

National Planning Standards – overview of submissions and upcoming briefings



Date Submitted:	27/09/2018	MfE Tracking #: 2018-B-04923 DOC Tracking #: 18-B-1165
Security Level	Unclassified	MfE Priority: Non-Urgent

	Action sought:	Response by:
To Hon David Parker, Minister for the Environment	To note	27/09/2018
To Hon Eugenie Sage, Minister of Conservation	To note	27/09/2018

Actions for Minister's Office Staff	Return the signed briefing to MfE and DOC.
Number of Attachments 2	Titles of attachments: 1. Purpose of future briefings and indicative dates 2. List of submitters by alphabetical order
Note any feedback on the quality of the report	

Ministry for the Environment contacts

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Director	Lesley Baddon	021 738 357	

Department of Conservation contacts

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National Planning Standards – overview of submissions and upcoming briefings

Key Messages

1. This briefing updates you on submissions received on the draft first set of National Planning Standards (referred to as 'Planning Standards') and provides an overview of upcoming briefings.
2. A total of 199 submissions were received. The submissions were comprehensive and constructive, and represented interests from a wide range of sectors, including business/industry, councils, iwi and individuals.
3. This briefing highlights the main matters raised in submissions. Future briefings will provide you with our analysis and advice on specific matters identified.
4. From our initial analysis we have identified matters that will require more effort to resolve and where it might be constructive to rethink our approach. To support this, we will facilitate some workshops with submitters on technical planning issues where differences in perspectives or outcomes were sought.
5. We will provide you with a series of briefings over the next six months as we work towards gazettal of the Planning Standards by 18 April 2019, including:
 - two briefings seeking your direction on matters you have previously expressed particular interest in:
 - zone framework and spatial planning tools - early October 2018
 - implementation policy and e-plans - early November 2018
 - in-principle policy decisions on all other matters raised in submissions to support the final stages of drafting of the Planning Standards (mid-December 2018)
 - the final briefing in February 2019 which will include a draft Cabinet paper, the Planning Standards, section 32AA report and recommendations report.

Recommendations

Minister for the Environment and Minister of Conservation

6. We recommend that you:
- a. **Note** the main submission matters raised.
 - b. **Note** the dates you will receive briefings that seek your direction and/or decisions to achieve gazettal of the Planning Standards by 18 April 2019.

Signature



Liz Moncrieff
Manager – National Planning Standards
Ministry for the Environment



Luisa Kliman
Manager
Department of Conservation

Hon David Parker
Minister for the Environment

Date

Hon Eugenie Sage
Minister of Conservation

Date

National Planning Standards – overview of submissions and upcoming briefings

Supporting material

Purpose

1. This briefing updates you on matters arising from submissions received on the draft first set of National Planning Standards (referred to as 'Planning Standards').
2. The briefing summarises the most significant submission points, including matters we will progress with submitters through workshops. The briefing also outlines the joint briefings the Ministry for the Environment (MfE) and Department of Conservation (DOC) will provide to you and actions required from these, to achieve gazettal of the Planning Standards by 18 April 2019.

Context

3. The Planning Standards were publicly notified on 6 June 2018 under Section 58D of the Resource Management Act 1991 (RMA), allowing a 10 week period for submissions to 17 August 2018.
4. A total of 199 submissions were received (refer appendix 2 for a list of submitters). The submissions represent interests from a wide range of sectors. The majority were from business/industry (68) and councils (56¹), with the remainder from individuals (26), iwi (15), "other organisations"² (15), central government (7), non-government organisations (8) and professional bodies (4).
5. We have reviewed the submissions and identified the main topics requiring further exploration with stakeholders. Based on this review, we have also identified policy matters we will need to seek direction and agreement from you on, which will be the subject of future briefings.

Overview of submissions

6. Approximately two-thirds of submissions indicated support for the Planning Standards, including support in principle and support in part. Approximately 10 per cent opposed the Planning Standards. Nearly 20 per cent did not specifically indicate their stance.
7. The submissions were comprehensive and constructive. Almost all submissions requested changes, mostly focussed on improving the Planning Standards' workability. Amendments ranged from overarching comments on the structure of regional policy statements and combined, regional and district plans, through to technical amendments on individual standards such as definitions. A significant number of submissions also commented on implementation matters. Some submission points can be easily accommodated but others are more complex with conflicting views expressed.

