Farmers' Comments
network utility operator	has the same meaning as in s166 of the RMA (as set out in the box below) means a person who— (a) undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel, or geothermal energy; or (b) operates or proposes to operate a network for the purpose of— (i) telecommunication as defined in section 5 of the Telecommunications Act 2001; or (ii) radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989; or (c) is an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for the purpose of line function services as defined in that section; or (d) undertakes or proposes to undertake the distribution of water for supply (including irrigation); or (e) undertakes or proposes to undertake a drainage or sewerage system; or (f) constructs, operates, or proposes to construct or operate, a road or railway line; or (g) is an airport authority as defined by the Airport Authorities Act 1966 for the purposes of operating an airport as defined by that Act; or (h) is a provider of any approach control service within the meaning of the Civil Aviation Act 1990; or (i) undertakes or proposes to undertake a project or work prescribed as a network utility operation for the purposes of this definition by regulations made under this Act,— and the words network utility operation have a corresponding meaning	
noise	has the same meaning as in section 2 of the RMA (as set out in the box below) Includes vibration	

Term	Definition	Federated Farmers' Comments
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	
official sign	means all signs required or provided for under any statute or regulation, or are otherwise related to aspects of public safety	
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	
peak particle velocity	means the measure of the vibration amplitude, zero to maximum that is used for building structural damage assessment	
primary production	a) means any agricultural, pastoral, horticultural, forestry or aquaculture activities ~~for the purpose of commercial gain or exchange on production land~~; and b) includes any land and auxiliary buildings used for the production of the products that result from the listed activities; but c) does not include processing of those products	Production land is defined in the RMA, so the definition of "primary production" should relate to that. The use of the words "for the purpose of commercial gain or exchange" may unduly narrow the scope of what is meant by primary production.
quarry	means an area of land where the excavation, with or without the processing, of minerals and other solid natural substances occurs	
raft	has the same meaning as in section 2 of the RMA (as set out in the box below) means any moored floating platform which is not self-propelled; and includes platforms that provide buoyancy support for the surfaces on which fish or marine vegetation are cultivated or for any cage or other device used to contain or restrain fish or marine vegetation; but does not include booms situated on lakes subject to artificial control which have been installed to ensure the safe operation of electricity generating facilities	
rating level	means a derived noise level used for comparison with a noise limit	
reclamation	means the infilling of any part of a waterbody, bed of lake or river or part of a waterbody or coastal marine area, to create permanent land, and includes any embankment or causeway, but does not include beach re-nourishment or any deposition of material or infilling that is not permanent	

Term	Definition	Federated Farmers' Comments
residential activity	means the use of land and buildings by people for the primary purpose of living 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.	
retirement village premises	has the same meaning as in section 226A of the RMA (as set out in the box below) means premises (including any land and associated buildings) within a complex of premises for occupation as residences predominantly by persons who are retired and any spouses or partners of such persons	
reverse sensitivity	means the potential for the operation of an existing lawfully established activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity ~~which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an existing activity~~	This definition confuses the meaning of "effect" It is as much the potential outcome as the actual outcome which is the reverse sensitivity effect
river	has the same meaning as in section 2 of the RMA (as set out in the box below) means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal)	
road	has the same meaning as in section 2 of the RMA (as set out in the box below) has the same meaning as in section 315 of the Local Government Act 1974; and includes a motorway as defined in section 2(1) of the Government Rounding Powers Act 1989	
root protection area	means the circular area surrounding a tree, which is the greater of the radius, measured from the base of the trunk to: a) the outer extent of the branch spread; or b) half the height of the tree.	

Term	Definition	Federated Farmers' Comments
	If this definition is included in the final standard, a diagram similar to the CCC Replacement District Plan dripline definition will be included, eg.: 	
rural industry	means an industrial activity where the principal function supports primary production of aquaculture activities	Restricting "rural industry" to "industrial activity" is unduly restrictive, and could exclude commercial activities best located in rural areas, such as transport depots and packhouses. Aquaculture activities are defined as a form of primary production
setback	means the distance between a structure or activity and the boundary of its site, or other feature specified in the Plan	
sewage	means any water that contains any toilet or urinal waste, or any waste in water from industrial or commercial processes	
sign	(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— (i) identification of and provision of information about any activity, site or structure; (ii) providing directions; (iii) promoting goods, services or forthcoming events; and (b) includes the frame, supporting device and any associated ancillary equipment whose principal function is to support the message or notice; and	

Term	Definition	Federated Farmers' Comments
	(c) may be two- or three-dimensional, and manufactured, painted, written, printed, carved, embossed, inflated, projected onto, or fixed or attached to, any structure or natural object; and (d) may be illuminated by an internal or external light source.	
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 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.~~	The usage of the word "site" can cause problems in rural areas. Often the word is used in relation to activities on the site, and can inadvertently capture irrelevant considerations. For example, on large sites, the presence of heritage features that are many kilometres from the location of an activity can give rise, unnecessarily, to the need for a resource consent. The reference to activity in the definition exacerbates the problem. The intent of what is sought to be captured is understood, but it is considered that the concept should be captured by a different definition, say "activity site" which means "'site' plus an area of adjacent land comprised in two or more computer freehold registers where an activity is occurring or proposed"
small scale renewable electricity generation	means renewable electricity generation which does not exceed a power rating of 20kW.	
special audible characteristic	means sound that has a distinctive characteristic such as tonality or impulsiveness which affects its subjective acceptability.	
stormwater	means water from natural precipitation (including any contaminants it contains) that flows over land or structures (including in a network), to a waterbody or the coastal marine area.	
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	It is unclear from this definition whether fences, drains, culverts, bridges, mobile irrigators, storage ponds, underground water pipes, troughs, etc in a rural production context are intended to be captured by the definition. Perhaps a definition of "device" could be included to clarify this.

Term	Definition	Federated Farmers' Comments
subdivision	has the same meaning as "subdivision of land" in section 218 of the RMA (as set out in the box below) means— (a) the division of an allotment— (i) by an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of the allotment; or (ii) by the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or (iii) by a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years; or (iv) by the grant of a company lease or cross lease in respect of any part of the allotment; or (v) by the deposit of a unit plan, or an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of a unit on a unit plan; or (b) an application to the Registrar-General of Land for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by section 226	
sustainable management	has the same meaning as in section 5 of the RMA (as set out in the box below) means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being 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; 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.	

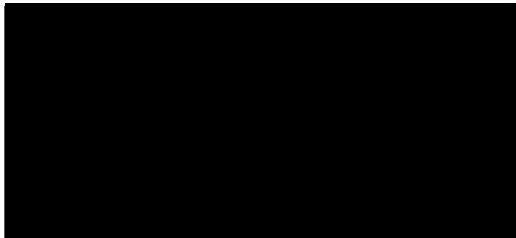
Term	Definition	Federated Farmers' Comments
swale	means an area of land that has been shaped to allow a watercourse to form during stormwater collection	This definition is unclear. From other sources, including the definition of "river" in the RMA, a watercourse would appear to be a structure that exists, irrespective of whether it has water in it or not.
tangata whenua	has the same meaning as in section 2 of the RMA (as set out in the box below) in relation to a particular area, means the iwi, or hapū, that holds mana whenua over that area	
Territorial Authority	has the same meaning as in section 5 of the Local Government Act (as set out in the box below) means a city council or a district council named in Part 2 of Schedule 2	
visitor accommodation	Means land and/or buildings used primarily for accommodating non-residents, subject to a tariff being paid	
wastewater	includes sewage, and greywater	
water	has the same meaning as in section 2 of the RMA (as set out in the box below) (a) means water in all its physical forms whether flowing or not and whether over or under the ground: (b) includes fresh water, coastal water, and geothermal water: (c) does not include water in any form while in any pipe, tank, or cistern	
water sensitive design	means an interdisciplinary approach to land use and development planning, design and implementation which integrates land use and water management, to minimise adverse effects on freshwater systems and coastal environments, particularly from stormwater runoff	
waterbody	has the same meaning as in section 2 of the RMA (as set out in the box below)	

Term	Definition	Federated Farmers' Comments
	means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area	
wetland	has the same meaning as in section 2 of the RMA (as set out in the box below) includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions	
wet abrasive blasting	means abrasive blasting to which water has been added	

5. ABOUT FEDERATED FARMERS

- 5.1 Federated Farmers of New Zealand is a primary sector organisation that represents farming and other rural businesses. The Federation has a long and proud history of representing the interests of New Zealand's farming communities, primary producers, and agricultural exporters.
- 5.2 Federated Farmers of New Zealand aims to add value to its members' farming businesses. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:
- Our members may operate their business in a fair and flexible commercial environment;
 - Our members' families and their staff have access to services essential to the needs of the rural community; and
 - Our members adopt responsible management and environmental practices.
- 5.3 The total agricultural sector is even more important to the economy than it was fifteen years ago. Its contribution to the New Zealand economy has risen from around 14.2 percent of GDP in 1986/87 to around 17 percent today (including downstream processing). Some authorities consider agriculture's current contribution to the New Zealand economy to be about 20 percent of GDP.

