

# DRAFT FIRST SET OF NATIONAL PLANNING STANDARDS

**To:** Ministry for the Environment  
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Email: [PlanningStandards@mfe.govt.nz](mailto:PlanningStandards@mfe.govt.nz)

**From:** PSPIB/CPPIB Waiheke Inc (**PSPIB/CPPIB**), AMP Capital Shopping Centres Pty Limited (**AMP**), and Stride Property Limited (**Stride**)

[REDACTED]

Submitter type: Private companies

1. PSPIB/CPPIB, AMP and Stride support in principle the draft first set of National Planning Standards. However, they seek some changes to those draft Standards to address:
  - (a) matter that should be included;
  - (b) problems with implementing the standards into district plans;
  - (c) issues which could give rise to inappropriate inconsistency across plans or *ultra vires* provisions being included in plans; and
  - (d) the timing for implementation of the National Planning Standards in Auckland.
2. Their joint submission on the draft first set of National Planning Standards is outlined in the **attached** document.



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For and on behalf of PSPIB/CPPIB, AMP and Stride

Dated this 17<sup>th</sup> day of August 2018

## Introduction

1. Stride manages one of New Zealand's largest diversified investment property portfolios with a range of commercial office, retail and industrial properties. It owns 26 properties with 379 tenants worth \$902.2 million (as at 31 March 2018). This includes the NorthWest Shopping Centre at Westgate in Auckland, Chartwell Shopping Centre in Hamilton, and the Johnsonville and Queensgate Shopping Centres in Wellington.
2. PSPiB/CPPIB owns the Botany Town Centre and the Manukau Supa Centa in Auckland. AMP manages these shopping centres on behalf PSPiB/CPPIB. AMP also owns and manages other shopping centres throughout the country, including the Bayfair Shopping Centre in Tauranga and The Palms in Christchurch.
3. Stride, PSPiB/CPPIB and AMP have taken active roles in district plan processes around New Zealand, often to seek consistency in development controls.
4. Shopping and retail centres form an important part of the commercial infrastructure of a society, and are critically important to the success and vitality of a town or city. Beyond providing efficient access to goods and services, shopping centres are also a valuable source of employment, and provide an important role as a meeting space for the communities they serve.
5. While overall PSPiB/CPPIB, AMP and Stride support the draft National Planning Standards, they seek some changes to those draft Standards to address:
  - (a) matters that should be included;
  - (b) problems with implementing the standards into district plans;
  - (c) issues which could give rise to inappropriate inconsistency across plans or *ultra vires* provisions being included in plans; and
  - (d) the timing for implementation of the National Planning Standards in Auckland.
6. PSPiB/CPPIB's, AMP's and Stride's specific comments on the provisions of the draft National Planning Standards are contained in Table 1 below.

**Table 1: Submissions on the Draft National Planning Standards**

Submission no.	Draft National Planning Standard provision	Draft National Planning Standard section	Submission	Relief Sought
1	Regional Policy Statement	S-RPS: Draft Regional Policy Statement Structure Standard, Part 4 – Themes, p.8	<p><b>Support in part</b></p> <p>The Draft Regional Policy Statement Structure Standard primarily focuses on themes relating to the management of the natural environment. The themes proposed do not address urban growth and form.</p> <p>In addition, the themes do not recognise or support the National Policy Statement on Urban Development Capacity 2016 (<b>Urban Development NPS</b>), including the requirements under the Urban Development NPS for local authorities to provide enough development capacity to ensure that demand for residential and business land can be met.</p> <p>The identification of issues, objectives and policies for the urban environment in a regional policy statement (including appropriate provision for shopping and retail centres) is necessary to achieve the integrated management of natural and physical resources within a region.</p> <p>PSPiB/CPPIB, AMP and Stride seek the inclusion of a new theme within the Draft Regional Policy Statement Structure Standard that addresses guiding and managing urban growth and form within regions.</p>	Inclusion of a new Regional Policy Statement theme of 'Urban growth and form' within Part 4 of the Draft Regional Policy Statement Structure Standard.