¹ A total of 57 councils were represented in the submissions. Some councils prepared joint submissions and some councils were represented by more than one submission. Local Government New Zealand also submitted on behalf of councils.

² "Other organisations" included the Environment Court, district health boards and environmental/resource management consultancies.

8. The common position of the main sectors were:

- Councils generally provided in-principle support. Their main concerns were on the complexities of applying the changes to their plans, particularly determining what changes could be undertaken without the Schedule 1 process.³ Some councils supported the implementation timeframes, but most requested they be increased to match their plan review cycle. Most unitary councils expressed concern with the combined plan structure. The greatest concern for small councils was whether they would have the capacity or funds to implement electronic plan (e-plan) requirements.
- Business/industry expressed support for the consistency and efficiencies the Planning Standards would bring. Their most common concern was the potential to re-litigate provisions for their activities through the Schedule 1 process.
- Iwi generally supported the Planning Standards and tangata whenua structure standard. The most common concern was to ensure Māori values/perspectives are integrated throughout regional policy statements and plans.

Structuring plans for integrated management

9. Many submissions sought greater flexibility to structure regional policy statements, combined plans and regional plans for integrated management. Submissions from councils, practitioners and industry expressed concern that the separation of regional policy statement and plan matters into discrete themes or chapters would not cater well for integrated management of natural and physical resources. This was considered particularly important for managing the coastal environment, incorporating Māori values/perspectives, and across combined plans. Submissions requested greater flexibility to allow overlapping issues to be addressed efficiently and avoid repetition of content.

Submissions requested better provision for addressing coastal issues

10. Submissions raised concern at the lack of a clear “home” for regional coastal plans and matters relevant to the coastal marine area and the coastal environment (including the terrestrial component of the coastal environment). Without this “home”, submitters were unsure how existing plan content on the coastal environment could be restructured to comply with the Planning Standards’ structure, given that it spans many topics. Operative regional policy statements and plans often address coastal issues in an integrated way.

11. Suggested amendments included providing councils with guidance and greater flexibility in the Planning Standards, the inclusion of a separate Coastal Marine Area chapter, and the inclusion of a coastal zone and associated spatial planning tools. Unitary authorities specifically requested the ability to continue to manage the coastal environment in a comprehensive manner.

Unitary authorities sought an option for combined plans to retain their streamlined structure

12. Some unitary authorities requested that the combined plan structure be reconsidered to provide an option for a more integrated approach. They expressed concern with the combined plan structure, as it requires separate parts for regional policy statements, regional plans and district plans. They requested that a streamlined structure they have developed, which consolidates provisions, should be available as an option to implement.

Urban growth

13. Central government, councils and business/industry noted that the Planning Standards’ structure should explicitly provide for urban growth to enable infrastructure, land use and

³ The Schedule 1 process refers to the process set out in Schedule 1 of the RMA that councils are required to follow when they develop or amend a policy statement or plan, including public notification and a call for submissions.

urban growth to be addressed in an integrated way, separate from the broader 'land' theme.

Structure and format standards

14. In addition to the most significant structure matters described above, many submissions requested general technical changes to emphasise or clarify specific topics in regional policy statements and plans. These requests included a strategic direction chapter in regional plans, new themes such as rural environment, tangata whenua, electricity generation and geothermal, and changes to the rule format tables.

The zone framework and spatial planning tools for district plans

15. The standards that establish the zone framework and spatial planning tools were mostly supported, provided their function is clear and adaptable for local contexts.
16. Some submitters questioned whether limiting the number of zones and using spatial planning tools would make plans easier to use. For example, Christchurch City Council and Auckland Council suggested more zones are required to accommodate the needs of large, complex urban communities.
17. Councils considered the zone purpose statements to be either too narrow or too broad, and submissions varied as to whether purpose statements should be included in the standard or provided as guidance. The difference between 'rural' and 'rural production' zones, and relationships between zones, overlays and precincts were a cause of confusion. You will receive a briefing on these issues shortly, along with our initial advice on how to resolve the issues raised.