17 August 2018



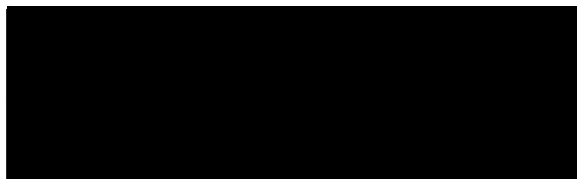
Senior Policy Advisor, Federated Farmers of New Zealand

Address for service of submitter:



Federated Farmers of New Zealand
Private Bag 92-066
Auckland

Telephone:
Fax/email:
Contact person:



Proposed National Planning Standard	Support / Oppose / Neutral	Buller District Council Response
S-DP: Draft District Plan Structure		
Standard 1 and Standard 2 Except as provided in direction 2 below, local authorities must amend their documents in accordance with section 58I of the RMA within 5 years of gazettal of this planning standard.	Partly oppose	Our Council does not meet the criteria in the Consultation Document to implement the Standards for district plan structure within seven years of gazettal of the Standards (April 2027). This means that we must implement the structure Standard within five years, by April 2025. We are uncertain if this time frame can be met. The Local Government Commission is currently going through a process of considering whether the three territorial authorities on the West Coast should have a Combined District Plan. Should the decision be made to proceed with a Combined District Plan, it may be unrealistic to expect the three West Coast territorial authorities to implement the Standards whilst going through the Combined District Plan development process within the five-year timeframe. Alternatively, if the Local Government Commission's decision is to not proceed with a Combined District Plan, then we will continue with our rolling review of the Buller District Plan. We are a small council with limited resources therefore, again, it may be unrealistic to expect us to both implement the Standards within the five-year timeframe and continue with our Plan review. We support more flexibility in this Standard and/or the option to request further time to implement if needed. Other smaller councils may be in the same position. We note that in the supporting documents, MFE refer to smaller councils needing more support and possibly individual assistance with implementation. It would be useful to get this confirmed in writing at an early stage (i.e. now) to the individual councils most likely to be affected.
Standard 3 All district plans must contain mandatory headings (i.e. part, chapter or section headings)...	Support	

Proposed National Planning Standard	Support / Oppose / Neutral	Buller District Council Response
Table 5: Part 1 Introduction and General Provisions	Support	We generally support the 'Introduction and General Provisions' requirements. However, in our experience plan users very rarely refer to the Introduction section of our District Plan therefore the mandatory matters should be kept to a minimum.
Table 5: Part 2 – Tangata Whenua	Neutral	
Table 5: Part 3 – Strategic Direction	Strongly Support	The flexibility to include strategic direction is strongly supported as it will enable Councils to focus on significant resource management matters for their district where needed. For our council, this includes appropriate utilisation of mineral resources.
Table 5: Part 4 - District Wide Matters If the local authority has mining activities that require management, it must provide a <i>Mining</i> section in the location identified.	Partly Oppose	We note that all the objectives, policies and rules are required to be grouped together under the respective topics. We support this approach and agree with the Discussion Document that it will provide a clear 'line of sight' between objectives, policies and rules. However, we disagree with the inclusion of mining in the 'General district-wide matters' chapter. For our district, mining is a significant activity and hence economic driver, and this is reflected in our Plan. We request that the Standard include flexibility to have 'Mining' as a standalone topic to reflect its significance to our District.
Table 5: Part 6 – Schedules, Appendices and Maps	Neutral	

Proposed National Planning Standard	Support / Oppose / Neutral	Buller District Council Response
S-IGP: Introduction and General Provisions Standard		
Standards 4 - 10 4. If the following matters are addressed in the policy statement/plan, they must be included in the <i>Purpose</i> section: ... 5. If the following matters are addressed in the policy statement/plan, they must be included in the <i>Region and its Resources, or Description of Region or Description of the District</i> (as relevant for the policy statement or plan) section: ... Similar wording is repeated for the other sections mentioned in Standards 6-10.	Strongly Support	The option to include the matters listed in the various Introduction sections, or to not include them, is strongly supported. This will enable councils to include information in the Introduction, or not, as appropriate for their district.
Standard 22 22. All policy statements and plans must include a national direction instruments chapter as set out in Table 13: National direction instruments below.	Oppose	We are not convinced that including a list of national direction instruments and how they are being given effect to will add value to planning documents. Such a list may become extremely lengthy and this seems to go against the simplifying and streamlining principle of previous RMA amendments. National policies and standards are reviewed and changed by central government, which could create further work for councils to list implementation of the changed national policies and standards in plans. The implementation information in planning documents would potentially be outdated every year as councils progressively implement the national direction, creating more work to keep the planning documents up to date. RMA planning documents are not the best document to record implementation of national direction. Councils can instead make this information publicly available on their websites. We seek that Standard 22 be either removed from the Standards or be made optional.

Proposed National Planning Standard	Support / Oppose / Neutral	Buller District Council Response
S-TW: Tangata Whenua Structure Standard		
Standard 3 – 6 3. If the following matters are addressed in policy statements and plans, they must be located in the <i>Recognition of iwi/hapū</i> chapter: ... 4. If the following matters are addressed in policy statements and plans, they must be located in the <i>Tangata whenua-local authority relationships</i> chapter: ... 5. If the following matters are addressed in policy statements and plans, they must be located in the <i>Iwi and hapū planning documents</i> chapter: ... 6. If the following matters are addressed in policy statements and plans, they must be located in the <i>Consultation</i> chapter: ...	Partly Oppose	We understand that the requirement to have different chapters for the matters listed may be necessary for districts/regions where there are a number of iwi and/or hapu. However, in the West Coast region, there are fewer iwi and Rūnanga, therefore having four separate chapters in our District Plan for recognition of iwi/hapu, tangata whenua-local authority relationships, iwi and hapu planning documents, and consultation, is considered unnecessary. We seek that Standards 3-6 provide the option to include these matters as parts, sections or sub-headings within a chapter.
S-DWM: Draft District Wide Matters Standard		
Standard 3 This chapter and any section in this chapter must include objectives, policies and <u>methods</u> , including rules (if any).	Partly Oppose	We do not see the necessity for requiring mandatory inclusion of ‘methods’ for every topic. We do not consider that they add value to a plan and in our experience, these are merely statements of intent that may, or may not be implemented. We request the Standard be amended so that inclusion of ‘methods’ is not a mandatory requirement and is left to Council discretion.

Proposed National Planning Standard	Support / Oppose / Neutral	Buller District Council Response
The requirement for methods is also repeated in the following Standards: 6(b), 7(b), 10, 15,17(a), 18(a) 19(a), 23(a), 26(b), 28, 30(a), 31(a)		
S-ASM: Draft Area Specific Matters Standard		
Standard 4 Where a zone is to be used, each zone must include objectives, policies and methods including rules (if any) in accordance with ...	Oppose	We do not see the necessity for requiring mandatory inclusion of ‘methods’ for every zone. We do not consider that they add value to a plan as in our experience, these are merely statements of intent that may, or may not be, implemented. We request the Standard be amended so that inclusion of ‘methods’ is not a mandatory requirement and is left to Council discretion.
Standard 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. Definition of Rural Zone – The purpose of the Rural Zone is to provide primarily for primary production activities. The zone may also provide for a <u>limited</u> range of activities which support rural production.	Partly Oppose	The one issue we have is with the definition of Rural Zone. We object to the inclusion of the word ‘limited’ as this implies a level of restriction on what supporting activities are considered acceptable within the Rural Zone. We regard our Rural Zone as a productive working environment where a whole range of rural support activities can take place. We request that ‘limited’ be removed from the definition of Standard 8.
S-SAM: Schedules, Appendices and Maps Standard		
Standard 3 – 11	Support	

Proposed National Planning Standard	Support / Oppose / Neutral	Buller District Council Response
F-1: Electronic Accessibility and Functionality Standard		
Table 18: Standard for baseline accessibility and functionality requirements Timeframes – 1. This baseline accessibility and functionality requirements part of the planning standard must be implemented within 12 months of the gazettal of this national planning standard.	Partly Oppose	Although we generally support these standards, our Council has limited resources so only offers basic on-line access to the District Plan i.e. Pdfs of the respective chapters and zone maps, there are no interactive elements to the service. We are concerned with our ability to meet the baseline accessibility and functionality within the 12 months of gazettal timeframe. Our preference would be to have no timeframe.
F-2: Mapping Standard		
Standards 1 – 5	Support	
F-4: Draft Spatial Planning Tools (District) Standard		
Standards 1 -4	Neutral	
F-5: Chapter Form Standard		
Table 26: Rule Table	Neutral	

Proposed National Planning Standard	Support / Oppose / Neutral	Buller District Council Response
F-6: Status of Rules and Other Text and Numbering Form Standard		
Table 28: Numbering table	Neutral	
CM-1: Definitions Standard		
Numerous definitions from the RMA are included in the Standards.	Partly Oppose	Some of the definitions within the definition Standards are the same terms as in the RMA, and we consider there is little value in duplicating these in regional and district plans. We request that any RMA definition be removed from the Standards definitions.
CM-2: Draft Noise and Vibration Metrics Standard		
Standards 1 - 4	Support	



SUBMISSION 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: Bunnings Limited
C/- the address for service set out below

1. INTRODUCTION AND SUMMARY

- 1.1 Bunnings Limited ("**Bunnings**") welcomes the opportunity to submit on the Ministry for the Environment's ("**MfE**") draft first set of National Planning Standards ("**Standards**").
- 1.1 Bunnings is one of the leading retailers of home improvement and outdoor living products in Australasia and services both consumer and commercial customers. A number of descriptions are used for these activities, including building suppliers, trade suppliers and building improvement centres. However, for the purposes of this submission, the term building improvement centres is used throughout.
- 1.2 Bunnings operates 27 warehouses, 20 smaller format stores, and 8 trade centres throughout New Zealand, along with a distribution centre and a head office. These sites are carefully designed and planned to a very high standard.
- 1.3 In Bunnings' experience, regional and district planning frameworks often do not properly recognise the need for business growth to occur – especially alongside residential growth. Given Bunnings' 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 Bunnings' operations in New Zealand.
- 1.4 Bunnings supports the standardisation of certain zone content and definitions, as this will limit the repeat consideration of common issues across the country. Building improvement centres are currently provided for in general business, commercial and light industrial zones, which are treated differently by different plans, despite building improvement centres being an

appropriate activity in such areas. Standardising such provisions would provide a great deal of certainty to building improvement centres.

