

Submission to the Ministry for the Environment

Draft National Planning Standards

17 August 2018

1. The Canterbury Mayoral Forum thanks the Ministry for the Environment for the opportunity to submit on the Draft National Planning Standards (Planning Standards).
2. The Forum also thanks the Ministry for working with a number of Canterbury Councils on the development of the Planning Standards. We encourage the continuation of this collaborative approach on other matters that affect local authorities.

Background and context

3. The Canterbury Mayoral Forum comprises the Mayors of the ten territorial local authorities in Canterbury and the Chair of the Canterbury Regional Council (Environment Canterbury), supported by our Chief Executives. The purpose of the Forum is to promote collaboration across the region and increase the effectiveness of local government in meeting the needs of Canterbury's communities.
4. All Canterbury councils actively participate in the Forum: the Kaikōura, Hurunui, Waimakariri, Selwyn, Ashburton, Timaru, Mackenzie, Waimate and Waitaki District Councils, the Christchurch City Council and the Canterbury Regional Council (Environment Canterbury).
5. The Mayoral Forum leads development and implementation of the *Canterbury Regional Economic Development Strategy* (CREDS). A three-year work programme to deliver on commitments made in the Canterbury Local Authorities' Triennial Agreement 2017–19 is implemented by the Canterbury Chief Executives Forum, and the Canterbury Policy, Operations, and Corporate Forums.
6. The following submission has been developed with input from the Policy Forum, and we have shared our draft submission with Te Rūnanga o Ngāi Tahu. Our submission focuses on matters of general agreement between the members of the Canterbury Mayoral Forum.
7. We note that the Christchurch City Council, Mackenzie, Selwyn and Waimakariri District Councils, Environment Canterbury and Te Rūnanga o Ngāi Tahu also intend to make individual submissions.

Mayors standing together for Canterbury.

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General comment

8. The Canterbury Mayoral Forum supports the concept of the Planning Standards in that they will increase consistency in plans and policy statements, providing for more efficient preparation and review. Our main concerns with the draft Planning Standards are:
- the standard five-year period to implement the Planning Standards
 - the separate land and infrastructure chapters required for Regional Policy Statements (RPS)
 - the hyperlinks required to refer to other plan rules
 - the implementation period to provide all versions of the operative plan on Council websites
 - the table-based rule structure.
9. This submission also raises a number of other issues that are more technical in nature. All of these matters can be addressed by amending the draft Planning Standards.

Implementation period

10. The Planning Standards require local authorities to amend their documents to give effect to the Planning Standards within five years of their being gazetted. The exception to this is a number of Councils that have recently reviewed their plans, which have a seven-year timeframe. The five-year timeframe is not likely to be realistic or practical.
11. There appears to be an underlying assumption that giving effect to the Planning Standards will not involve lengthy Schedule 1 Resource Management Act (RMA) processes. This is incorrect. The inclusion of definitions in the Planning Standards will mean that in many cases, details of rules and their activity status will need to be reviewed and adapted to reflect the new definitions. Further, the RMA limits consequential amendments only to those that avoid duplication and conflict with the mandatory amendment¹. As this exemption is relatively narrow in scope, and as many rules are likely to require significant amendments to reflect the amended definitions while retaining the original intention of affected rules, Canterbury Councils anticipate having to use Schedule 1 RMA processes as an invariable consequence of implementing much of the Planning Standards.
12. This causes timing issues for Councils part way through their District Plan Reviews. For instance, Timaru, Selwyn, Mackenzie and Waimakariri District Councils have started their District Plan Reviews, and are unlikely to notify their Proposed District Plans until around 2020–2021. At that stage, it would be an inefficient use of resources to go back and amend their Operative District Plans to implement the Planning Standards, and in any event amending their Operative District Plans would likely result in a lengthy Schedule 1 RMA process, which would not make sense to start in the middle of a District Plan Review.