Implementing the Planning Standards

18. The Planning Standards represent a significant change to current practice. The number of submissions on implementation matters reflects this significance.

Determining which changes go beyond consequential amendments, and using a Schedule 1 process to change regional policy statements and plans, will be costly, resource intensive and may create risks

19. One of the most common matters raised in submissions was the cost, resources and potential risks associated with determining which changes to regional policy statements and plans go beyond consequential amendments, and also progressing some changes through the Schedule 1 process.
20. Councils were concerned that they may be challenged if they choose not to use a Schedule 1 process. The Resource Management Law Association (RMLA) noted that the Environment Court's jurisdiction to determine what constitutes a consequential amendment using the RMA declaration provisions is unclear. It suggested consideration be given to amending section 310 of the RMA to ensure the Environment Court has these powers.
21. Submissions from business/industry, councils and professional bodies were concerned that where a Schedule 1 process was required, this creates potential to re-litigate provisions that have only recently been finalised. Submitters provided examples of the lengthy and costly processes they have recently been through to finalise zones and definitions in the Auckland Unitary Plan and Christchurch City Plan.

Timeframes and the associated costs for implementing the Planning Standards received the greatest number of submissions on a single issue

22. Councils generally appreciated the longer timeframes specified in the Planning Standards, compared to those specified in the RMA. However, the implementation timeframes still attracted the most submissions on a single issue.

23. While some councils supported the timeframes (generally where it aligned with their plan review cycle), most council submitters requested they be increased to 10 years or to align with their plan review cycle, especially for the definitions standard.
24. Longer timeframes were also sought to allow regional policy statements to be amended before regional and district plans.
25. Councils with fewer ratepayers to bear costs requested financial support to implement the standards.

There was general support for electronic accessibility and e-plans, but the costs and timeframes were identified as a particular challenge for smaller councils

26. There was general support for the electronic accessibility and e-plan standards, particularly from business/industry, noting that these standards would increase accessibility to planning documents and efficiencies in planning processes. Submissions requesting changes were focussed on specific technical requirements and implementation matters.
27. The cost of developing e-plans for councils with smaller rating bases was the most common concern. Councils requested central government support for implementing and maintaining e-plans, such as a national tender process to select e-plan provider(s), identifying suitable software/platforms, meeting costs for smaller councils, and assisting adjoining councils to share the same software/platform.

The Ministry will facilitate multi-stakeholder submitter workshops on planning issues where there are differing perspectives or outcomes sought

28. During October, the Ministry will facilitate multi-stakeholder workshops on the more complex planning issues, where differences in perspectives or differences in outcomes sought are identified from the submissions. The workshops will provide a forum for relevant submitters to discuss the range of views and identify technical planning solutions.
29. We anticipate the workshop topics will cover areas such as regional and combined plans, zones and spatial planning tools, and e-plans.
30. We will also hold a workshop with iwi to discuss the tangata whenua structure standard and Māori perspectives on the Planning Standards.

Decision-making steps to achieve gazettal by 18 April 2019

31. Officials from the Ministry for the Environment and Department of Conservation will provide you with a series of briefings over the next six months. The purpose of these briefings is to ensure you have sufficient information to make decisions to achieve gazettal by 18 April 2019.
32. Appendix 1 sets out the purpose of each briefing, an indicative date it will be with your office, and the action sought.
33. The first two briefings will seek your direction on specific matters: spatial planning tools and zone framework (early October 2018) and implementation policy and e-plans (early November 2018).
34. The next briefing will seek in-principle policy decisions to confirm the final drafting of the Planning Standards (mid December 2018).
35. The final briefing will include a draft Cabinet paper, the finalised Planning Standards, section 32AA report and recommendations report. It will be provided to you in mid-February 2019.