Brief overview of Bunnings

- 1.5 Bunnings is a long-established leading supplier of hardware and home improvement related products and currently operates 338 Bunnings Warehouses and Small Format Stores throughout Australia and New Zealand. In addition, Bunnings also operates 32 Trade Centres across Australia and New Zealand supplying building-related products predominantly to tradespeople such as builders, landscaping contractors, plumbers, electricians and more.
- 1.6 There are three basic Bunnings formats:
 - (a) The Bunnings Warehouse - which generally comprises stores of 5,000m² up to 20,000m² gross floor area or more within the main warehouse component, timber trade and nursery areas;
 - (b) The smaller format stores simply known as Bunnings Stores, with the distinction between the branding being primarily size-related and usually reflected in the range of goods sold and regional locations, these can typically range from 1,500m² to 5,000m²; and
 - (c) Trade Centres, which are primarily focussed on both delivery to site or pickup by commercial users. They hold larger volumes of a more limited range of products, such as timber materials, sheeting and associated building products. While still open to the public, they primarily service our commercial trade customers.
- 1.7 Depending on the store types, there are some key considerations for building improvement centres when seeking appropriate sites. These include:
 - (a) For warehouses in particular, the ability to accommodate **large building footprints** to house the range, stock amount and often bulky size of goods sold. Such large sites are usually found in industrially zoned areas. Where they are located in General Business or Mixed Use areas (depending on size), they are usually located on arterial routes with direct traffic access.
 - (b) Building improvement centres typically require **functional building formats** to accommodate racking arrangements and movement of

goods to and within the building. Such building designs are compatible with industrial zones which often exhibit a predominance of utilitarian style, or have been visually "softened" via landscaping where required to meet specific visual amenity objectives and policies within some district plans.

- (c) Sites with **appropriate access** – given the goods sold and the strong trade customer base, sites must be easily accessed by a range of vehicle types. Building improvement centres can generate levels of traffic – both customer and service oriented – that are comparative to the traffic generation of industrial activities (in the case of trade centres), or big box retail (in the case of warehouses and smaller format Bunnings stores).

- 1.8 Bunnings currently employs approximately 4,000 team members. This number is expected to increase in the future, as Bunnings plans to expand its operations in New Zealand. Bunnings' presence in the market ensures that there is competition in the trade supply market, which results in lower prices for both commercial and consumer customers. This provision of key DIY and trade supplier goods is essential to a well-functioning economy and the well-being of communities, especially amidst a housing boom.

Bunnings' "fit" within different zones

- 1.9 As set out above, Bunnings warehouses operate throughout the country, and are currently treated differently depending on the definitions within the relevant district plan, the zoning of the Bunnings site in question, and the objectives and policies attached to that zone.
- 1.10 To provide some context, Bunnings has set out a 'snap-shot' of various Bunnings stores throughout New Zealand, and the relevant zones and definitions.

Relevant Plan	Bunnings Store	Zone	Relevant definitions
Auckland Unitary Plan	Bunnings Silverdale	General Business	"trade supplier"
	Bunnings Glenfield	Light Industry	
	Bunnings Manukau	Metropolitan Centre	"retail"

	Bunnings Trade – East Tamaki	Heavy Industry	
	Bunnings Mt Wellington	General Business	
	Bunnings Grey Lynn	Mixed Use	
	Bunnings Mt Roskill	Light Industry	
Hamilton City District Plan	Bunnings Te Rapa	Business 4	“Building improvement centre”
Waikato District Plan	Bunnings Te Awamutu	Commercial zone	“Building improvement centre”
Tauranga City Plan	Bunnings Mount Maunganui	Industry	“Building improvement centre”
Christchurch City District Plan	Bunnings Riccarton	Business Retail Park	“Building supplier” “Trade supplier”
Wellington City District Plan	Bunnings Wellington Central	Central Area	“Building improvement centre” “Trade supply retail”
Whakatane District Plan	Bunnings Whakatane	Large Format Retail	“Retail activity”
Dunedin City District Plan	Bunnings Dunedin	Industrial Zone	“Trade related retail”
Nelson Resource Management Plan	Bunnings Nelson	Industrial Nayland Road South Area	“Retail activities”

- 1.11 Within the Auckland Unitary Plan, building improvement centres are defined as a 'trade supplier' and sit within retail in the nesting tables. However, as discussed further below, it is imperative that building improvement centres are recognised as distinct from other forms of retail.

- 1.12 Bunnings undertakes extensive due diligence before investing and establishing in new locations, including consideration of potential effects on, and from, neighbours. When seeking to establish within a Light Industry zoned site (and within close proximity to heavy industrial activities for example), it will do so in the full knowledge of the amenity of that environment, being familiar with the types of activities that can locate in the zone, and indeed because of the zone's anticipated amenity. This approach is also taken for General Business and Mixed Use zoned sites.

Bunnings' interest in the Standards

- 1.13 Bunnings will be looking to expand its presence further in New Zealand, and ensure its current stores are operating in a competitive manner. As such, Bunnings is keen to ensure that the Standards appropriately recognise the unique position of trade suppliers – that due to their size and nature tend straddle traditional commercial, retail and light industrial zones.
- 1.14 Bunnings has been closely involved in plan reviews and changes over the years throughout New Zealand. For example, Bunnings was engaged in the extensive process of developing the Auckland Unitary Plan, and, more recently, the Queenstown Lakes District Council Proposed District Plan.
- 1.15 Bunnings also has extensive experience with the consenting process across the country, and with the challenges that can arise where council planners and decision-makers have not understood the place of trade suppliers.
- 1.16 Bunnings is particularly interested with the proposals to include definitions and "purpose statements" for a template set of zones. While time and cost intensive, Bunnings sees participation in the development of these Standards as important, given the critical role that planning frameworks play in the establishment or upgrading of its activities (along with protection from potential reverse sensitively effects of nearby sensitive activities).
- 1.17 This submission will primarily address the questions within the Discussion Document as they relate to Content of Standards, Standard Zones Structure and Definitions.

2. 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?

- 2.1 The Standards are designed to make plans easier to use. Bunnings supports this objective as it is a mechanism that will result in efficient plan-making processes and national consistency where appropriate. In particular, Bunnings supports the requirement for increased and more consistent electronic accessibility and functionality for plans and the standardisation of plan structure.
- 2.2 Bunnings 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 Bunnings.
- 2.3 Bunnings also sees merit in greater standardisation of zone content. However, if the Government were to take that step, then it is crucial that the content is thoroughly tested through a submission and hearing process before it is adopted.

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

- 2.4 Future planning standards should include a greater level of content, anticipating that this may take longer with greater consultation to ensure the best approach is taken. Bunnings is concerned by reports from MfE that there are no plans for a second set of Standards with further content on the horizon.
- 2.5 In Bunnings' experience, a lot of 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, business improvement centres in general business, commercial and light industrial zones are treated differently by different plans, despite business improvement centres being an appropriate activity in such areas. Standardising such provisions would provide a great deal of certainty to business improvement centres, and would considerably reduce time and cost spent preparing and using plans.

- 2.6 Bunnings appreciates that the detail of such content (if and when it is standardised) 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. Equally, content for industrial zones must provide for the function and operational needs of light and heavy industrial activities (and the corresponding concerns in respect of reverse sensitivity effects).
- 2.7 Bunnings 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, Bunnings 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. Bunnings provides an example of this under the definitions section further below.
- 2.8 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. 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. It would therefore be appropriate to provide a 'cookie cutter' level of detail for some rules and rule requirements.
- 2.9 Bunnings 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 issues specific to their local community and planning framework.
- 2.10 Bunnings would also support 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 trade suppliers.
- 2.11 Providing national direction on such matters will significantly increase plan consistency and make it easier to use plans. In particular, it 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. However, as stated above, it is important that there is appropriate public input into the development of any future Standards.

3. STANDARD ZONE STRUCTURE

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

- 3.1 Bunnings supports the inclusion of a standard set of zones. It considers that this national direction will be useful in providing greater efficiency in the way councils and plan users interact with various plans across the country.

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

- 3.2 Bunnings supports the inclusion of purpose statements for zones. In Bunnings' submission, it is critical that there is some level of consistency in how the zones are applied across different plans throughout the country.
- 3.3 In particular, Bunnings seeks the inclusion of purpose statements for Commercial, Mixed Use, Town Centre, Light Industrial and Industrial Zone.

4. DEFINITIONS

- 4.1 Bunnings generally supports the proposed introduction of national standardised definitions, but considers it critical that the definitions are well informed and appropriately provide for existing activities. Bunnings is particularly interested in engaging with MfE in relation to the following trade-supplier related definitions:

- (a) 'commercial activity' – Bunnings supports this definition given that it best defines the operational nature of a Bunnings Warehouse under the proposed NPS definition; and
- (b) 'industrial activity' – the Auckland Unitary Plan, for example, contains "Light Industry" and "Heavy Industry" zones which clearly distinguish that those industrial activities that do not generate objectionable odour, dust or noise are directed to located in the Light Industry Zone, while those industrial activities that do

generate such effects are directed to located in the Heavy Industrial Zone.

- 4.2 Paragraph 1.3 demonstrates that there is variance at the national level in terms of what activity a Bunnings Warehouse is defined as in District Plans across the country. Given the nationwide presence of Bunnings and its planned expansion in the future, the inclusion of a standardised definition to provide for a consistent approach at the national level would be important.

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

- 4.3 Bunnings considered that the drafting principles for the definitions are suitable for the reasons that any terms already defined within the RMA or higher order planning documents should be adopted to avoid unnecessary duplication. Definitions should be clear and concise without the use of subjective language that could lead to different interpretations and unintended consequences for plan implementation.

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

- 4.4 Bunnings would be grateful for an opportunity to engage with MfE in the future, in the event that further definition standardisation is contemplated. In particular, Bunnings would support the inclusion of a standardised definition for 'building improvement centre'. The Hamilton City Council currently defines building improvement centres as follows:

Building Improvement Centre

Premises used for the storage, display and sale of goods and materials used in the construction, repair, alteration and renovation of buildings and includes nurseries and garden centres.

- 4.5 This is because building improvement centres, such as Bunnings Warehouses are currently treated in a number of different ways under a variety of definitions across the country (including building supplier, trade supplier, building improvement centre etc). In addition, there has been inconsistent treatment as to whether these activities are classified as retail or industrial activities. This definition better reflects that building improvement centres have characteristics that are industrial in nature, but also involves a retail component with sales to the public.

- 4.6 Providing a consistent definition of 'building improvement centre' is appropriate. It also enables building improvement centres to be treated distinctly from other forms of retail and from typical industrial activities, which is appropriate given the range of zones that business improvement centres should be enabled within.