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2	District-Wide Matters – lack of a transport section	S-DP: Draft District Plan Structure Standard, p.14 and S-CP: Draft Combined Plan Structure Standard, pp. 22-23	<p><b>Support in part</b></p> <p>The Draft District Plan Structure Standard and Draft Combined Plan Structure generally provide for all district-wide or region-wide matters. However, they do not include a transport section.</p> <p>A standardised transport section within district and combined plans would provide a specific location, and easy identification, of relevant transport provisions - including provisions governing the location, number and design of parking spaces, and loading and access standards.</p> <p>Inclusion of a transport section within the draft National Planning Standards would increase the consistency of transport planning provisions throughout the country.</p>	Inclusion of new sections within the Draft District Plan Structure Standard and the Draft Combined Plan Structure Standard specifically providing for transport provisions (e.g. plan provisions relating to matters such as parking, loading and access standards).
3	Area-Specific Matters – Commercial zones	S-DP: Draft District Plan Structure Standard, p.17; S-CP: Draft Combined Plan Structure Standard, p. 24; and S-ASM Draft Area Specific Matters Standard, pp. 43-45	<p><b>Support in part</b></p> <p>The draft National Planning Standards provide for up to six (6) different kinds of commercial zones to be included in district and combined plans. These are:</p> <ul style="list-style-type: none"> <li>(1) Neighbourhood commercial zone;</li> <li>(2) Local commercial zone;</li> <li>(3) Commercial zone;</li> <li>(4) Mixed Use zone;</li> <li>(5) Town centre zone; and</li> <li>(6) City centre zone.</li> </ul>	<ol style="list-style-type: none"> <li>1. Changing the names of the proposed 'Neighbourhood commercial zone' and 'Local commercial zone' to 'Neighbourhood <u>centre</u> zone' and 'Local <u>centre</u> zone' respectively.</li> <li>2. Deletion of the 'Commercial zone' or alternatively, renaming this zone as the 'Large Format Retail zone'.</li> <li>3. Inclusion of an additional 'Metropolitan centre zone'.</li> </ol>

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			<p><u>Changing the names of the Neighbourhood commercial and Local commercial zones</u></p> <p>Many district and combined plans around the country have structured how they manage commercial (including retail) development around the concept of different kinds of 'centres' - town centres, local centres etc. The plans set out a hierarchy of those centres and objectives, policies and rules that flow from that centres hierarchy.</p> <p>It would better enable local authorities to implement the National Planning Standards, and retain the existing plan provisions that have been developed around this centres-based approach, if the names of two of the proposed zones were changed – to 'Neighbourhood <u>centre zone</u>' and 'Local <u>centre zone</u>' respectively.</p> <p><u>Deleting or renaming the 'Commercial zone'</u></p> <p>Under the draft National Planning Standards the proposed 'Commercial zone' has a very broadly worded purpose – “to provide primarily for a broad range of commercial activities ...”.</p> <p>Having the option of including a general commercial zone (in addition to the more specific neighbourhood, local, town centre, and city centre zones) could effectively undermine the hierarchy of commercial zones that have been established in district and combined plans.</p> <p>Given the range of other commercial zones provided for in the draft National Planning Standards, a general commercial zone is not necessary.</p>	
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			<p>In smaller districts the other zones provide for an appropriate range of commercial zones for the range of commercial areas.</p> <p>Alternatively, if the 'Commercial zone' was intended to fulfil a purpose similar to the "General commercial zone' in the Auckland Unitary Plan (<b>AUP</b>), this should be made clear in the zone name and zone purpose statement.</p> <p>In larger districts, many large format retail areas have established which do not fit in the list of other commercial zones in the draft National Planning Standards. If this zone is to be provided it should be specifically for the purpose of large format retail and renamed the 'Large Format Retail zone'.</p> <p><u>Addition of a 'Metropolitan centre zone'</u></p> <p>While (following the proposed deletion or renaming of the 'Commercial zone') the remaining zones would work well in cities which have one clearly identifiable city centre, they would not work so well in cities such as Auckland that have a second tier of regionally important centres below the city centre and above town centres.</p> <p>There are 10 sub-regional centres in Auckland, including Botany, Manukau, Newmarket and Westgate.</p>	
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Submission no.	Draft National Planning Standard provision	Draft National Planning Standard section	Submission	Relief Sought
			<p>Failing to provide for a Metropolitan centre zone, and as a result of implementing the National Planning Standards, downgrading these centres to ‘town centres’, would significantly impact the existing and proposed form and function of the city, including the travel efficiency and economic benefits from identifying and enabling further growth and development in these regionally important centres.</p> <p>To accommodate the existing centre hierarchy in Auckland, which may also be appropriate in other large cities, PSPiB/CPPIB, AMP and Stride seek the creation of an additional commercial zone in the National Planning Standards – a ‘Metropolitan centre zone’.</p>	
4	Area-Specific Matters – Zone purpose statements	S-ASM: Area-Specific Matters Standard, pp. 43-45	<p><b>Support in part</b></p> <p>For the reasons discussed earlier in this submission, PSPiB/CPPIB, AMP and Stride seek:</p> <ul style="list-style-type: none"> <li>• the deletion of the proposed ‘Commercial zone’ or the renaming of that zone to the ‘Large Format Retail zone’; and</li> <li>• the addition of a new ‘Metropolitan centre zone’.</li> </ul> <p>Making these changes would require the consequential:</p> <ul style="list-style-type: none"> <li>• deletion of the proposed purpose statement for the ‘Commercial zone’ or rewording of this purpose for the ‘Large Format Retail zone’; and</li> </ul>	<p>1. Deletion of the proposed purpose statement for the ‘Commercial zone’, or alternatively if renamed to ‘Large Format Retail zone’ include the following purpose statement for the ‘Large Format Retail zone’ zone:</p> <p style="text-align: center;"><i>“The purpose of the Large Format Retail zone is to provide for large format retail, trade suppliers, and light industrial activities, in a location and form that supports the centres hierarchy.”</i></p>