Consultation and Collaboration

36. This briefing was prepared by the Ministry and reviewed by the Department of Conservation.

Risks and mitigations

37. There are no risks or mitigations associated with the content of this briefing.

Legal issues

38. No legal issues have been identified.

Financial, regulatory and legislative implications

39. There are no financial, regulatory or legislative implications in relation to this briefing.

Proactively released

Appendix 1 – Purpose of future briefings and indicative dates

Joint briefing – submission update and future briefings

Purpose: To update Ministers on the main matters raised in submissions, matters the Ministry will workshop with submitters, and future briefings prior to gazettal.

Date you will receive it: **27 September 2018** Action sought: **To note**

Current briefing

Joint briefing – spatial planning tools and zone framework

Purpose: To seek early direction on the zoning and spatial planning tools. The briefing will describe the main submission points and options for amending the draft standards.

Date you will receive it: **early October 2018** Action sought: **Direction**

Joint briefing – implementation policy and e-plans

Purpose: To seek early direction on options for supporting councils to implement the Planning Standards, including e-plans. The briefing will describe the main submission points and options for potential exemptions from implementation.

Date you will receive it: **early November 2018** Action sought: **Direction**

Joint briefing – main briefing to confirm drafting of Planning Standards

Purpose: To seek in-principle policy decisions on recommendations on all other matters raised in submissions to confirm final drafting of Planning Standards.

Date you will receive it: **mid-December 2018** Action sought: **Decisions**

Joint briefing – final briefing including draft Cabinet paper

Purpose: To seek decisions on the final documents (drafting of the Planning Standards and approval of the s32AA report, recommendations report and Regulatory Impact Statement) and the draft Cabinet paper.

Date you will receive it: **mid-February 2019** Action sought: **Decisions**

18 April 2019
National Planning Standards gazetted



Appendix 2 – List of submitters by alphabetical order

Submitter	Submitter
2degrees	Aaron & Michelle Gray
Aaron Gray	ACI Operations New Zealand Limited
AgResearch Limited	Allison Tindale
Andrew Cave	Angela Crang
Anthony Edmund O'Brien	Arvida Group Limited
Atlas Concrete Limited	Auckland Council
Ballance Agri-Nutrients Limited	Bathurst Resources Limited
Bay of Plenty Regional Council	Beca Ltd
Bill Woods	Brian Mahon
Brookby Quarries Limited	Buller District Council
Bunnings Limited	Canterbury District Health Board
Canterbury Mayoral Forum	CDL Land NZ Ltd
Central Hawkes Bay District Council	Central Otago District Council
Christchurch City Council	Christchurch International Airport Limited
CivilPlan Consultants Limited	Clarke Group Management Limited
Clinton and Renee Davies	Clutha District Council
Contact Energy Ltd	Cottages NZ
Crispin Caldicott	David Brunton
Department of Corrections	Dunedin City Council
Elise Cheryl Suzanne Purdie	Environment Canterbury
Environment Court	Environmental Noise Analysis and Advice Service
Far North District Council	Federated Farmers of New Zealand Incorporated
Fire and Emergency NZ	Fonterra Limited
Forest and Bird	Forest Owners Association
Fulton Hogan Limited	Genesis Energy Limited
Gerard Hoyle	Gisborne District Council
GlobePlanning	GNS Science
Greater Wellington Regional Council	Greenwood Roche
Hamilton City Council Staff	Harrison Grierson Ltd
Hastings District Council	Hauraki District Council
Heritage New Zealand Pouhere Taonga	Horizons Regional Council
Horowhenua District Council	Horticulture New Zealand
Housing New Zealand Corporation	Hutt City Council
ICOMOS New Zealand	Independent Māori Statutory Board
Isovist Limited	Ivana Parri