5. CONCLUSION

- 5.1 Given the potentially significant implications that the draft Standards could have on trade suppliers, Bunnings would welcome any opportunity to discuss these prospects further with MfE in the finalising stages of the Standards.

Signature:

BUNNINGS LIMITED, by its solicitors and
authorised agents Russell McVeagh:



Daniel Minhinnick

Date:

17 August 2018

Address for Service:

Russell McVeagh

[REDACTED]

[REDACTED]

[REDACTED]

Attention: Georgia Cameron

[REDACTED]

[REDACTED]

SUBMISSION ON THE DRAFT NATIONAL PLANNING STANDARDS

To Ministry for the Environment

Name of submitter: Christchurch International Airport Limited (CIAL)

- 1 This is a submission on the Ministry for the Environment's (MfE) Draft National Planning Standards (the *Planning Standards*).
 - 2 Christchurch International Airport Limited (CIAL) is interested in all of the provisions in the Planning Standards. Without limitation, the specific provisions of the Planning Standards that CIAL'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 CIAL wishes to be heard in support of the submission. It also reserves the right to raise other issues once it has read other submissions.
- Introduction
- 4 CIAL have made a considerable investment in land, buildings and plant at Christchurch International Airport.
 - 5 CIAL owns approximately 859 hectares of land, with the majority of this (693 hectares) being within the 722 hectare Specific Purpose Airport zone. A wide variety of activities including those with no direct link to the aerodrome activities are enabled within the Specific Purpose Airport Zone.
 - 6 The Airport also undertakes a number of additional 'value added' activities, including engine testing and Antarctic operations. These activities not only add to the regional importance of the Airport but are enabled due to the statutory recognition of reverse sensitivity considerations within broader Airport activities.
 - 7 CIAL welcomes the opportunity to submit on the Planning Standards. CIAL 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 Christchurch Airport, other airports around New Zealand and strategic infrastructure generally.
 - 8 There is considerable diversity between airports within New Zealand; their integration with wider land use patterns; and their respective planning regimes in response to local context.

- 9 Whilst the principles related to standardising zoning, associated purpose statements¹ and acoustic metrics are supported, the Planning Standards should not remove such diversity to adapt to local community decisions and trade offs, or result in unintended consequences simply through an endeavour to achieve homogeneity.
- 10 The Planning Standards are likely to have major and wide ranging implications for all planning documents in New Zealand going forward. CIAL considers it important to be a part of this process to ensure its interests are acknowledged and catered for in the Planning Standards.
- 11 CIAL spent a great deal of time and resources in developing the Special Purpose (Airport) Zone in the Christchurch Replacement District Plan to ensure that its interests were adequately provided for. The result has been a planning framework which enables CIAL to operate, maintain and develop its facilities. CIAL seeks to ensure that the certainty it now has in terms of the efficient and effective operations of Christchurch International Airport is not inadvertently undone through the Planning Standards.
- 12 CIAL has had the opportunity of reviewing a draft of the submission that has been provided on behalf of NZ Airports Association of which it is a member (*NZ Airports*).
- 13 CIAL generally agrees with many of the points raised in NZ Airports' submission of but raises supplementary points, which highlight concerns about "standardisation" in the context of airports. The matters it raises in this submissions are additional and are of specific relevance to Christchurch Airport

S-ASM: DRAFT AREA SPECIFIC MATTERS STANDARD

Zone Chapters: S-ZONES

- 14 CIAL supports the inclusion of a standardised set of zones (and purpose statements) and considers it will provide greater consistency for New Zealand planning documents, as well as increasing efficiency for plan users.
- 15 CIAL has a particular interest in the special purpose "Airport Zone" and generally supports the concept being included in the Planning Standards.
- 16 However, CIAL does not consider that the purpose statement for the Airport zone is broad enough and it would not cover activities that are authorised to occur at Christchurch Airport. For Christchurch International Airport, the activities identified² do not reflect either the existing anticipated range of activities enabled for the Christchurch Specific Purpose (Airport) zone, or a line of cases where the Courts have examined the particular activities which are encapsulated in the modern meaning of the phrase "airport".
- 17 CIAL recommends that amendments be made to the purpose statement for the Airport Zone to make it clear that given airports represent substantial employment,

¹ Draft National Planning Standards: S-ASM, Section 8, pg 44

² Initial Guidance for draft National Planning Standards: F-4 Spatial planning tools (district), S-ASM Area-specific matters – zone framework pg 15.

business and transport hubs there often needs to be commercial and industrial development to make airports economically efficient and those activities often have no obvious link to aeronautical activities. Such activities simply represent sustainable management through enabling activities, or connections and integration with transport infrastructure, logistics or freight. These activities go well beyond the phrase “operational, administrative, commercial and industrial activities associated with airports” as set out in the current zone description and the description incorrectly implies that the only activities enabled in the Airport Zone are those with a link to/or association with aeronautical activities.

- 18 The zone statement needs another bullet point along the lines of:
- Other commercial and industrial activities that provide for the efficient use and development of land, infrastructure, and operational facilities at the airport and which support an airport’s strategic importance..
- 19 CIAL opposes the standardisation of objectives, policies, and rules in the Airport Zone. CIAL has recently been through hearings to settle the content of the Special Purpose (Airport) Zone in Christchurch to represent the integrated management of the Airport resources within broader land use context of the Canterbury Region.
- 20 The zone sets out objectives and policies for Christchurch Airport and the activities that take place there as permitted activities. The zone is quite appropriately different from other Airport Zones around the country because of its unique economic and planning context and the applications and expectations of the local community.
- 21 If there are further processes in relation to establishing substantive rules for the Airport Zone in the Planning Standards, the content of those rules will obviously significantly impact CIAL. Accordingly, CIAL will be seeking to participate heavily in consultation with MfE.
- 22 CIAL 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. In particular there is a need for stringent rules in all zones in the vicinity of airports to prohibit the establishment of noise sensitive uses.

F-2: DRAFT MAPPING STANDARD

- 23 CIAL 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.
- 24 In particular, CIAL supports the inclusion of a noise contours overlay for ports and airports. However, CIAL agrees with the NZ Airports’ point that provision should be made in the Planning Standards for multiple noise contour symbols for plans where multiple types of noise contours are adjacent to each other (for example the Christchurch District Plan which provides different shades of fill colour within each of its three airport noise contours, and also provides for two engine testing contours).

- 25 CIAL also points out that there are different sources of noise at airports which are not appropriate for inclusion in one overall overlay. For example there may need to be different contours which distinguish between noise from aircraft taking off and landing and noise from ground running of engines/engine testing.
- 26 Again, CIAL will be interested in any substantive rules that are created for the various zones and overlays, as discussed above.

CM-1: DRAFT DEFINITIONS STANDARD

- 27 CIAL disagrees with the mandatory directions relating to the definitions. In particular, CIAL points to its experience in Christchurch Replacement Plan process which revealed that a definition will always take its meaning from the context in which it is used in a policy or rule; the two must be drafted in parallel. For that reason, in the Christchurch Replacement Plan process the Definitions chapter was left open as "interim" and was the last chapter to be finally decided at the very end of the whole process.
- 28 While generally supportive of the definitions proposed by the Planning Standards, CIAL is concerned about the potential implications that mandatory standardised definitions may have throughout all planning documents. The impact of the definitions, determined in a vacuum can obviously not be fully appreciated and will lead to unintended consequences; it is only after substantive rules are determined that this will be obvious. The mandatory directions prevent the use of "synonyms" and mandatory definitions are likely to result in perverse outcomes when viewed in context.
- 29 CIAL agrees with NZ Airports' submission and supports the following definitions: "habitable room," "reverse sensitivity," and "visitor accommodation." It notes however that visitor accommodation will need a different definition when it is used to describe a noise sensitive activity. For example a length of stay might need to be specified to define the point at which a visitor's stay become noise sensitive.
- 30 CIAL has not commented on the definition of "notional boundary" but wishes to ensure that the definition is not appropriate for use with respect to operational aircraft noise.
- 31 CIAL would support the inclusion of a definition of "noise sensitive activity" and "activities sensitive to aircraft noise" or similar terms. CIAL would expect to be consulted if any such definitions were to be included in the Planning Standards.
- 32 Without limiting its interests in any of the definitions, CIAL makes further recommendations on the following definitions:
- Commercial activity
- 33 CIAL is supportive of a definition of "commercial activity" in the Planning Standards. However, it considers the proposed definition is too uncertain.

- 34 CIAL recommends that the definition be changed to reflect a similar definition to the Auckland Unitary Plan which includes nesting table, or that the definition in the Christchurch District Plan be adopted:

means retail activities, offices and commercial services. It excludes industrial activities, high technology industrial activities and heavy industrial activities.

Infrastructure

- 35 CIAL is supportive of the definition of "infrastructure" in the Planning Standards, but also foresees issues with such a broad definition. The Christchurch 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.
- 36 CIAL therefore seeks the inclusion of a definition for "strategic infrastructure" or similar term, which would include Christchurch Airport. CIAL notes the importance of the ongoing operation and development of Christchurch Airport as one of New Zealand's major domestic and international gateways, and the vital role it plays in local and domestic economy.
- 37 CIAL proposes the following wording for the definition of "strategic infrastructure":

means those necessary infrastructure facilities, services and installations which are of greater than local importance. It includes infrastructure that is nationally significant and includes (but is not limited to):

(a) an airport as defined in section 2 of the Airport Authorities Act 1966;

(b) [...]

CM-2: DRAFT NOISE AND VIBRATION METRICS STANDARD

- 38 CIAL supports the reference to noise management methods set out in New Zealand Standards.
- 39 However it also seeks more clarity that in relation to NZS6805 that the only parts of the standard to be used are sections 2 and 3 and not section 1 which specifies noise limits and reverse sensitivity guidelines (land use planning).
- 40 NZS6805 specifically states that it shall not be used to downgrade contours existing at individual airports. Paragraph 1.4.3.8 specifically states that "councils can show contours in a position further from, or closer to the airport....."
- 41 Christchurch Airport has an outer control boundary set at the 50 Ldn contour which is different to other airports. The standards should not be used to standardise where the air noise boundary and outer control boundary are set. That is a decision for local authority decision makers in the context of their communities.

