

# 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](http://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 type="checkbox"/>
	NGO	<input type="checkbox"/>
	Business / Industry	<input type="checkbox"/>
	Local government	<input type="checkbox"/>
	Central government	<input type="checkbox"/>
	Iwi	<input checked="" type="checkbox"/>
	Other (please specify)	<input type="checkbox"/>

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\* 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

We are supportive of the idea of a consistent structure for RMA plans as this will assist us in undertaking our engagement with local authorities. There are however areas which we believe could be further improved to give effect to the issues and values of tangata whenua.

Ngati Kuia are one of eight iwi that hold mana whenua in Te Taihū. This region is unique in that it has three neighbouring and exclusive unitary authorities and therefore management of regional issues differ across all three 'regions'. Template plans will assist in achieving consistency with policies across regional boundaries within the rohe of Ngati Kuia. Our submission relates to the inclusion of Tangata Whenua provisions within RPS and Combined plans.

## 2. S-RPS: Regional policy statement structure standard

We are of the opinion that references/guidance be made as to the status and application of iwi management plans and Statutory Acknowledgements in the development of Regional Policy Statements at Part 2. It would be particularly useful however, at this location in the RPS to include reference to how the planning documents include the objectives of these iwi tools, and where to reference these plans appropriately within the themes of the RPS. We have discovered that in the majority of cases, many staff at a processing level within local authorities are not aware of iwi management plans and how to apply them when making their assessments.

### a. Parts 3 and 4 – Core policy statement provisions

We have discovered through the use of existing plans and during the working groups for two second generation plans, the need for issues that are relevant to iwi to be identified either through a cross referencing tool to other chapters, or through a complete set of Objectives, Policies, AND RULES explicitly to address tangata whenua issues. We have found that where a separate 'Tangata Whenua' Chapter does exist as is proposed in the draft, the follow through within the rest of the plan does not eventuate and iwi tools are easily passes aside when assessing proposals. We suggest that the Themes in Section 4 either; include a new Theme for identifying tangata whenua issues or, our preferred option of a cross referencing on Themes to both, iwi management plans and, Issues identified by Tangata Whenua.

### b. Part 5 – Evaluation and Monitoring

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## 3. S-RP: Regional plan structure standard

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

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### b. Part 6 – Evaluation and Monitoring

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## 4. S-DP: District plan structure standard

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## 5. S-CP: Combined plan structure standard

We have the same views here regarding the integration of the issues identified by iwi into the Objectives, Policies and Rules that are developed to address those concerns, with the use of cross referencing to the iwi issues and also national level direction documents that have involved iwi input at a national level such as NPS.

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

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a. Introduction chapter

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b. How plan works chapter

Allow for an explanation of cross referencing of themes to the Tangata Whenua Chapter. There is often a disconnect between issues and the supporting policies when the policies are in a relevant 'theme chapter'. As there are rarely policies that descend directly from the Tangata whenua themed chapter which wouldn't be more appropriately located within the themes already identified in the proposed template structure.

c. Interpretation

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d. Plan integration

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e. Formation of standards with tangata whenua

It would be pre-emptive to comment here however I discuss what these may look like within our submission. Particularly around consultation and AEE standards.

f. National direction

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

We reiterate that although a stand alone iwi chapter has become a process for including iwi views, the outcomes of iwi consultation on values and issues need to be integrated throughout the plan. This needs to be explained so that and proposals for Plan changes will identify if an iwi working group or other consultation is required for the proposal.

a. Recognition of iwi/hapū chapter

This would be an appropriate location to indicate if a mana Whakahono agreement exists with these iwi groups as this is a formal, binding relationship document.

b. Tangata whenua local-authority relationships chapter

This is a place to include the requirements of Councils under the LGA and RMA to uphold the Section 8 Principles and the other Part 2 requirements with local iwi groups.

c. Iwi and hapū planning documents chapter

This should direct readers to existing documents and should be easily updated without the need for a full plan change process to update. It may be worth considering another document that lists and contains relevant planning tools.

d. Consultation chapter

This section should provide direction on when and how to engage for example; We currently struggle to explain how statutory Acknowledgements apply to the RMA process for consenting. We know there is no duty to consult and therefore pre application consultation is not 'required' however, what level of cultural assessment is required in order for an application to meet the requirements of section 88? And does that information need to be correct? AEE lodged with Councils often simply state that 'no cultural issues have been identified' even though no legitimate enquiry as to cultural values has been undertaken. Even when a statement of association to the site, waterbody is easily publically available. Section 92 can require further information however, that is usually only applied if and when iwi raise concerns through the weekly lists of consents.