Submitter	Submitter
J Swap Contractors Limited	Janeen Schepe
Joint Southland Councils' Technical Submission	Joseph Bryant Henley
Kapiti Coast District Council	Kawerau District Council
Kennerley Consulting Ltd	Kiwi Property Group Ltd
KiwiRail Holdings Ltd	Land Information New Zealand
Local Government New Zealand	Lyttelton Port Company Limited
Manawatu District Council	Marlborough District Council
Marshall Day Acoustics	Matamata-Piako District Council
Mercury NZ Limited	Meridian Energy Limited
Michael West	Michelle Gray
MidCentral Public Health Service	Ministry of Social Development
Morphum Environmental Ltd	Napier City Council
Nelson City Council	Nelson Marlborough Health (Nelson Marlborough District Health Board)
New Plymouth District Council	New Zealand Airports Association
New Zealand Institute of Landscape Architects	New Zealand Motor Caravan Association
New Zealand Planning Institute	New Zealand Pork Industry Board (NZPork)
New Zealand Wind Energy Association	Ngai Te Rangī
Ngāti Kahungunu	Ngati Whatua Orakei Whai Rawa Ltd
Northland Regional Council	NZ Arboricultural Association Ltd
NZ Geothermal Association	NZ Telecommunications Forum Inc
NZ Transport Agency	OBD Consultants Ltd
Oceana Gold (New Zealand) Limited	Opotiki District Council
Otago Regional Council Submission	P Rene on behalf of Ngati Toa ki Whakatu
Palmerston North City Council	Papa Pounamu ki Te Upoko o Te Ika (Papa Pounamu) and Taranaki Whānui ki Te Upoko o Te Ika (Taranaki Whānui).
Perception Planning Ltd	Petroleum Exploration and Production Association of New Zealand
Porirua City Council	Poultry Industry Association of NZ
Powerco Limited	PrefabNZ
Property Council New Zealand	PSPIB/CPPIB Waiheke Inc (PSPIB/CPPIB), AMP Capital Shopping Centres Pty Limited (AMP), and Stride Property Limited (Stride)
Queenstown Lakes District Council	Radio New Zealand Limited
Rafael Krzanich	Rangitikei District Council
Ravensdown Limited	Resource Management Law Association
Resources Consulting	Retirement Villages Association of New Zealand
Roderick Francis David Aldridge	Rotorua Lakes Council

Submitter	Submitter
Rural Contractors New Zealand Incorporated	Scott Hugh Purdie
Selwyn District Council	Sharon Brunton
Soil and Health Association of New Zealand	South Taranaki District Council
Southern Cross Hospitals Limited	Southland Shared Services Chief Executives' Subcommittee
Spark Trading New Zealand Limited	Straterra
Sunshine Homes & Cabins Limited	Survey and Spatial New Zealand
Synlait Milk Ltd	Taranaki Regional Council
Tasman District Council	Tatua Co-operative Dairy Company Ltd
Taupo District Council	Tauranga City Council
Te Arawa River Iwi Trust	Te Korowai o Ngāruahine Trust
Te Rūnanga o Ngāi Tahu	Te Runanga o Ngati Awa
Te Runanga o Ngati Kuia Trust	Te Runanga o Ngāti Ruanui Trust
Te Whakakitengao Waikato Incorporated	Tegel Foods Ltd
Thames Environmental Consultancy	The Fertiliser Association of New Zealand
The Maniapoto Māori Trust Board	The National Trading Company of New Zealand Ltd
The New Zealand Law Society	The Oil Companies (Mobil Oil New Zealand Limited, Z Energy Limited, BP Oil New Zealand Limited)
The Southern District Health Board	The Urban Engineers Ltd
The Waitakere Ranges Protection Society Incorporated	Tony O'Brien
Tramco Group Ltd	Treecology Tree Consultancy
Trustpower Limited	Tūwharetoa Māori Trust Board
Upper Hutt City Council	Urban Design Forum New Zealand
Vector Limited	Vipassana Foundation Charitable Trust Board and Keep the Peace Makarau Valley Incorporated
Vodafone New Zealand Limited	Waikato District Council
Waikato Regional Council	Waikato River Authority
Waimakariri District Council	Waipa District Council
Waitomo District Council	WasteMINZ
WEL Networks	Wellington City Council
Wellington Electricity Lines Limited	West Coast Regional Council
Western Bay of Plenty District Council	Whakatāne District Council
Whanganui District Council	Whangarei District Council
Whetu Consultancy Group	Winstone Aggregates
Woolworths New Zealand Limited	