

Your submission to Draft first set of National Planning Standards

Nathan Sutherland, **South Taranaki District Council (Nathan Sutherland)**



Reference no: 90

Clause

Additional special purpose zones and criteria

Notes

S-ASM – Zone chapters, Instruction 8. The choice of at least one of the listed zone options is a discretionary direction under instruction 8 of the Area Specific Matters Standard. In order to apply this direction the South Taranaki District Council must use the formal consultation process under Schedule 1. Given the zones applied in the South Taranaki District Plan align with many of those listed it is questionable whether there is any benefit in using the Schedule 1 process in this way while incurring costs. The Council then questions whether the choice of zones should be made a mandatory direction to avoid the need for a Schedule 1 process where there is already alignment of existing District Plan zones with planning standard zones.

Clause

Standard baseline requirements

Notes

F-1 – Table 18, Instruction 7. The South Taranaki District Council supports the accessibility to planning documents that E planning has the potential to generate, but is concerned in particular with instruction 7, in table 18. Depending on the degree of plan complexity and cross referencing compliance with this requirement could generate substantial time and associated cost implications. It is recommended that this instruction be deleted. In the event the Ministry does not adopt this recommendation, the South Taranaki District Council encourages the implementation of E Plans with central support, including the use of a standard formatting and a single software provider.

Clause

Symbology

Notes

F-2- Table 22, Hazard symbol. There is no distinction between the hazard classes to which the hazard symbol applies, despite it being likely that the management approach applied to each of these hazards will vary. It is recommended that plans differentiate them by way of colour or alphanumeric code.

Clause

Numbering

Notes

Instruction 8. Because the range of requiring authorities will generally be consistent across plans, the South Taranaki District Council recommends that a national list of alpha based identifiers be developed for application in plans.

Clause

Overarching comment

Notes

The South Taranaki District Council generally supports the proposed definitions. However, it has recommended some constructive improvements to enhance the workability and clarity of a select few, particularly from the context of a smaller and predominately rural Council which has a strong focus on primary production.

Clause

Individual definition

Notes

earthworks – the South Taranaki District Council makes the observation that the definition of “earthworks” and “land disturbance” are very similar and recommends that the elements of these two definitions be combined into a single encompassing definition. home business – the South Taranaki District Council considers the definition of “home business” to be too broad and open to interpretation. It recommends that parameters be included in the definition against which the activity can be definitively measured. An amended definition may read: home business: means an occupation, craft, service or profession that is secondary to the use of the site for a residential activity and which: (a) Is undertaken or operated by a member of the household residing on the property on or in which the home occupation occurs plus one (1) other person (full time equivalent) who reside off the property and employed in the activity; and (b) Involves no delivery or collection of goods, materials, or wastes or visits for the home occupation outside the hours of 8.00 am to 6.00 pm; and (c) Involves no exterior storage, display, or other indication of the home occupation; and (d) Occupies no

more than 50m² and involves no retail sale of goods. intensive primary production – the South Taranaki District Council makes the observation that the effects of intensive farming come as a result of the density at which animals are kept, or the intensity at which plants or other living organisms are produced. The Council recommends that the definition within the NPS be refined to reflect this productive intensity and that further parameters be included within it to provide certainty for users as to what does and does not constitute as “intensive primary production”. The definition could read: intensive primary production: means primary production activities that involve the production of fungi, livestock, poultry or other living organism principally within buildings or tightly confined enclosures where the stocking density precludes the maintenance of pasture or ground cover. It includes fish farms, pig, fish, rabbit, snail, poultry and mushroom farming, and animal feedlots, but does not include: (a) Horticulture undertaken in greenhouses, (b) Shearing sheds; and dairy milking sheds; (c) Keeping, rearing or breeding of poultry of 20 or fewer birds; and (d) The keeping, breeding or rearing of five (5) or fewer pigs that have been weaned, or more than two (2) sows (with progeny until weaned). quarry – the South Taranaki District Council considers that the definition of “quarry” would to a degree be interchangeable with the definitions of “earthworks” and “land disturbance” in that soil and/or aggregate excavation would be occurring in all cases. Therefore, the excavation of and removal spoil for construction purposes may qualify as a “quarry” under the current NPS definition. It is recommended that the definition be amended to clarify that material is being excavated and removed from a site on a permanent basis (with or without processing) as well as providing for some exceptions. The amended definition could read: quarry: means an area of land where the excavation and permanent removal, with or without the processing, of minerals and other solid natural substances occurs, but does not include the removal of spoil for construction purposes or removal of soil, rock or aggregate for forestry harvesting.

Clause

Overarching comment

Notes

The South Taranaki District Council notes that mandatory direction 3 of the Noise and Vibration Metrics Standard instructs that any plan rule to manage an emission of noise must be consistent with the noise measurement methods in the New Zealand Standards listed in Table 30. The Council then seeks assurance that this direction applies exclusively to the noise measurement method, rather than the measurement location or the point at which an emission of noise must meet a dictated level. For context, South Taranaki applies noise limits both at property boundaries and at the notional boundary, but is aware that many other territorial authorities rely solely on noise measurement at the notional boundary. The Council would not support any direction that affects its ability to maintain its current approach.

Clause

ePlanning implementation

Notes

The South Taranaki District Council encourages the implementation of ePlans with central support, including the use of a standard formatting and a single software provider.

Clause

Timing

Notes

The South Taranaki District Council broadly supports the national consistency that the National Planning Standards seek to achieve, but it is concerned with the cost of their implementation and notes that Ministry’s own analysis confirms that no environmental benefit would result from this. Given the recent review of its District Plan, the South Taranaki District Council supports the principle of a longer timeframe for listed local authorities to amend their planning documents in accordance with section 58I of the RMA, but recommends that the timeframe be revised to either coincide with the authority’s scheduled plan or policy statement review or 10 years from the gazettal of the National Planning Standards.

Clause

Support

Notes

The South Taranaki District Council has a general concern across the full set of National Planning Standards which relates to consequential amendments arising from recognition of mandatory directions, particularly if they extend beyond the scope envisaged by section 58I(3)(d) of the RMA – necessary to avoid duplication or conflict with the amendments. As any consequential amendments that exceed this scope default to reliance on the Schedule 1 process, the Council seeks a greater level of guidance through the NPS around the interpretive parameters of this section given the costly and protracted nature of the Schedule 1 process. Additionally, the South Taranaki District Council makes the observation that the Ministry can at times be reluctant to provide local authorities with assistance in interpreting documents “owned” by the Ministry. It is expected that integration of the National Planning Standards into plans and policy statements would result in legal questions and the Council recommends that the Ministry works closely with local authorities through this adaption phase and seeks declaratory judgements where necessary.

Clause

Regional plan and policy statement spatial tools guidance

Notes

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National direction

Notes

S-IGP – National direction instruments, Table 13, Instruction 2. The South Taranaki District Council seeks further clarification regarding Table 13, Instruction 2. At present it is unclear how any consequential amendments as result of this instruction would be implemented (i.e. through the minor amendment process under clause 16, Schedule 1, or by way of a plan change).