¹ Section 58I(3)(d) RMA

13. The logical thing to do would be not to amend Operative Plans to implement the Planning Standards, but to implement the Planning Standards through their Proposed District Plans. This would not, however, meet the five-year timeframe of the Planning Standards if the Proposed District Plans do not become fully operative within this period, as section 58I RMA requires amendment of the Operative District Plan as well as the Proposed District Plan. The remedy to this issue would be to extend the timeframe requirement to implement the Planning Standards to 10 years, or to apply the implementation requirement only to plans/policy statements post-gazetting the Planning Standards. This would also have the effect of not forcing Councils into early plan reviews just to implement the Planning Standards.
14. Environment Canterbury's submission on the Planning Standards also seeks to extend the implementation timeframes. The reason for this is that it will take a significant amount of time for Environment Canterbury to give effect to the Planning Standards. As the RPS informs regional plans, their RPS will need to be reviewed prior to the review of their regional plans in order to give effect to the Planning Standards. Five years is considered an insufficient timeframe to undertake these reviews. To conduct this degree of review of both the RPS and the suite of regional plans within five years is unrealistic. We therefore request an amendment of the five-year implementation timeframe in the Planning Standards.

Regional Policy Statement structure

15. The Draft Regional Policy Statement Structure Standard requires a separate chapter for matters concerning 'land' to that concerning 'infrastructure and energy'. However, as many aspects of land use and infrastructure are interrelated, it is necessary and good practice to address them together. The requirement of the Planning Standards to deal with them separately effectively forecloses that opportunity. Dealing with land and infrastructure separately within the RPS is inconsistent with the National Policy Statement on Urban Development Capacity 2016, which requires an integrated approach to land use and infrastructure. Chapters five and six of the current Canterbury RPS integrate land use, infrastructure and growth management. Accordingly, we request that the Regional Policy Statement Structure Standard make provision for an integrated land use and infrastructure chapter.

Location of provisions

16. We are concerned that the requirement to locate provisions in the Draft District Wide Matters Standard under both the chapter heading (e.g. environmental risks) and the section heading (e.g. natural hazards) is not necessary and may lead to duplication. This seems to contradict the Draft Chapter Form Standard Instructions 7, 9 and 11, which provide flexibility as to where provisions are required. Accordingly, we request that the District Wide Matters Standard is amended so provisions can go in either the chapters or section.

Methods

17. A number of sections of the District Wide Matters Standard and the Area Specific Standard state that any section in those chapters must include objectives, policies and 'methods including rules (if any)'. We note that this is inconsistent with section 75 of the RMA, which states that a District Plan must include objectives, policies and rules (if any) and may state methods. This creates a contradiction between the RMA and the Planning Standards that can only be resolved by amending the Planning Standards or the RMA.

18. We consider that the requirement for District Plans to contain methods should be optional. Sometimes it is useful to include methods in plans, but often their inclusion can lengthen plans considerably and significantly increase the cost and time of plan making. Accordingly, we request that the District Wide Matters Standard and the Area Specific Standard be amended to require only objectives, policies and rules (if any). The inclusion of methods should be optional.

Landforms

19. The Regional Policy Statement Structure Standard and the District Plan Structure Standard, along with the District Wide Structure Standard, all include the term 'landforms' as a section heading along with the terms 'landscape' and 'natural character'. The concern is that 'landform' is not a term referred to in section 6 of the RMA and therefore its relevance and usefulness is questionable.
20. The use of 'landform' has the potential to create policy around a matter that is not a matter of national significance. As Section 6 of the RMA does provide for the protection of outstanding natural features as a matter of national importance, it may be that the term 'landform' has been confused with the term 'outstanding natural feature'. If that is the case, then we request an amendment to the Planning Standards to replace the term 'landform' with 'feature', along with landscape and natural character in the Regional Policy Statement Structure Standard, the District Plan Structure Standard and the District Wide Matters Standard.

