

Your submission to Draft first set of National Planning Standards

Lucy Cooper, **Perception Planning Ltd (PPL) (Lucy Cooper)**



Reference no: 64

Clause

Overarching comment

Notes

Perception Planning Ltd (PPL) has assisted Manawatū District Council (MDC) in the preparation of its submission on the draft Standards, and supports the comments made in that response. PPL has also discussed the draft Standards with Mr Jez Partridge of Treecology, who has also made a submission on the Standards with specific regard to some tree-related definitions. PPL support the comments made in Mr Partridge's submission. Consequently, PPL does not repeat the matters raised by MDC and Mr Partridge in this submission but refers MfE to their submissions where necessary. In preparing this submission, we have also discussed the draft Standards with several planning practitioners and professionals, and observe there is some consistency in the concerns being raised about the Standards. In summary, the consensus would appear to be that there are both high level issues with the practicality of being able to implement the Standards within the required timeframes, and specific technical issues with most of the Standards themselves. PPL would very much welcome the opportunity to discuss the matters raised in this submission with MfE and other practitioners in order to identify solutions and craft Standards that achieve the Ministry's goals of enabling more effective and efficient plan-making and achieving greater consistency in planning documents across the country.

Clause

Overarching comment

Notes

PPL's comments regarding Parts 1 and 2 of S-RPS are similar to those made by Manawatū District Council (MDC) on similar sections for district planning documents.

Clause

Parts 3 and 4 - Core policy statement provisions

Notes

PPL welcomes the standardisation of the requirement to include a 'water' topic in regional planning documents. However, PPL considers that the Standards do not acknowledge or provide for the complexity of the topic, which is typically comprised of water quality and water quantity and within which can be a considerable number of sub-topics. Consequently, the draft Standards appear to provide for considerable variety within planning documents with regard to water provisions, which could undermine a number of the outcomes sought by the Standards, including enabling professionals working with multiple plans to transition from one plan to another more smoothly and making it more efficient to compare and contrast provisions across multiple plans. PPL acknowledges that achieving greater standardisation of water provisions across regional planning documents will be a difficult and challenging task, and may not even be desirable if standardisation risks Councils and communities achieving good environmental outcomes. However, PPL would welcome clarification from MfE as to the Ministry's future plans on this matter. PPL also considers that there is a significant overlap between the standard Water topic and Part 5 - Catchments and consequently a high possibility for variation in how Councils choose to address these matters. PPL welcomes clarification from MfE on how the two aspects of the regional planning documents are intended to interrelate.

Clause

Part 5 - Evaluation and monitoring

Notes

PPL notes that there is no outline structure or guidance included in S-RPS for Part 5 content. The purpose of monitoring is to evaluate the effectiveness of plans in achieving the objectives, policies, and rules (methods) included within it. The information obtained from monitoring assists review and development of plan provisions, provides information on environmental issues in a district or region, and identifies new issues that may not be currently addressed in a planning document. This contributes to the improved management of a district's or region's resources. The benefits of monitoring include improved provisions, informed decision making, increased awareness and public confidence, and improved information on adverse effects of activities. Monitoring outcomes completes the plan or policy statement development and implementation loop, and enables Councils to review the effectiveness of a planning document. Monitoring also places an obligation on Councils to act upon information relating to particular issues, or to carry out enforcement where required to ensure compliance, and to achieve the environmental objectives sought by a plan and the Resource Management Act. However, evaluation and monitoring is, in our experience, an area of planning practice at both the district and regional level that is frequently neglected or under-resourced. PPL considers Part 5 be revised to create a framework that helps to Councils improve evaluation, monitoring and reporting practice. As a minimum, the evaluation and monitoring sections throughout

the Standards could adapt s35 of the RMA to create the basic structure of this section.

Clause

Overarching comment

Notes

See earlier comments regarding Parts 1 and 2.

Clause

Parts 3, 4 and 5 - Core plan provisions

Notes

Please refer to PPL's comments above regarding the 'water' section.

Clause

Part 5 - Evaluation and monitoring

Notes

Please refer to PPL's comments on this element in the S-RPS Standard.

Clause

Overarching comment

Notes

Please refer to MDC's submission on this Standard.