Signed for and on behalf of Christchurch International Airport Limited by its solicitors and authorised agents Chapman Tripp



Jo Appleyard

Partner

17 August 2018

Address for service of submitter:

Christchurch International Airport Limited

c/- Jo Appleyard

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

Email address: [REDACTED]

SUBMISSION ON THE DRAFT NATIONAL PLANNING STANDARDS

To Ministry for the Environment (MfE)

Name of submitter: Radio New Zealand Limited (RNZ)

Introduction

- 1 RNZ welcomes the opportunity to submit on MfE's Draft National Planning Standards (the *Planning Standards*).
- 2 RNZ is interested in all of the provisions in the Planning Standards. Without limitation, the specific provisions of the Planning Standards that RNZ'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 RNZ does not wish to be formally heard in support of the submission but would welcome the opportunity to discuss the matters set as a part of MfE's wider consultation process.
- 4 RNZ is a Crown entity established under the Radio New Zealand Act 1995 and is also a Network Utility Operator as defined in section 166 of the Resource Management Act 1991 (RMA).
- 5 RNZ owns and operates radio transmission facilities across New Zealand, providing news and information to the public. RNZ broadcasts three national networks: RNZ National, RNZ Concert and the AM network, which relays Parliamentary proceedings.
- 6 RNZ is also designated as a Lifeline Utility under the Civil Defence Emergency Management Act 2002 and performs a civil defence role, providing communication during natural disasters. RNZ is required to function to the fullest possible extent during and after an emergency (although this may be at a reduced level).¹
- 7 It is therefore important that the continued operation, maintenance and improvement of RNZ's national transmission network can occur unimpeded and it is appropriate that the Planning Standards recognise and provide for RNZ's activities.

¹ Civil Defence Emergency Management Act 2002, section 60(a).

Summary of RNZ's position

- 8 RNZ 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 and maintenance of RNZ's facilities, as discussed above.
- 9 The Planning Standards are likely to have major and wide ranging implications for all planning documents in New Zealand going forward. RNZ considers it important to be a part of this process to ensure its interests are acknowledged and catered for in the Planning Standards.
- 10 RNZ spends a significant amount of time and resources ensuring that its interests are recognised and generally provided for in all relevant District Plans (having facilities spread across New Zealand) and some Regional Plans. RNZ 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

- 11 RNZ 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.
- 12 RNZ is concerned, however, about the process that will be followed in relation to establishing substantive rules for each zone in the Planning Standards.
- 13 The content of these rules will be of significant interest to RNZ who is primarily concerned in the continuing operation of its facilities without impediment from reverse sensitivity issues arising from newly established activities.
- 14 It would be extremely expensive and difficult for RNZ to relocate its transmitter facilities to mitigate reverse sensitivity effects and therefore any substantive rules must include appropriate reverse sensitivity policies, objectives and rules.
- 15 RNZ intends on engaging in consultation with MfE in any such process that may arise in the future.

F-2: DRAFT MAPPING STANDARD

- 16 RNZ 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.
- 17 However, RNZ considers that some of the zone colours are largely indistinguishable from one another. This would make it difficult for plan users, including RNZ, to determine which zone and rules applies to certain activities.
- 18 RNZ recommends that the some of the colours contained in "Table 32: Zone colour palette table" be amended to be more distinguishable from one another. The zones which colours RNZ consider too similar are as follows:

18.1 Low-density residential and medium density residential; and

18.2 Rural residential, rural settlement and local commercial.

- 19 RNZ's feedback dated 28 July 2017 supported MfE's suggestion that network utilities could be controlled using overlays, provided that associated policies and rules took into account the points in paragraph 5.7 and 5.8 of RNZ's feedback. Although a network utilities overlay was not included in the Planning Standards, RNZ would still support a Network Utility Overlay (with the appropriate substantive content) in any subsequent sets of Planning Standards.

CM-1: DRAFT DEFINITIONS STANDARD

- 20 RNZ is generally supportive of the definitions proposed in the Planning Standards. In particular, RNZ supports the definitions for "infrastructure," "network utility operator," and "reverse sensitivity."
- 21 RNZ submits that, due to the wide reaching implications the Planning Standards are likely to have in all planning documents, it is difficult to say at this stage whether all of the definitions are adequate and/or whether there is a need to include more definitions.
- 22 The impact of the definitions determined at this stage can obviously not be fully appreciated; it is only after substantive rules are determined that this will occur. RNZ recommends that submitters are given a chance to make a further submission on definitions at a later stage.

CM-2: DRAFT NOISE AND VIBRATION METRICS STANDARD

- 23 Many of RNZ's sites are subject to noise limits measured using the New Zealand Standards.
- 24 RNZ is neutral at this stage on the inclusion of the various standards identified in "Table 30: Acoustic New Zealand Standards referenced." However, RNZ would oppose the inclusion of other standards without submitters first being given a proper opportunity to submit.

Signed for and on behalf of Radio New Zealand Limited by its solicitors and authorised agents Chapman Tripp



Ben Williams
Partner

17 August 2018

(A signature is not required if you make your submission by electronic means)

Address for service of submitter:

Radio New Zealand Limited

[REDACTED]

[REDACTED]

[REDACTED]

Email address: [REDACTED]

Note to person making submission

If you are making a submission to the Environmental Protection Authority, you should use form 16B. If you are a person who could gain an advantage in trade competition through this submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act.



Proposed National Planning Standards

Submission to
Ministry for the Environment

Retirement Villages Association of New Zealand

August 2018

EXECUTIVE SUMMARY

- 1 This submission is made by the Retirement Villages Association of New Zealand Incorporated (RVA) in relation to the draft first set of National Planning Standards (*Standards*) and accompanying documentation.
- 2 The RVA supports the aim of increasing consistency in RMA planning documents so that plans are easier to make and use. However, it is concerned that the draft definitions of residential activity, residential unit and retirement village premises do not adequately recognise the characteristics of retirement villages. This submission also addresses a range of associated matters.
- 3 The first set of Standards has a very limited scope for content. The RVA considers the second set of Standards should include a bespoke framework for retirement villages. Such a framework would assist to address the critical shortage of retirement accommodation. There is a real and pressing need to provide for more housing and care that appropriately meets the needs of elderly people – one of the most vulnerable sectors of the community. Including such a framework in the second set of Standards would also support the implementation of the National Policy Statement on Urban Development Capacity 2016 (*NPSUDC*).
- 4 The amendments to the Standards sought by the RVA are set out in Appendix 1.

INTRODUCTION

RVA

- 5 The RVA is a voluntary industry organisation that represents the interests of the owners, developers and managers of registered retirement villages¹ throughout New Zealand.
- 6 The RVA has 360 member villages throughout New Zealand, with approximately 30,000 units that are home to approximately 40,000 older New Zealanders, roughly equivalent to the population of Timaru. This figure is 96% of the registered retirement village units in New Zealand.
- 7 The RVA's members include all five publicly-listed companies (Ryman, Metlifecare, Summerset, Arvida and Oceania), other corporate groups such as Bupa Healthcare, Arena, independent operators, and not-for-profit operators such as community trusts, religious and welfare organisations.
- 8 The contact details for the RVA in relation to this submission are:

John Collyns

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

¹ Retirement villages include aged care facilities where they form part of a comprehensive care retirement village.

Retirement villages

- 9 'Retirement village' is an umbrella term given to all types of retirement living. There are two main types of retirement villages - 'comprehensive care villages' and 'lifestyle villages':

9.1 Comprehensive care retirement villages provide a full range of living and care options to residents from independent living, through to serviced care, rest home, hospital and dementia level care.

9.2 Lifestyle retirement villages focus mostly on independent living units with a small amount of serviced care on a largely temporary basis.

- 10 Approximately 73% of registered retirement villages have some level of aged residential care within the village.

- 11 'Retirement village' is defined in section 6 of the Retirement Villages Act 2003 (*RV Act*) as:

... the part of any property, building, or other premises that contains 2 or more residential units that provide, or are intended to provide, residential accommodation together with services or facilities, or both, predominantly for persons in their retirement, or persons in their retirement and their spouses or partners, or both, and for which the residents pay, or agree to pay, a capital sum as consideration and regardless of [various factors relating to the type of right of occupation, consideration, etc]...

Retirement village residents

- 12 Retirement village residents, particularly those in comprehensive care retirement villages, are much more vulnerable than other parts of the population.

- 13 Residents choose to move into retirement villages as they provide purpose built, comfortable and secure dwellings, with a range of tailored on-site recreational amenities and care services. Their vulnerability is addressed in part through the RV Act.

RV Act

- 14 The retirement village industry is regulated by the RV Act, associated regulations, and codes of practice.