Transport

21. The Draft District Plan Structure Standard does not include a transport section. The infrastructural aspects of transport could be dealt with under the proposed infrastructure and energy section. However, there are non-infrastructural aspects of transport that would not fit into this chapter, such as onsite car-parking, loading, reversing and active transport, for example. This issue could be resolved by including 'transport' in the 'infrastructure and energy chapter'. We consider this chapter to be the best location for 'transport', despite the ability to create a separate district-wide chapter.

Precincts

22. The Draft Area Specific Matters Standard provides for the use of 'precincts' as a planning tool where two or more additional provisions apply to a specific area which modifies the approach to the underlying zoning. Precincts are illustrated in Table 5 of the Draft District Plan Structure Standard as a different chapter. It is understood that 'precincts' are a subset of a zone. If so, it is considered that 'precincts' should not need a separate chapter from the underlying zone, but only a separate section in the underlying zone chapter. To address this issue, we seek amendment of the Draft District Plan Structure Standard to make it clear that 'precincts' are a subset of the underlying zone chapter.
23. The use of the term 'precincts' is not considered suitable in rural areas as the term has an urban connotation. Accordingly, we request that an alternative term such as 'subzone' is able to be used instead of the term 'precincts' for rural areas, where two or more additional provisions apply to a specific area. The term precincts should still be able to be used in urban areas.

Rural and Rural Production Zones

24. The Draft Area Specific Matters Standard provides two very similar purpose statements for the Rural Zone and Rural Production Zone. For instance, the Rural zone is to provide primarily for primary production activities, while the Rural Production zone is to prioritise primary production activities. We request further clarification of the differences between the two zones.

Electronic Accessibility & Functionality

25. Tables 19 and 20 and Figure 1 of the Draft Electronic Accessibility and Functionality Standard requires a 'click to drill' through different map layers. This is difficult to achieve in the Regional Plans as those plans are not property based. Accordingly, we seek amendment of the Draft Electronic Accessibility and Functionality Standard so those requirements do not apply to regional plans.
26. The Draft Electronic Accessibility and Functionality Standard requires the provision of a 'note' within a plan rule and hyperlink that 'clarifies an activity may require consent from another plan'. Local Authorities are required to provide these notes within 12 months of the gazettal of the Planning Standards. To provide these cross-references for all relevant plan rules would be extremely time-consuming, lengthen plans considerably, require review every time a rule in either plan is altered and would potentially be misleading. Accordingly, we request that the requirement for hyperlinks be removed. If some form of cross-reference is required, we suggest that this is limited to a general note and hyperlink.
27. The Draft Electronic Accessibility and Functionality Standard requires that all versions of the current plan (since becoming operative) be made available on the local authority website within 12 months of gazettal of the Planning Standards. While we have no issue with this requirement post a review of a policy statement or plan using the Planning Standards, we consider the costs of doing this for currently operative plans will far outweigh the benefits. Canterbury local authorities rarely, if ever, receive requests to provide a previous version of their plans. Therefore, there would be little benefit in carrying this out for operative plans. Accordingly, we seek amendment so the requirement only applies to plans that have been reviewed post gazettal of the Planning Standards.

Mapping

28. The Draft Mapping Standard provides a zone colour palette to be used for all planning maps. Some of the colours provided are too similar to one another. We seek a revised colour palette that better distinguishes between the different zones.
29. The Draft Mapping Standard provides only one symbol for special purpose zones, despite the possibility that a number of special purpose zones could be used. We request the ability to use different symbols for different special purpose zones.
30. Table 22 provides only an outline to indicate designations. If a designation is over a large area and covers multiple sites, this symbol could easily be missed by plan users who are conducting a property search. We seek amendment to include fill or cross hatching to the designation symbol.