Full notification puts the burden of costs on to iwi which can become burdensome and unachievable, as iwi do not have funding to continue to make submissions and to prepare and present evidence at a hearing.

It would be beneficial for iwi and for applicants if this chapter sets out what is expected in a section 88 acceptance assessment for cultural effects and when an application should be returned.

e. Use of te reo Māori

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

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

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a. Natural Environment Values Chapter

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b. Environmental Risks Chapter

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c. Community Values Chapter

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d. Infrastructure and Energy Chapter

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e. Subdivisions Chapter

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f. General District Wide Matters Chapter

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

We are supportive of a reduced range of zone classifications and also to allow for mixed use zoning to allow for an efficient use of land, particularly urban, commercial, mixed residential developments. Zone (use) restrictions should only be put in place to protect human health and heritage values. Amenity values can still be protected through permitted standards while environmental matters can be protected through effects based triggers for resource consent (rather than activity based triggers).

a. Zone framework (individual and range)

A consistent and reduced variety of zones should be used and we support the proposed zone variations provided there is allowance for a range of compatible activities within zones including retail, home occupation etc

b. Purpose statements

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c. Additional special purpose zones and criteria

This has the potential to allow for Maori land to be classed as a special purpose zone which would be an advantage to the development of land on Maori title however, this could also be abused as has been the practice of some companies to develop specific zones such as CMZ3 and CMZ4 in Marlborough for purely commercial interests, and to circumnavigate the existing plan rules through a pseudo consenting proposal to avoid 'prohibited' activity status. I would therefore suggest that these zones should only apply to land and not to public resources such as waterways and the Coastal Marine Area.

d. Precincts chapter

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e. Development areas chapter

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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

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12. F-1: Electronic accessibility and functionality standard

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- a. Standard baseline requirements

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- b. Level 5 requirements

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### 13. F-2: Mapping standard

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- a. Zone colour palette

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- b. Symbology

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

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- a. Range of tools

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- b. Zone

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- c. Overlay

The proposal to include a Maori cultural overlay/zone is supported. We have advocated for this in the Nelson city plan. One issue we have not been able to adequately resolve is the appropriate mapping of sites that are important or 'significant' that are not sites of archaeological value. These include navigation beacons, waahi tapu sites, sites related to Maori lore such as the creation of New Zealand, sites of tragic events, and landscape features that signify relationships including mountain peaks etc

You should consider the use of a Maori cultural overlay to protect these sites as we have discovered that Maori values are reduced to 'associative' values during landscape assessments. This is not sufficient to protect or even identify values through current national practice in assessing 'outstanding Natural Landscapes' or natural features. As these sites may no longer be considered 'natural' or a 'feature' with aesthetic values.

- d. Specific control

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- e. FMU

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f. Airshed

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g. Area

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

Click here to enter text.

a. Range of tools

Click here to enter text.

b. Zone

Click here to enter text.

c. Overlay

Please see above for regional plans

d. Precinct

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e. Specific control

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f. Development areas

Click here to enter text.

g. Designation

16. F-5: Chapter Form standard

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a. Chapter form

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b. Rules

If rules are developed from issues that are identified by Tangata Whenua, this should be identified to ensure a correct policy assessment can be undertaken. This would direct the applicant and/or processing officer to the relevant Issues, Objectives and policies in the tangata Whenua Chapter.

c. Rule tables



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

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##### a. Status of rules and other text

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##### b. Numbering

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#### 18. CM-1: Definitions standard

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##### a. Individual definition

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##### b. Additional definitions

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

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##### a. Technical support

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#### 20. Implementation

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##### a. ePlanning implementation

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##### 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

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- 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

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- a. Utilities provisions

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## Other comments

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

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## 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](mailto: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.**