- 15 The RV Act was enacted to protect the interests of retirement village residents and intending residents, including their financial and occupancy interests. The RV Act is also intended to provide an environment of security and protection of rights for retirement village residents.²

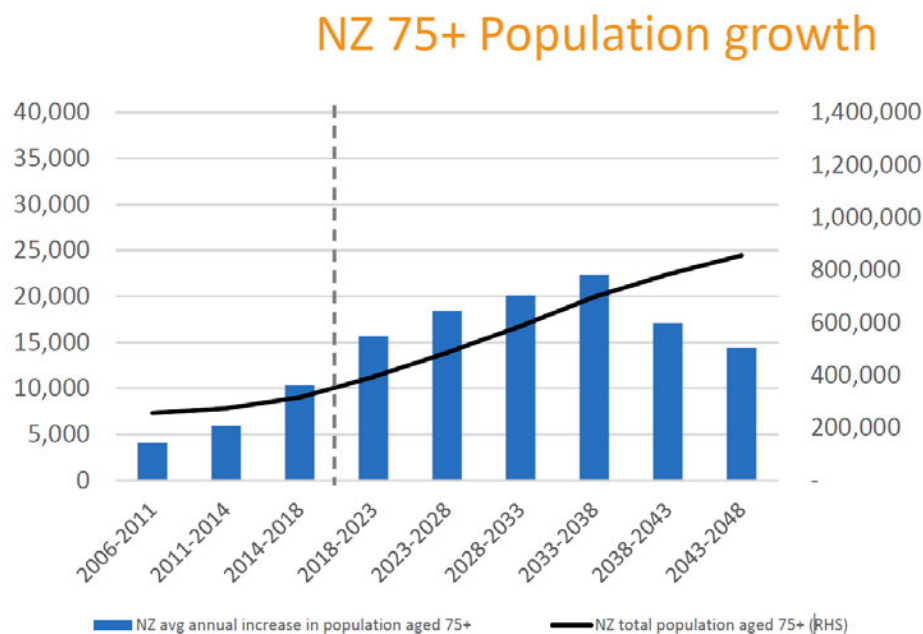
- 16 One method contained in the RV Act to protect the financial and occupancy interests of residents, is a requirement for a memorial to be registered on the relevant certificates of title. The memorial means that the holder of a security interest cannot dispose of a retirement village, disclaim any occupation right agreement, or evict any resident unless all residents of the retirement village have received independent legal advice and at least 90% of those residents have consented in writing.

² Retirement Villages Act 2003, section 3.

- 17 The memorial requirement reflects the importance of ensuring retirement village residents have an absolute right to live in their units and access the village amenities, and are not forced to relocate at such a vulnerable stage of their life.

Ageing population

- 18 It is estimated that 295,000 people in New Zealand were aged over 75 in 2016. The number has been growing at the rate of 5,000 per annum for the past 15 years. Now, that growth rate has lifted to 11,000 per annum. With the advent of the baby boomers, that growth rate will lift again to 18,000 per annum. Within the next 20 years, the population aged 75+ will have more than doubled to over 538,000 nationally. By 2050, that number will be even higher. This growth is illustrated in the following graph:



- 19 These demographic changes are resulting in large increases in demand for retirement living options. Retirement villages already play a significant part in housing and caring for elderly people in New Zealand. Currently, 12.6% of the 75+ age group population live in retirement villages, a penetration rate that has risen from around 9.0% of the 75+ age population at the end of 2012.³ The role of retirement villages in meeting future demand is predicted to substantially increase as a proportion of the population.

Shortage of retirement villages

- 20 The demand for retirement village accommodation is already outstripping supply, with many of New Zealand's older residents living in unsuitable accommodation (such as a large house that is expensive, is difficult to maintain and heat properly and/or has barriers to mobility such as stairs).
- 21 The ageing population and longer life expectancy, coupled with a trend towards people wishing to live in retirement villages that provide purpose-built accommodation, means that demand is continuing to grow. It is anticipated that 10

³ Jones Lang LaSalle, NZ Retirement Village Database White Paper, April 2018.

new large scale villages each year are going to be required across New Zealand, just to keep up with demand over the next 20 years.

Benefits of retirement villages

- 22 The principal benefit of retirement villages is that they provide appropriate accommodation and care for one of the most vulnerable sectors of our community. They allow older people to continue living in their established community, while down-sizing to a more manageable property (i.e. without stairs or large gardens). Residents also have easy access to care and other support services. Retirement village living also provides security, companionship and peace of mind for residents.⁴
- 23 The retirement village sector also produces broader benefits, including:
- 23.1 Retirement villages help to ease demand on the residential housing market and assist with the housing supply shortage in New Zealand. That is because growth in retirement village units is faster than growth in the general housing stock, and the majority of new villages are located in major urban centres.
- 23.2 Retirement villages are a significant proportion of the new dwellings constructed each year, particularly in growth areas such as Auckland. A large scale village releases approximately 300 houses back onto the market to be more efficiently used by families desperate for homes. To illustrate, retirement units are occupied by an average of 1.3 people per unit, compared to an average of 2.6 people per standard dwelling.
- 23.3 The sector employs approximately 19,000 people to support day-to-day operations. Over the next 7-8 years, approximately 9,500 new jobs will be created from construction of new villages. Retirement village construction is also expected to employ approximately 5,700 FTEs each year.⁵
- 23.4 The sector contributes around \$1.1 billion to New Zealand's GDP from day-to-day operations.⁶
- 23.5 The contribution of retirement village construction is also substantial. For example, a large scale new village will cost in the order of \$100-\$200 million to construct.

NPSUDC

- 24 Retirement villages help to achieve the objectives and policies set out in the NPSUDC. The key objectives of the NPSUDC seek:
- 24.1 Effective and efficient urban environments that enable people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing;
- 24.2 Urban environments that have sufficient opportunities for the development of housing and business land to meet demand, and which provide choices that will meet the needs of people and communities and future generations

⁴ PWC 'Retirement village contribution to housing, employment, and GDP in New Zealand' (March 2018).

⁵ Ibid.

⁶ Ibid.

for a range of dwelling types and locations, working environments and places to locate businesses; and

- 24.3 Urban environments that, over time, develop and change in response to the changing needs of people and communities.
- 25 In addition, the NPSUDC directs that decision-makers making “planning decisions” that affect the way and the rate at which development capacity is provided have particular regard to:
 - 25.1 The need to provide choices that will meet the needs of people and communities for a range of dwelling types and locations; and
 - 25.2 The promotion of the efficient use of urban land and development infrastructure.
- 26 Providing for retirement villages will clearly make a contribution to the national housing need, and in particular the changing needs of people and communities identified in the NPSUDC, by providing diverse accommodation options for the fastest growing age-group in our society in a highly efficient manner.

Resource management challenges

- 27 There are a number of unique challenges in planning for and constructing the necessary number of new retirement villages. Some of those challenges arise from:
 - 27.1 The desire of residents to “age in place” within their existing communities means that retirement villages need to be located in existing residential areas. However, large sites within existing residential areas are in very short supply, particularly in the main urban centres. This issue affects the amount of certainty that retirement village operators have on the pipeline of units that will become available to meet demand.
 - 27.2 The range of accommodation, care and amenities that need to be provided on one site result in a different format compared to traditional housing developments. Local residents near where new retirement villages need to be located, often do not support medium or high density retirement accommodation due to ‘nimbyism’.
 - 27.3 In addition, retirement village operators often face opposition through public submissions that their villages are a commercial or hospital activity or are not appropriate in a certain residential setting.
 - 27.4 Excessive financial and development contribution requirements, due to being based on demand from typical residential households and not the actual infrastructure demand generated by retirement villages. Councils are not always independent in assessing a fair and reasonable demand on infrastructure given the revenue implications.
 - 27.5 Retirement village development is often poorly provided for in district plans and not well understood by council officers. For example, bulk and location requirements often seek to uphold the existing character of neighbourhoods to the detriment of specialised land uses such as retirement villages. Urban design principles are often directed at standard residential development, and do not take account of the unique operational requirements of retirement villages.

- 28 The Standards provide an opportunity to address these challenges.

SUBMISSION ON THE STANDARDS

Residential units

- 29 The RVA notes that the requirement for a residential unit to include cooking facilities would mean that independent apartments within a retirement village would be considered a residential unit, but aged care rooms within a retirement villages would not. Aged care rooms provide sleeping, bathing and toilet facilities, but residents are provided with meals from the kitchen (generally in shared dining rooms).
- 30 While the RVA does not oppose the definition, it is important that it does not affect whether a retirement village as a whole is considered a residential activity. For example, given comprehensive care retirement villages contain a similar proportion of aged care rooms and retirement units, only about half of the village will consist of "residential units". It is critical that retirement villages are clearly identified as residential activities, otherwise retirement village operators could face increased community opposition when they seek to establish a village in a residential neighbourhood – on the basis that they are not considered to be residential in nature.
- 31 The amendments to the definition of "residential activities" and "retirement village premises" set out below will address this issue.

Residential activities

- 32 The term "residential activities" is used in the purpose statements for all of the residential zones.
- 33 The RVA generally supports the proposed definition of residential activity in the Standards, and in particular the use of the words "*primary purpose*" in that definition. Those words make it clear that residential activities may include some ancillary activities.
- 34 As noted above, retirement village operators often face opposition through public submissions that their villages are not appropriate in a residential setting due to the range of uses on site. It is therefore important for the Standards to send a clear signal to communities that retirement villages are part of the fabric of residential zones.
- 35 The RVA considers the proposed definition of residential activity should capture all retirement villages – as they are clearly places used by people for living accommodation. However, the RVA is concerned that the interpretation of this definition could be influenced by the definition of residential unit (as discussed above).
- 36 The RVA therefore requests the following amendments to the Standards:

36.1 Amend the definition of residential activity by either adding the phrase "*(including retirement villages)*" at the end of the definition; or

36.2 Amend the definition of retirement village premises to clarify that retirement villages are a residential activity.

Retirement village premises

- 37 The RVA opposes the proposed definition of "retirement village premises" in the Standards.

