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15 August 2018

Submission on the Draft National Planning Standards

This submission on the Draft National Planning Standards is from Whetu Consultancy Group. We are a business and environmental management consultancy that provides strategic and planning services to private and public sector clients throughout New Zealand. We have a team of skilled and knowledgeable professionals, with our primary expertise being in resource management planning and policy, research, and implementation of processes and practices to incorporate Maaori values and perspectives (including maatauranga Maaori) in resource management frameworks.

Attached to this cover letter is our submission. In summary, we support the intent of the first set of National Planning Standards so that RMA Planning documents are easier to make and use, whilst also consistent between planning documents. However, we have expressed some concern that we believe needs further consideration by the Ministry, these are:

- The ability or flexibility to change references/text/tables within the “National direction instrument” section of Part 1 without going through a full public consultation process
- Recognising Treaty of Waitangi settlement legislation in Part 1, and separate from Part 2
- Use of a glossary for Māori terminology

The expectation is that Whetu Consultancy Group will continued to be informed or involved in any amendments to the document as stated in this submission.

Thank you for the opportunity

Kind regards



James Whetu

Director

Whetu Consultancy Group

[REDACTED]

[REDACTED]



Draft first set of National Planning Standards

SUBMISSION FORM

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

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

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

Making a submission

You can provide feedback in three ways:

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

Publishing and releasing submissions

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

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

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

Submission form

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

Contact information

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

* 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

For clarity of this submission and its support, it is understood that the first set of National Planning Standards are:

- structure and form for plans,
- definitions
- requirements for electronic functionality and accessibility of plans
- spatial planning tools,
- zone framework
- mapping, and
- metrics

We recognise that these are part of the “core structural elements” of an RMA planning documents, and the potential of planning standards to make plans easier to develop and use.

It was noted also that future standards would at other matters as identified in page 14 of the Consultation Document. It is suggested that consideration of activity status categorisations when activities do not as an additional topic to be investigated

The matters where there is some concern is where it relates to national direction instruments, Treaty of Waitangi settlement legislation, and the use of a glossary for Māori terminology. These have been addressed in the appropriate sections of the submission document.

Additionally, other matters to consider is the implementation of mandatory and discretionary directions in a manner that enables changes/amendments to RMA planning documents within sections of each Part/chapter. Further discussion on this matter is outlined in the submission document.

Overall, we see the benefits of national planning standards to achieve, in its capacity, the purpose of the Resource Management Act 1991.

2. S-RPS: Regional policy statement structure standard

Support in part

Where there are concerns that need further consideration are:

- The ability or flexibility to change references/text/tables within the “National direction instrument” section of Part 1 without going through a full public consultation process
- Recognising Treaty of Waitangi settlement legislation in Part 1, and separate from Part 2
- Use of a glossary for Māori terminology

These points are explained further in section 6 of the submission document.

a. Parts 3 and 4 – Core policy statement provisions

Support

b. Part 5 – Evaluation and Monitoring

No comment as there is no explanation in consultation documents made available.

3. S-RP: Regional plan structure standard

Support in part

Similar to the above comments on RPS structure standard in section 2 of submission document, where there are concerns that need further consideration are:

- The ability or flexibility to change references/text/tables within the “National direction instrument” section of Part 1 without going through a full public consultation process
- Recognising Treaty of Waitangi settlement legislation in Part 1, and separate from Part 2
- Use of a glossary for Māori terminology

These points are explained further in section 6 of the submission document.

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

Support

b. Part 6 – Evaluation and Monitoring

No comment as there is no explanation in consultation documents made available.

4. S-DP: District plan structure standard

Support in part

Where there are concerns that need further consideration are:

- The ability or flexibility to change references/text/tables within the “National direction instrument” section of Part 1 without going through a full public consultation process
- Recognising Treaty of Waitangi settlement legislation in Part 1, and separate from Part 2
- Use of a glossary for Māori terminology

These points are explained further in section 6 of the submission document.

5. S-CP: Combined plan structure standard

Support in part

Where there are concerns that need further consideration are:

- The ability or flexibility to change references/text/tables within the “National direction instrument” section of Part 1 without going through a full public consultation process
- Recognising Treaty of Waitangi settlement legislation in Part 1, and separate from Part 2
- Use of a glossary for Māori terminology

These points are explained further in section 6 of the submission document.