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			<ul style="list-style-type: none"> <li>inclusion of a purpose statement for the 'Metropolitan centre zone'.</li> </ul> <p>PSPiB/CPPIB, AMP and Stride seek that the National Planning Standards include a 'Metropolitan centre zone' purpose statement consistent with the zone description for the metropolitan centre zone in the AUP.</p>	<p>2. Inclusion of the following purpose statement for a 'Metropolitan centre zone':</p> <p><i>“The purpose of the Metropolitan centre zone is to provide for a diverse range of commercial, community, recreational and residential activities to enable an area to act as a focal point for a sub-regional catchment.”</i></p>
5	Area-Specific Matters - Development Areas chapters	S-DP: Draft District Plan Structure Standard, p.17; S-CP: Draft Combined Plan Structure Standard, p. 25; and S-ASM: Draft Area Specific Matters Standard, p. 45	<p><b>Oppose</b></p> <p>The draft District Plan and Combined Plan structure standards both include a section for Development Areas, which is intended to provide specifically for structure plans, framework plans, outline development plans and growth area plans.</p> <p>It is recognised in the draft standards that, if no development areas are provided for within a district or region, the Development Areas chapter should not be included in the district/combined plan.</p> <p>PSPiB/CPPIB, AMP and Stride have a number of concerns with the proposed Development Areas chapter.</p>	Deletion of the Development Areas chapters from the Draft District Plan Structure Standard, Draft Combined Plan Structure Standard and Draft Area Specific Matters Standard.

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			<p><u>Delay and duplication</u></p> <p>Including a Development Areas chapter in a district or combined plan is likely to unnecessarily complicate the development of those plans and result in delays. This includes the potential for re-litigation of guiding documents (such as structure plans) prepared under the Local Government Act 2002 (<b>LGA</b>). This would impact on the time period and resources required for local authorities to implement the National Planning Standards.</p> <p>Under section 93 LGA, local authorities prepare a Long Term Plan (<b>LTP</b>) every three years. One of the purposes of an LTP is to describe the community outcomes for the district or region (section 93(6)(b) LGA). In addition, LTPs must include an infrastructure strategy which, among other things, outlines how the local authority intends to manage its infrastructure assets taking into account the need to respond to growth in the demand for services (section 101B(3) LGA).</p> <p>Structure plans (e.g. for future growth areas) can be used as a tool for implementing the community outcomes and infrastructure strategies identified in an LTP.</p> <p>Preparing structure plans as part of the LTP process is an efficient way of achieving integration across the issues of growth, infrastructure planning and infrastructure funding.</p> <p>To include a structure plan prepared under the LGA process in a district or combined plan a local authority would need to undertake the Resource Management Act 1991 (<b>RMA</b>) Schedule 1 process.</p>	
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			<p>This would result in delay in finalising the structure plan - due to the RMA hearing and, potentially, appeal processes. This would be an unnecessary duplication of processes for a high level guiding document, when any subsequent process to rezone the land subject to a structure plan would also have to go through a Schedule 1 RMA process.</p> <p>Having a structure plan prepared under the LGA process in place, allows changes to district or combined plans to be made in an efficient way (using the Schedule 1 RMA process) as and when the need to rezone individual planned growth areas arises.</p> <p><u>Status of framework plans and outline development plans</u></p> <p>The AUP Independent Hearings Panel, in its recommendation to Auckland Council, considered the use of framework plans in detail and recommended that they not be included in the AUP as they were not the most appropriate way of achieving the objectives of the plan (see IHP Report to AC Topic 004 General rules 2016 pp. 14-17).</p> <p>The Environment Court (<i>Application by Auckland Council for Declaration</i> [2016] NZEnvC 65) has held that it is <i>ultra vires</i> the RMA for a local authority to grant a consent which, rather than authorising a person to use land in a manner that contravenes a plan rule, instead effectively inserts rules into a district plan which purport to authorise a plan for future use of land.</p>	