- 38 Although this definition is included in section 226A of the RMA, it is rarely used in RMA planning documents and is not fit for that purpose. The RVA considers this definition is overly broad and does not properly reflect the nature of current retirement villages. The consequences of the proposed definition could be extensive and unintended. It is important that the activities captured by the definition are sufficiently confined, to allow and encourage local authorities to include provisions in plans to enable the development of retirement villages.
- 39 This definition also uses the terminology, "*retirement village premises*" rather than "*retirement village*". The RVA considers that approach may have the perverse effect of encouraging local authorities to ignore the definition in the Standards, and use their own definition of "*retirement village*". That would fail to achieve the aim of reducing unnecessary variation between plans.
- 40 The RVA considers that a definition of retirement village needs to incorporate the following elements:
- 40.1 The two elements already included in the proposed definition:
- (a) Accommodation predominantly for persons in their retirement and their spouses or partners; and
 - (b) A complex of two or more units.
- 40.2 Two additional elements:
- (a) A registered retirement village under the RV Act or a rest home under the Health and Disability Services (Safety) Act 2001; and
 - (b) Other services or amenities offered on site, such as nursing, medical care, welfare, recreation and leisure, and other accessory non-residential activities.
- 41 All four elements are critical features of retirement villages. The statutory references are particularly important as those statutes provide important safeguards for residents. Practically speaking, including the statutory references in the definition also ensures that only reputable operators of retirement villages who provide a high standard of care and amenity for residents are included.
- 42 Some developers market their developments as retirement villages, but they are not in fact covered by the RV Act. It is appropriate that developments that are not subject to the RV Act statutory requirements are treated differently by RMA planning documents. Such developments are more likely to be akin to a typical residential development (eg higher average occupancy, standard residential building typologies, lack of statutory protections for residents, and ability to change use over time).
- 43 The RVA considers the definitions of retirement village in the Auckland Unitary Plan (AUP) and the Christchurch Replacement District Plan (CRDP) provide a starting point for a more fit for purpose definition in the Standards, as they have recently been through extensive public processes. There are however some differences between those definitions.
- 44 The RVA therefore requests the following definition of retirement village be included in the Standards:

Retirement village means any land, building or site that:

- a. Provides accommodation predominantly for persons in their retirement, or persons in their retirement and their spouses or partners; and
- b. Contains two or more units; and
- c. Satisfies either of the following:
 - i. it is registered as a retirement village under the Retirement Villages Act 2003 or will be so registered prior to it being occupied by any resident; or
 - ii. it is a rest home within the meaning of §58(4) of the Health and Disability Services (Safety) Act 2001; and
- d. may include any or all of the following facilities or services for residents on the site:
 - i. a care home within a retirement village;
 - ii. a hospital within a retirement village;
 - iii. nursing, medical care, welfare facilities and/or services;
 - iv. recreation and leisure facilities and/or services; or
 - v. Other accessory non-residential activities.

Retirement villages are a residential activity.

45 Supplementary definitions required are:

Care home within a retirement village means a facility providing rest home care within the meaning of the Health and Disability Services (Safety) Act 2001, or a home for the residential care of older persons and/or any land or buildings used for the care of older persons within a retirement village.

Hospital within a retirement village means any facility providing hospital care within the meaning of the Health and Disability Services (Safety) Act 2001 within a retirement village.

Other submission points

Time to implement the standards

- 46 The RVA supports the proposal for some local authorities to have additional time to implement the first set of Standards where they have recently undertaken a full planning process. The AUP and CRDP are particular examples, where the RVA and its members invested significantly in the relevant planning processes.
- 47 With such amendments, the RVA considers the first set of Standards will recognise the investment made by local authorities and submitters in relation to recent plan reviews, while still meeting the national consistency objective of the Standards.
- 48 Having said that, if the second set of Standards contains a bespoke planning framework for retirement villages, that should be implemented as soon as possible. Such a framework would have less consequential effect on planning documents than the first set of Standards, would be similar to the AUP and CRDP frameworks, and would provide a comprehensive regime for national consistency.

Definition of structure

- 49 The definition of structure in the Standards⁷ differs from the definition contained in the RMA⁸. The change from "which is fixed to land" to "which is fixed to or located

⁷ 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.

⁸ Means any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft.

on land” may have significant consequences by capturing temporary structures (such as scaffolding and container units). Those temporary structures will in turn be captured by rules that are intended to manage the effects of permanent structures.

- 50 The section 32 report recognises this issue but says it “*can be covered off through permitted activity rules if required... The disadvantage is that the rules will be longer but this is not considered to be a significant issue in electronic plans*”.⁹ However, the definitions contained in the Standards are mandatory directions, meaning the definition of structure will be included in planning documents without using the Schedule 1 process. The amendments to plan rules to respond to the definition of structure will however require a Schedule 1 process.

- 51 The RVA considers the definition of structure should only apply as the associated rule amendments have been made to plans.

NES Soil

- 52 The RVA supports the direction that district plans must not replicate the requirements of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (*NES Soil*). There is no need for such duplication and it can result in confusion.

Historic heritage

- 53 The RVA support the requirement for a district plan to contain a schedule that lists historic areas and sites, including a description of why or what in each area or site requires management and/or protection. That requirement should result in more certainty for plan users as to the values of historic areas and sites that are to be protected.

Noise and vibration

- 54 The RVA supports the requirement for district plan rules to be consistent with the New Zealand Standards for acoustics and the German Standard for construction vibration. Councils throughout New Zealand currently adopt different approaches to this matter, which is unhelpful and can lead to debate and the need for expensive specialist inputs.
- 55 The Standards refer to specific New Zealand/German Standards and do not encompass any updates. Just as the consultation document notes that RMA plans may become out of date, it may be necessary for new National Planning Standards to be produced each time the New Zealand/German Standards are updated. While that approach is appropriate, it will require ongoing monitoring by the Ministry for the Environment.

SECOND SET OF STANDARDS – A RETIREMENT VILLAGE FRAMEWORK

- 56 The RVA also notes the very limited scope of the first set of Standards. It notes the Ministry’s intention that the second set of Standards will include more substantive matters.
- 57 The RVA submits that a bespoke planning framework for retirement villages, endorsed by the industry, should be included in that second set. Based on experience in Auckland and Christchurch, the necessary planning regime for retirement villages is well-understood and the provisions well tested. The National

⁹ Evaluation Report Proposed National Planning Standards – Definitions, pages 125-126.

Planning Standards provide a real opportunity for national consistency to be achieved for an industry where there is a critical accommodation shortage and vulnerable people involved.

- 58 A bespoke planning framework for retirement villages is considered to be necessary and justified for the following reasons:
- 58.1 The ageing population and the under-supply of appropriate care and accommodation is a key resource management issue;
 - 58.2 There is substantial demand for retirement villages, and the undersupply has reached crisis level;
 - 58.3 Providing for retirement villages is an important component of addressing the housing shortage more broadly as they free up large numbers of existing houses (as residents move into the villages from traditional homes);
 - 58.4 Retirement villages are different to other residential developments. They are comprehensive, offer a range of housing options and on-site recreation and leisure amenities, and are generally large format and medium-high density;
 - 58.5 Retirees have different needs and motivations than the general public. Retirement village residents wish to "age in place" (ie in their existing communities) and are often not highly mobile;
 - 58.6 Retirement villages are regulated under the Retirement Villages Act 2003, which contains a wide array of requirements focused on protecting the rights of residents;
 - 58.7 Retirement village operators generally own and actively manage their sites, and therefore have long-term interests;
 - 58.8 The types of environmental effects that can occur from retirement villages are well understood and tested;
 - 58.9 The framework would support the implementation of the NPSUDC; and
 - 58.10 Planning provisions for retirement villages have unnecessary variation. This local variation is not driven by any particular local issues. Local variation means that plan making and interpretation is unnecessarily costly and time-consuming for local authorities and the retirement village industry.
- 59 The recently completed AUP and CRDP provide a good starting point for a bespoke framework for retirement villages that would apply across New Zealand.
- 60 The RVA has considered the AUP, CRDP, and other plans, and experience of operators under those documents, and has prepared an objective, policy and rule framework for retirement villages. It considers the framework enables retirement villages in all zones where residential activities are anticipated, while appropriately managing their effects. It is appropriate to apply across New Zealand. The RVA wishes to discuss this framework with Ministry for the Environment officials further. It can also provide further information as needed.
- 61 Another matter that the RVA considers could usefully be addressed in future sets of Standards is consistency in the structure of resource consents. The structure of consents varies significantly across the country, with no justification for those

differences. A standard structure would assist retirement village operators who construct and operate villages across the country.

DEVELOPMENT CONTRIBUTIONS

- 62 Although not part of the first set of the Standards, it is noted that development contributions are closely linked to RMA processes, and have a major impact on development feasibility and housing production. The RMA and Local Government Act 2002 (LGA) regimes can overlap in terms of terminology used. Further, the impact of a development on community facilities and infrastructure is typically assessed and determined at the resource consent stage (eg the need for new local parks, roads or stormwater infrastructure). These items are often framed as RMA mitigation, but are also directly relevant to the demand placed on Council services for development contributions purposes.
- 63 However, the LGA and RMA regimes are unhelpfully disconnected. This mean that RV operators are often faced with councils leveraging community facilities through the RMA process, without credit being given at the development contributions payment stage. This gives rise to unfair and inequitable outcomes, disputes, and uncertainty.
- 64 The RVA considers the Government needs to consider the Standards and new planning regimes in parallel with related development contributions charging regimes. This will ensure fewer unintended consequences and more certainty for all parties.
- 65 The RVA would like to discuss these interface issues with you further.

CONCLUSION

- 66 RVA appreciates the opportunity to submit on the Standards. It looks forward to engaging constructively with the Ministry for the Environment to ensure the first set of Standards are fit for purpose, and with a view to the second set of Standards. The RVA would appreciate an opportunity to meet with officials to discuss this submission.

APPENDIX 1 – AMENDMENTS SOUGHT BY THE RVA

Additions are underlined, and deletions are ~~struck through~~

CM-1: Draft Definitions standard

...