Clause

Overarching comment

Notes

No specific comment, however PPL considers that many of the comments made on other Standards will be relevant here.

Clause

Overarching comment

Notes

PPL considers it is useful for Councils to have the opportunity to state a strategic direction in planning documents. We are aware that Palmerston North City Council, for example, have 'City Wide Objectives' at the head of its City Plan, and these are taken into consideration by decision makers during resource management processes. PPL welcomes that S-SD requires Councils to document how the Māori resource management provisions in Part 2 of the RMA 1991, and Treaty of Waitangi (Te Tiriti o Waitangi) principles as identified through consultation with tangata whenua will be implemented in planning documents. There are clear links between parts of this aspect of S-SD and the overarching direction and function of S-TW. PPL considers that care will need to be taken that there is not either unnecessary duplication between the two Standards, or that the implementation of Māori resource management provisions get 'lost' in less prominent parts of the Plan.

Clause

Overarching comment

Notes

In assisting in the development of MDC's submission on S-DWM, PPL became aware of the challenges of implementing S-DWM for Councils that have recently undertaken part or wholesale reviews and are not provided for in the 7-year implementation timeframe. PPL concurs with MDC's recommendations on this matter.

Clause

Natural environment values chapter

Notes

Please refer to MDC's submission and recommendations on this matter, particularly in respect of the issues that arise from conflating natural character with landscapes and landforms.

Clause

Environmental risks chapter

Notes

Please refer to MDC's submission and recommendations on this matter.

Clause

Community values chapter

Notes

Please refer to MDC's submission and recommendations on this matter.

Clause

Infrastructure and energy chapter

Notes

MDC has identified some challenges with this aspect of S-DWM, which PPL suspects are not confined to that Council. PPL requests that MDC's recommendations on this matter be considered.

Clause

Subdivisions chapter

Notes

Please refer to MDC's submission and recommendations on this matter.

Clause

General district wide matters chapter

Notes

Please refer to MDC's submission and recommendations on this matter.

Clause

Zone framework (individual and range)

Notes

MDC has made comments in its submission on the difficulties presented by the Zone framework for MDC's plan, and has highlighted matters MDC and its community may need to consider in order to resolve variance between the current Plan and the requirements of the Standards. PPL considers that the issues identified by MDC will not be unique to that Council and requests that MDC's recommendations on this matter be considered.

Clause

Purpose statements

Notes

PPL requests that MDC's recommendations on this matter be considered.

Clause

Additional special purpose zones and criteria

Notes

PPL requests that MDC's recommendations on this matter be considered.

Clause

Precincts chapter

Notes

PPL requests that MDC's recommendations on this matter be considered.

Clause

Development areas chapter

Notes

PPL requests that MDC's recommendations on this matter be considered.

Clause

Designations chapter

Notes

PPL requests that MDC's recommendations on this matter be considered.

Clause

Overarching comment

Notes

PPL questions whether it is necessary for the Schedules table to require reference to the study or material used for identification. The identification of values in planning documents is typically part of an ongoing process of research and consultation with iwi, landowners, special interest groups, and organisations such as Department of Conservation, Fish and Game and Heritage New Zealand. Section 32 evaluations are generally the key location in which the process of values identification is assessed and documented. Furthermore, in the case of sites of significance for tangata whenua, iwi and hapū may be reluctant to publicise such information for cultural or historical reasons, and this must be respected.

Clause

Overarching comment

Notes

In the course of assisting MDC in preparing its submission, PPL consulted with the Council's GIS team. PPL considers that the observations made by MDC on F-1 will be relevant to many Councils around New Zealand. PPL requests that MDC's recommendations on this matter be considered.

Clause

Standard baseline requirements

Notes

PPL requests that MDC's observations and recommendations on this matter be considered.

Clause

Level 5 requirements

Notes

PPL requests that MDC's observations and recommendations on this matter be considered.

Clause

Overarching comment

Notes

PPL requests that MDC's observations and recommendations on F-2 be considered.

Clause

Zone colour palette

Notes

PPL requests that MDC's observations and recommendations on F-2 be considered.

Clause

Symbology

Notes

PPL requests that MDC's observations and recommendations on F-2 be considered.