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			<p>Therefore, reference in the draft National Planning Standards to ‘framework plans’ may give rise to legal challenge.</p> <p><u>Ambiguity about where Precinct plans should be located in a plan</u></p> <p>Given the current wording of the draft National Planning Standards, local authorities may consider it appropriate to include spatial plans relating to particular precincts in Development Areas chapters of their district/combined plans.</p> <p>This would be potentially confusing and lead to inconsistency across plans nationally.</p> <p>The draft National Planning Standards appropriately provide for a Precincts chapter to be included in a district or combined plan. For any specific development area, where a precinct is considered appropriate, a Precincts chapter can include not only area specific objectives, policies and rules, but also a precinct plan identifying indicative road networks, infrastructure and reserves.</p> <p>It is more appropriate (and easier for plan users to navigate) if any supporting spatial plans for a precinct are included in the relevant Precinct chapter of the plan (rather than being included in a Development Areas chapter).</p>	

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			<p><u>The potential to include a Future Urban zone in a district plan means there is no practical need for a 'Development Areas' chapter</u></p> <p>The draft National Planning Standards include in the list of 'Special purpose zones' that can be included in a district or combined plan, a 'Future urban zone'. A Future urban zone enables a local authority to identify areas of future development, which can be subject to structure plans under the LGA.</p>	
6	Definitions – 'Building' and 'Structure'	CM-1: Draft Definitions Standard, p.79 and p. 89	<p><b>Support in part</b></p> <p>The proposed definition of 'building' is narrow, requiring a structure to be enclosed with 2 or more walls and a roof (or similarly enclosed) in order to be a 'building'. Therefore, the definition of building does not include all relevant structures that are appropriately made subject to development controls under RMA plans.</p> <p>A wider definition of 'building', such as the definition in the AUP, is more appropriate. The wider AUP definition includes certain structures (such as retaining walls, grandstands, decks, bridges etc), while excluding other structures for which there is less need for development controls (such as temporary structures or structures of less than a specified height).</p> <p>The proposed narrow definition of 'building' in the draft National Planning Standards is likely to also create difficulty in the application of the definition to existing rules in district/combined plans.</p>	<ol style="list-style-type: none"> <li>1. Amend the definition of 'building' to include and exclude specific structures (using the approach taken to the definition of 'building' in the AUP).</li> <li>2. Deleting the definition of 'structure'.</li> </ol>

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Submission no.	Draft National Planning Standard provision	Draft National Planning Standard section	Submission	Relief Sought
			Using a wider definition of 'building', would also avoid the need for a separate definition of 'structure'.	
7	Definitions – 'Commercial activity'	CM1: Draft Definitions Standard, p.79	<p><b>Oppose</b></p> <p>The definition of 'Commercial activity' in the draft National Planning Standards is "an activity with the primary purpose of trading in goods, equipment or services".</p> <p>This definition could potentially be read as not including office uses not directly involved in the provision of goods or services, e.g. the head office of a company where only internal administrative functions are undertaken.</p>	<p>Amending the definition of 'Commercial activity' as follows:</p> <p><i>"includes an office, retail or commercial services activity."</i></p>
8	Definitions – 'Community facility'	CM1: Draft Definitions Standard, p.79	<p><b>Support in part</b></p> <p>The definition of 'Community facility' in the draft National Planning Standards is as follows:</p> <p><i>"means a non-profit facility primarily for recreational, sporting, cultural, safety and welfare, religious or similar community purposes."</i></p> <p>This definition does not reflect that many organisations running community facilities often charge for use of their facilities, (e.g. charge local community groups to hire rooms for meetings) in order to provide additional income to support the wider community purpose(s) that the facilities serve.</p>	<p>Amending the definition of 'Community facility' as follows:</p> <p><i>"means a <u>generally</u> non-profit facility primarily for recreational, sporting, cultural, safety and welfare, religious or similar community purposes."</i></p>

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9	Timing for implementation of the National Planning Standards	Mandatory directions	<p><b>Support in part</b></p> <p>Many of the draft National Planning Standards require the Auckland Council to incorporate the standards into the AUP within seven years.</p> <p>The AUP was developed using a bespoke and intensive statutory process with the aim of producing an integrated plan across the entire Auckland region. Submitters invested significant time and resources to ensure that the process resulted in quality planning outcomes.</p> <p>Using a rolling review of the AUP to implement the discretionary directions in the National Planning Standards (e.g. those relating to choices of zone) would give rise to the risk of lengthy plan appeals and/or judicial review processes.</p> <p>Implementing the mandatory directions in the National Planning Standards will require significant changes to be made to the structure of the AUP.</p> <p>A full plan review would be the most efficient way to implement the National Planning Standards in Auckland. Under the RMA, the Auckland Council would begin its 10-yearly review of the AUP in approximately 2026.</p> <p>Accordingly, PSPiB/CPPIB, AMP and Stride seek for Auckland Council to be given up to 10 years to implement the National Planning Standards.</p>	Allow Auckland Council up to 10 years to implement the National Planning Standards.