Term	Definition
residential activity	means the use of land and buildings by people for the primary purpose of living accommodation <u>(including retirement villages)</u>
retirement village premises	~~has the meaning as in section 226A of the RMA (as set out in the box below)~~ ~~means premises (including any land and associated buildings) within a complex of premises for occupation as residences predominantly by persons who are retired and any spouses or partners of such persons~~ <u>Retirement village means any land, building or site that:</u> a. <u>Provides accommodation predominantly for persons in their retirement, or persons in their retirement and their spouses or partners; and</u> b. <u>Contains two or more units; and</u> c. <u>Satisfies either of the following:</u> i. <u>it is registered as a retirement village under the Retirement Villages Act 2003 or will be so registered prior to it being occupied by any resident; or</u> ii. <u>it is a rest home within the meaning of s58(4) of the Health and Disability Services (Safety) Act 2001; and</u> d. <u>may include any or all of the following facilities or services for residents on the site:</u> i. <u>a care home within a retirement village;</u> ii. <u>a hospital within a retirement village;</u> iii. <u>nursing, medical care, welfare facilities and/or services;</u> iv. <u>recreation and leisure facilities and/or services; or</u> v. <u>Other accessory non-residential activities.</u> <u>Retirement villages are a residential activity.</u>
Care home within a retirement village	<u>means a facility providing rest home care within the meaning of the Health and Disability Services (Safety) Act 2001, or a home for the residential care of older persons and/or any land or buildings used for the care of ~~older~~ persons within a retirement village.</u>
Hospital within a retirement village	<u>means any facility providing hospital care within the meaning of the Health and Disability Services (Safety) Act 2001 within a retirement village.</u>

From: Sharon Brunton
To: [Planning Standards Mailbox](#)
Subject: SUBMISSION – DRAFT FIRST SET OF NATIONAL PLANNING STANDARDS
Date: Friday, 17 August 2018 4:57:06 PM

Name: Sharon Brunton

Address:

Road

Phone:

Email:

Submitter type: Individual

CM-2: Draft noise and vibration metrics standard

1. This is a submission in relation to the CM-2: Draft noise and vibration metrics standard.
2. The submitters are involved in proceedings with Auckland Council and others concerning the correct approach to the assessment of impulsive sound from gunfire.
3. The purpose of the submission is to address apparent confusion in the draft standard in relation to the measurement and assessment of impulsive sound such as gunfire and blasting, which are characterised as a peak sound

level (with the descriptor L_{peak}). Impulsive sounds are not properly assessed and measured by applying a rating level expressed in L_{eq} (for a continuous steady sound) or L_{max} in NZS 6802:2008 as implied in paragraph 4 of the draft standard.

4. Paragraph 3 of the draft standard states:

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

5. Paragraph 4 of the draft standard states:

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

6. At least as it relates to impulsive sound, paragraphs 3 and 4 of the draft standards appear to be in conflict. This is because for impulsive sound such as gunfire or blasting (impulsive sound being transient sound having a peak level a very short duration, typically less than 100 milliseconds) should be described by the measurement of its peak level as indicated by the descriptor L_{peak} (refer clause 8.6, New Zealand Standard 6801:2008).

7. In comparison, the descriptor for a continuous steady sound is the L_{eq} which is a time average level i.e. L_{eq} is 'a different thing' from the peak level.

8. The assessment and determination of the rating level (as expressed in L_{eq} with adjustments for duration and special audible characteristics) and L_{MAX} in New Zealand Standard 6802:2008 will only be applicable and relevant if the type of sound is generally within the scope of NZS 6801:2008 and NZS 6802:2008.

9. Impulsive sound (gunfire and blasting) is generally outside the scope of NZS 6802:2008 (refer clause 1.2 NZS 6802:2008).

10. An (unintended) implication from the current drafting to the draft New Zealand standard may be a possible interpretation that gun clubs in New Zealand are subject to the assessment criteria requiring the calculation of a rating level (in L_{eq}) and the application of L_{MAX} - when these are not the correct descriptors for impulsive sound.

11. It is submitted that it would not be logical to have a plan rule or draft national standard implying that emission of impulsive sound is to be assessed in a manner consistent (per paragraph 4 of the draft standards) with section 6 Rating Level and section 7 L_{MAX} in New Zealand Standard 6802:2008 Acoustics

– Environment Noise – when L_{eq} and L_{max} are not applicable to the assessment of impulsive sound.

It is important to ensure validity of any draft standard that the draft standard not “overreach” the application of a rating level to types of sounds (such as gunfire and blasting) not intended to be addressed by the descriptors L_{eq} or L_{max} .

12. In the New Zealand context in *Brooks v Western Bay of Plenty District Council*, the Environment Court expressly recognised (based on expert evidence) that general amenity noise standards in New Zealand Standard 6802:2008 were not applicable to impulsive noise. ^[1]

Outcome sought

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

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

14. The submitter requests to be heard in relation to this submission.

Date: 17 August 2018

Sharon Brunton

Name: David Brunton

Address: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

Submitter type: Individual

CM-2: Draft noise and vibration metrics standard

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11. It is submitted that it would not be logical to have a plan rule or draft national standard implying that emission of impulsive sound is to be assessed in a manner consistent (per paragraph 4 of the draft standards) with section 6 Rating Level and section 7 L_{MAX} in New Zealand Standard 6802:2008 Acoustics – Environment Noise – when L_{eq} and L_{max} are not applicable to the assessment of impulsive sound.

It is important to ensure validity of any draft standard that the draft standard not "overreach" the application of a rating level to types of sounds (such as gunfire and blasting) not intended to be addressed by the descriptors L_{eq} or L_{max} .
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14. The submitter requests to be heard in relation to this submission.

Date: 17 August 2018

David Brunton

17th August 2018

Ministry of the Environment
planningstandards@mfe.govt.nz

NATIONAL PLANNING STANDARDS IMPLEMENTATION TIMEFRAME

To whom it may concern,

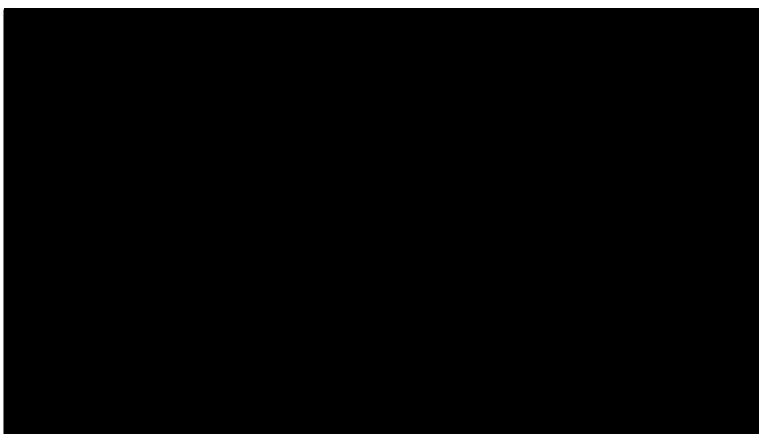
This letter is in regards to the National Planning Standards, in particular the timeframes that Councils have to implement the planning standards.

Whakatāne District Council would like to request that the criteria for implementation extensions be reconsidered to include when the council has made its plan operative between April 2016 and April 2019. This is considered appropriate as changes are still being made during the decisions version process, and that the 10 year review starts from when the plan is operative under section 79 of the Resource Management Act, 1991.

Whakatāne District Council's district plan was made operative June 2017 and therefore would be considered under the timeframe extension of 7 years.

We appreciate your consideration on this matter.

Yours sincerely,



20 August 2018

Planning Standards
Ministry for the Environment
PO Box 10362
WELLINGTON 6143

planningstandards@mfe.govt.nz

Attention: Jack Clifford

DRAFT NATIONAL PLANNING STANDARDS – SURVEY AND SPATIAL NEW ZEALAND SUBMISSION

Thank you for the extension of time to 20 August 2018.

Who are we?

Survey and Spatial New Zealand (S+SNZ, formerly the New Zealand Institute of Surveyors) represents surveyors and spatial professionals. We are a stakeholder across a wide range of government policy areas and the sector including housing development, land subdivision, construction, infrastructure, spatial information and resource management. Our members are lead professionals for the delivery of residential developments and subdivisions and are involved from the beginning of feasibility investigations and concept plan development. They manage the resource consent process and often control the subdivision construction process through to subdivision acceptance and the creation of new titles.

What does our submission cover?

Our submission includes a general comment about Structure Standards (but not the detailed standards themselves), and greater input on Form Standards and the Definitions Content Standard.

S+SNZ expects to have greater input in future sets of planning standards that are content-based and to which our members' can contribute their expertise.

Structure Standards - General Comment

S+SNZ welcomes the introduction of national planning standards. Many of our members work across a number of local and regional councils and the removal of any unnecessary variation in RMA planning documents will enhance efficient and cost-effective provision of services by our members to their clients.

However, S+SNZ is concerned at the extraordinarily long timeframe for implementation of the standards, which is five years for most standards and most councils. S+SNZ urges a return to the original time frame of one year (and certainly no more than two years) from gazettal for all planning standards in order to realise the benefits of national standardisation to users.

Form Standards

Electronic accessibility and functionality

S+SNZ supports the one-year implementation timeframe for baseline electronic accessibility and functionality.

ePlan requirement

S+SNZ supports the requirement for ePlans that are fully interactive, hyperlinked plans located on a website with an embedded GIS system. We strongly support the requirement to make datasets publicly available in NZVD2016 (F-1, Table 18, Data Standard 14). Local authorities should start working on converting all their datasets now, so all are on a common platform at implementation time thus allowing diverse spatial datasets to be correctly correlated and compared within a consistent framework.

S+SNZ would like to see a shorter implementation timeframe than five years or seven years (for councils that recently notified the decisions version of a plan). Given that only 22 percent of councils already have an EPlan or are currently developing one, it will be a long time before the benefits are realised. We would like to propose that larger councils be required to have an ePlan within two years, and that a timetable be set for smaller councils according to their means and broadband capability (but which is within five years). This would mean rolling implementation of the ePlan requirement with priority given to areas where benefit realisation is likely to have the greatest impact.

Mapping & Spatial Planning Tools

S+SNZ supports standards for display of spatial information on maps and spatial (region and district) planning tools but, again, the implementation timeframe of five to seven years is considered to be too long. Ensuring consistency of data format will enhance data integration, reusability and value.

From the spatial perspective, what does not appear to be covered in this set of national planning standards, is providing digital delivery standards and requirements for data handover. Consistent data format/standards nationally (including metadata/attribution standards) can vastly improve discoverability and re-use of data, and support an integrated and 'smart' national planning system rather than having this information treated in silos. This will enable better inter-regional collaboration, a much richer national overview, and more informed decision-making capabilities at multiple levels. S+SNZ urges that this be a priority for the development of the next set of national planning standards.

Definitions Content Standard

Drafting principles

S+SNZ generally supports the principles but urges their consistent application and also expansion to include cross-references to relevant definitions in other legislation if RMA terms and definitions are going to be included by way of cross-referencing.