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

Support in part

As outlined in previous sections of this submission document, there are concerns that need further consideration, these are:

- The ability or flexibility to change references/text/tables within the “National direction instrument” section of Part 1 without going through a full public consultation process
- Recognising Treaty of Waitangi settlement legislation in Part 1, and separate from Part 2
- Use of a glossary for Māori terminology

In addition to the comments below, an additional section in Part 1 needs to be considered to recognise Treaty of Waitangi settlement legislation in Part 1.

It is suggested/proposed that the additional section is titled “Treaty of Waitangi settlement legislation”. The new section would outline the settlement legislation relevant to the region/local authority. It is further proposed that the correlating measures/directions within that legislation, (such as statutory acknowledgments, direction setting statements/strategies/policies, and/or environmental planning documents) are elevated from Part 2 in to Part 1.

This approach of recognising Treaty of Waitangi settlement legislation in Part 1 is to acknowledge the government/Crown recognition to address historical and contemporary grievances, and to provide for cultural and commercial redress through legislation and measures within that legislation.

As proposed in the “national direction” submission section below, it should be considered that the titled Treaty of Waitangi settlement legislation section of Part 1 is mandatory so as to enable amendments to the section should further or new settlement legislation are confirmed without the need for public consultation. It is anticipated however that the consequential changes with the RMA planning document will go through a public consultation process.

a. Introduction chapter

[Click here to enter text.](#)

b. How plan works chapter

[Click here to enter text.](#)

c. Interpretation

There is a concern that there could be the simplification of Māori terminology to fit the convenience of RMA planning documents (and its process), as well as the local authority in charge of preparing/having a RPS/Regional Plan.

There are generally more than one iwi within a region, and each iwi in most cases will have a different expression/interpretation of particular Māori terms if they were to be applied in a RMA planning document.

Not all Māori terminology can be simplified or collectively agreed, and tangata whenua should not be pressed to do so for the convenience of local authorities and RMA planning documents. For example, there is a spread of coastal marine, freshwater, urban, and rural environments within regions and a RPS. The expression and use of the Māori terminology of “kaitiakitanga” for example, will differ for

tangata whenua within those respective environments.

It is considered that having a glossary of Te Reo Māori terms needs to be on a basis of acknowledgement by local authorities the different/traditional/contemporary nature of Māori terminology when used by tangata whenua in a kaitiaki role within a RMA planning document framework, and/or in a partnership role with local authorities.

d. Plan integration

[Click here to enter text.](#)

e. Formation of standards with tangata whenua

Comments outlined in section 7 of submission document

f. National direction

There is a concern that the national direction section of Part 1 will not be agile to be amended so as to keep current to any new National Policy Statement and/or National Environmental Standard introduced.

This section in Part 1 needs to have the ability to references to any new NPS or NES without going through a full public consultation process. It is not clear, or possibly not found, whether a section in Part 1 can be deemed a mandatory direction, therefore not requiring going through a full public consultation process when any new NPS or NES is gazetted.

It is considered that the consequential changes (to provisions in the RPS/Regional Plan) resulting from giving effect to the new NPS, will go through public consultation process.

My understanding of National Planning Standards is to provide a number of benefits and to reduce unnecessary variation in RMA Planning documents so that these plans are easier to make and use. The ability to change the national direction section in Part 1 in a RPS/Regional Plan without going through a full public consultation, will be helpful and will ensure that plan users are informed (when thinking of use of e-plans) that a NPS or NES is relevant for consideration until consequential changes are carried out.

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

Support in part

It is considered that Part 2 is primarily focused on identifying iwi/tangata whenua and their status and relationship with the region, which is important and provides plan users and professionals a narrative of iwi/tangata whenua. In this capacity we support this S-TW.

As highlighted in section 6 of this submission document, we wish to suggest that an additional section in Part 1 that identifies Treaty of Waitangi settlement legislation, and statutory acknowledgments as well as other important measures that inform and guide/direct on matters important to iwi/tangata whenua. These measures are in addition to the role and identity of iwi/tangata whenua, and are measures that have either been negotiated or developed so as to express environmental practices and positions in managing their environment, and should be offered a status that is not just about tangata whenua identity.