31. Table 22 provides the same symbol for coastal, flood, volcanic and fault hazards. We are concerned that this provides no differentiation between these natural hazards and makes interpretation and understanding of the plans and understanding of the extent and nature of natural hazards more difficult. Providing a text note is not considered sufficient to distinguish the different hazards, especially on large scaled maps. It would also be problematic when more than one hazard is present. We therefore seek amendment of Table 22 to provide different symbols for different natural hazards.
32. Similarly, no mapping standard is prescribed for precincts. If a precinct is a subset of a zone, a precinct should be spatially distinguished from the 'parent' zone on the planning maps.

Tabled-based Rule Structure

33. The Planning Standards specify a table-based rule structure that we consider to be inflexible and not suitable for all types of plans. Environment Canterbury has previously tried a table-based rule format in the Natural Resources Regional Plan and subsequently abandoned it because it proved too complex and difficult to use. Accordingly, we request that the Planning Standards provide a narrative rule option for Regional Plans.

Definitions

34. The Draft Definitions Standard provides a list of District Plan definitions for commonly used terms. We generally support the standardisation of definitions. However, a number of definitions are problematic by being unclear, ambiguous, lacking specificity, too general, subjective, in conflict with another definition, or potentially resulting in unintended consequences. Definitions such as 'boundary', 'addition', 'accessory buildings', 'visitor accommodation', 'site', 'residential activity', 'residential units', intensive primary production, clean fill, retirement village, education activity and coverage have been identified as being problematic.
35. We consider the definitions to be very important parts of District Plans as they are a fundamental part of defining activity status. Accordingly, we encourage the Ministry to continue working with local authorities in developing and refining the definitions.

Recommendations

36. The Forum supports the concept of the Planning Standards but requests the following amendments:
 - a. extend the timeframe requirement to implement the Planning Standards to 10 years, or apply the implementation requirement only to Plans/ Policy Statements that are produced after the Planning Standards have been gazetted
 - b. the Regional Policy Statement Structure Standard provides for an integrated land use and infrastructure chapter
 - c. provisions in the District Wide Matters Standard can go in either the chapters or section
 - d. the District Wide Matters Standard and the Area Specific Standard only require objectives, policies and rules (if any), while methods remain optional

- e. replace the term 'landform' with 'feature' in the 'landscape' and 'natural character' section heading in the Regional Policy Statement Structure Standard, the District Plan Structure Standard and the District Wide Structure Standard
- f. include 'transport' in the 'infrastructure and energy chapter' of the District Plan Structure Standard
- g. clarify that 'precincts' are a subset of the underlying zone provisions, not a separate chapter within the Draft District Plan Structure Standard
- h. amend the Draft Area Specific Matters Standard so that an alternative term to 'precinct', such as 'subzone', is able to be used instead of 'precincts' for rural areas. The term precincts should still be able to be used in the urban areas
- i. clarify the differences between the Rural zone and the Rural Production zone within the Draft Area Specific Matters Standard
- j. amend the Draft Electronic Accessibility and Functionality Standard so that:
 - i. the 'click to drill' accessibility requirements of Tables 19 and 20 and Figure 1 is removed for Regional Plans
 - ii. the requirement for notes within a plan rule and hyperlinks that clarifies an activity may require consent from another plan is removed. If some form of cross-reference is required, it is suggested that this is limited to a general note and hyperlink
 - iii. the requirement to have all versions of the current plan (since being made operative) available on the local authority's website within 12 months from gazettal of the NPS be amended so that it only applies to plans that have been reviewed post the gazettal of the Planning Standards
- k. amend the Draft Mapping Standard so that:
 - i. the colour palette is revised to better distinguish between the different zones
 - ii. there is the ability to use different symbols for different special purpose zones
 - iii. fill or cross hatching is provided to the designation symbol
 - iv. the ability to have different symbols for different natural hazards is provided for
 - v. mapping tools spatially distinguish precincts from the 'parent' zone on planning maps
- l. amend the Text and Numbering Form Standard so that a narrative rule option is provided for Regional Plans
- m. that the Ministry continues to work with the local authority NPS group in developing and refining the Draft Definitions Standard



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