Clause

Overarching comment

Notes

In preparing submissions on and evidence in respect of the Wellington Proposed Natural Resources Plan, PPL has noted that the proposed Plan's scheduled sites or areas are used as spatial planning tools. For example, objectives, policies and methods, schedules (such as B: Nga Taonga Nui a Kiwi and F: Ecosystems and habitats with significant biodiversity values) are used to provide more area-specific planning responses and bring a consistent approach to incorporating local variation in the regional plan. However, the range of tools in F-3 does not provide for this, or appear to acknowledge that Schedules can and do function in this way. Overlay or area may be the closest spatial tool in the current range available. PPL recommends that MfE works with Regional Councils that use scheduled sites as spatial planning tools to understand the merits or challenges with this approach, and consider whether amendments to F-3 are appropriate.

Clause

Range of tools

Notes

Please see comments above.

Clause

Zone

Notes

Please see comments above.

Clause

Overlay

Notes

Please see comments above.

Clause

Specific control

Notes

Please see comments above.

Clause

FMU

Notes

PPL welcomes the standardisation of the FMU requirement in F-3. The definition for FMU in the NPSFM provides for variation of FMU scale within a region and between between regions, and therefore PPL considers the level of standardisation in F-3 is consistent with that.

Clause

Airshed

Notes

Please see comments above.

Clause

Area

Notes

Please see comments above.

Clause

Overarching comment

Notes

PPL requests that MDC's observations and recommendations on F-4 be considered.

Clause

Range of tools

Notes

PPL requests that MDC's observations and recommendations on F-4 be considered.

Clause

Zone

Notes

PPL requests that MDC's observations and recommendations on F-4 be considered.

Clause

Overlay

Notes

PPL requests that MDC's observations and recommendations on F-4 be considered.

Clause

Precinct

Notes

PPL requests that MDC's observations and recommendations on F-4 be considered.

Clause

Specific control

Notes

PPL requests that MDC's observations and recommendations on F-4 be considered.

Clause

Development areas

Notes

PPL requests that MDC's observations and recommendations on F-4 be considered.

Clause

Designation

Notes

PPL requests that MDC's observations and recommendations on F-4 be considered.

Clause

Overarching comment

Notes

PPL requests that MDC's observations and recommendations on F-5 be considered.

Clause

Chapter form

Notes

PPL requests that MDC's observations and recommendations on F-5 be considered.

Clause

Rules

Notes

PPL requests that MDC's observations and recommendations on F-5 be considered.

Clause

Rule tables

Notes

PPL requests that MDC's observations and recommendations on F-5 be considered.

Clause

Overarching comment

Notes

Understanding how rules are intended to function, being certain of the flow and interrelationship of rules within a plan, and being certain that the correct rules and suite of standards have been identified for an activity can often represent a significant challenge, even for experienced planners. PPL therefore welcomes the opportunity the Standards provide to rationalise and standardise the numbering of rules, and ensure this aspect of the development process can be handled as effectively and efficiently as possible. However, PPL considers the standardisation process will represent a significant challenge to many Councils in terms of time and cost. Throughout the MDC submission, recommendations are made to facilitate working groups for Councils on a regional basis to help local authorities implement standards, including F-6, as efficiently and effectively as possible, and so as to ensure regional consistency in implementation. PPL concurs with this recommendation.

Clause

Status of rules and other text

Notes

Please see comments above.

Clause

Numbering

Notes

Please see comments above.

Clause

Overarching comment

Notes

PPL requests that observations and recommendations of MDC and Mr Jez Partridge of Treecology on CM-1 be considered.

Clause

Individual definition

Notes

PPL requests that observations and recommendations of MDC and Mr Jez Partridge of Treecology on CM-1 be considered.

Clause

Additional definitions

Notes

PPL requests that observations and recommendations of MDC and Mr Jez Partridge of Treecology on CM-1 be considered.

Clause

Overarching comment

Notes

PPL requests that MDC's observations and recommendations on CM-2 be considered.

Clause

Technical support

Notes

PPL requests that MDC's observations and recommendations on CM-2 be considered.