There is a concern that there could be the simplification of Māori terminology to fit the convenience of RMA planning documents (and its process), as well as the local authority in charge of preparing/having a RPS.

Support 7(a) – (d)

a. Recognition of iwi/hapū chapter

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b. Tangata whenua local-authority relationships chapter

[Click here to enter text.](#)

c. Iwi and hapū planning documents chapter

[Click here to enter text.](#)

d. Consultation chapter

[Click here to enter text.](#)

e. Use of te reo Māori

As shared in earlier submission point, there are generally more than one iwi within a region, and each iwi in most cases will have a different expression/interpretation of particular Māori terms if they were to be applied in a RMA planning document.

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

Support in part

Concern is similar to the submission outlined for RPS/Regional Plan that there needs to be further consideration regarding the:

- The ability or flexibility to change references/text/tables within the “National direction instrument” section of Part 1 without going through a full public consultation process
- Recognising Treaty of Waitangi settlement legislation in Part 1, and separate from Part 2
- Use of a glossary for Māori terminology

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

Support

a. Natural Environment Values Chapter

[Click here to enter text.](#)

b. Environmental Risks Chapter

[Click here to enter text.](#)

c. Community Values Chapter

[Click here to enter text.](#)

d. Infrastructure and Energy Chapter

[Click here to enter text.](#)

e. Subdivisions Chapter

[Click here to enter text.](#)

f. General District Wide Matters Chapter

[Click here to enter text.](#)

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

Support

- a. Zone framework (individual and range)

[Click here to enter text.](#)

- b. Purpose statements

[Click here to enter text.](#)

- c. Additional special purpose zones and criteria

[Click here to enter text.](#)

- d. Precincts chapter

[Click here to enter text.](#)

- e. Development areas chapter

[Click here to enter text.](#)

- f. Designations chapter

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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

Support

12. F-1: Electronic accessibility and functionality standard

Support

a. Standard baseline requirements

[Click here to enter text.](#)

b. Level 5 requirements

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13. F-2: Mapping standard

Support

a. **Zone colour palette**

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b. **Symbology**

[Click here to enter text.](#)

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

Support

a. **Range of tools**

Click here to enter text.

b. **Zone**

Click here to enter text.

c. **Overlay**

Click here to enter text.

d. **Specific control**

Click here to enter text.

e. **FMU**

Click here to enter text.

f. **Airshed**

Click here to enter text.

g. **Area**

Click here to enter text.

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

Support

a. Range of tools

Click here to enter text.

b. Zone

Click here to enter text.

c. Overlay

Click here to enter text.

d. Precinct

Click here to enter text.

e. Specific control

Click here to enter text.

f. Development areas

Click here to enter text.

g. Designation

16. F-5: Chapter Form standard

Support

a. Chapter form

[Click here to enter text.](#)

b. Rules

[Click here to enter text.](#)

c. Rule tables

[Click here to enter text.](#)

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

Support

a. Status of rules and other text

[Click here to enter text.](#)

b. Numbering

[Click here to enter text.](#)

18. CM-1: Definitions standard

Support in part

a. Individual definition

The use of kaitiakitanga as a standard term.

If there is an open and earnest attempt to include tangata whenua, and to recognise their role, then tangata whenua should have the ability to define kaitiakitanga.

b. Additional definitions

[Click here to enter text.](#)

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

Acknowledged

a. Technical support

[Click here to enter text.](#)

20. Implementation

Support

a. ePlanning implementation

[Click here to enter text.](#)

b. Timing

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c. Support

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d. District plan structure guidance

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e. Regional policy statement and regional plan structure guidance

[Click here to enter text.](#)

f. District plan spatial planning tools and zone framework guidance

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g. Regional plan and policy statement spatial tools guidance

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

[Click here to enter text.](#)

i. Additional guidance materials required

[Click here to enter text.](#)

21. Future content for standards

Support

a. Utilities provisions

[Click here to enter text.](#)

Other comments

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

There should also be an evaluation on the cost and benefits to tangata whenua

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.