Clause

Overarching comment

Notes

One of the intended outcomes identified in the Consultation Document is that National Direction will be consistently incorporated in plans, resulting in better implementation on the ground. PPL is not certain that this will be the outcome. The current suite of Standards allows for the implementation of National Direction to be consistently recorded in planning documents. However, this does not guarantee that the National Direction will be implemented in a way that is consistent with the intention or purpose of the National Direction. PPL is aware, for example, of considerable variation in New Zealand of the implementation of the NPSFM. The appropriate and consistent implementation of any specific National Direction requires focused training, guidance and effectiveness monitoring by MfE.

Clause

Utilities provisions

Notes

PPL requests that MDC's observations and recommendations future standards for utilities provisions be considered.

Clause

ePlanning implementation

Notes

PPL requests that MDC's observations and recommendations on Implementation be considered. In addition, PPL considers that the standardisation of ePlanning represents a significant and exciting area for innovation to help make plans and planning more accessible, engaging, interactive and dynamic.

Clause

Timing

Notes

PPL requests that MDC's observations and recommendations on timing be considered.

Clause

Support

Notes

PPL requests that MDC's observations and recommendations on support be considered.

Clause

District plan structure guidance

Notes

Please refer to MDC's submission in which several recommendations are made regarding guidance and support for the implementation of the Standards.

Clause

Regional plan and policy statement spatial tools guidance

Notes

Please refer to MDC's submission in which several recommendations are made regarding guidance and support for the implementation of the Standards. MDC's focus is district planning, however the observations and recommendations made by the Council are equally applicable to regional plans and RPS documents.

Clause

Chapter form and status of rule and other text numbering guidance

Notes

Please refer to MDC's submission in which several recommendations are made regarding guidance and support for the implementation of the Standards. MDC's focus is district planning, however the observations and recommendations made by the Council are equally applicable to regional plans and RPS documents.

Clause

Additional guidance materials required

Notes

Please refer to MDC's submission in which several recommendations are made regarding guidance and support for the implementation of the Standards. MDC's focus is district planning, however the observations and recommendations made by the Council are equally applicable to regional plans and RPS documents.

Clause

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

Notes

PPL request MfE clarify the relationship between the draft Standards and Councils' specific obligations under section 64 of the RMA to prepare to a regional coastal plan. These include the need to identify historic heritage in the coastal marine area and provide for the protection of historic heritage in rules. S-CP states that any combined plan must clearly identify which provisions relate to the regional coastal plan, regional plan or the district plan as the case may be, but there is not a specific Standard for regional coastal plans (as distinct from other types of regional plans).

Clause

Overarching comment

Notes

Please refer to MDC's submission on matters relating to S-IGP.

Clause

Introduction chapter

Notes

Please refer to MDC's submission on matters relating to S-IGP.

Clause

Plan integration

Notes

Please refer to MDC's submission on matters relating to S-IGP.

Clause

Formation of standards with tangata whenua

Notes

Please refer to MDC's submission on matters relating to S-IGP.

Clause

National direction

Notes

Please refer to MDC's submission on matters relating to S-IGP.

Clause

Overarching comment

Notes

PPL welcomes the opportunity S-TW provides to ensure that tangata whenua provisions are consistently located in planning documents, and that the location is prominent within plans. PPL considers the elements to be included in S-TW chapters are comprehensive. PPL agrees with the Consultation Document that councils will need to "work with tangata whenua on the local input under these headings, in partnership through planning processes" (p.17). However, the Treaty Settlement landscape can be extremely complex, and key iwi stakeholders can be at different stages in the Settlement process and have variable access to resources to facilitate engagement in plan making processes. PPL supports the purpose of the chapter and its sub-headings in principle, and we urge MfE to closely monitor the progress of implementing this Standard during the implementation timeframe and beyond.

Clause

Recognition of iwi/hapū chapter

Notes

PPL supports this aspect of S-TW.

Clause

Tangata whenua local-authority relationships chapter

Notes

PPL supports this aspect of S-TW.

Clause

Iwi and hapū planning documents chapter

Notes

PPL supports this aspect of S-TW.

Clause

Consultation chapter

Notes

PPL supports this aspect of S-TW.

Clause

Use of te reo Māori

Notes

PPL supports the use of te reo Māori in planning documents.