Submission on Draft National Planning Standards

Name: 
Organisation: Matamata-Piako District Council
Address: 
Phone: 
Email: 
Submitter type: Local government

Matamata-Piako District Council (MPDC) would like to thank the Ministry for the Environment (MFE) for the opportunity to make a submission to the draft National Planning Standards (the Standards). In addition to addressing the 23 questions posed in the Draft National Planning Standard Consultation Document, the submission concludes with those matters that were not the subject of a specific question in the Consultation document.

Question 1: What are your thoughts on this proposed package of planning standards? If you consider changes necessary, how would these affect the anticipated outcomes?

We are supportive of the Standards’ efforts to promote standardisation, save time, and improve clarity for users to ensure that more time and resources are spent on addressing local issues and less are spent on the mechanics of district plan formatting and structure.

A Treasury report estimates that the costs to each provincial council of implementing the Standards are $11.54 per capita (source: Figure 1: “Council Costs of Implementation”: page 5, “National Planning Standards Regulatory Impact Statement”). This cost would be nearly of $403,700 for the Matamata-Piako District, which is a small provincial council, with an estimated population in 2018 of just 34,980. The estimated cost is a considerable sum which has not been included in Long Term Planning, and an unexpected financial burden on a small rural district.
which is experiencing only medium population growth and has a disproportionately small number of working age residents to contribute to its costs.

Matamata-Piako's population of nearly 35,000 means that it exceeds the threshold of fewer than 20,000 residents for a district to be considered rural as specified in MfE's "Economic Evaluation of the Introduction of National Planning Standards" report (p. 5). However, it is a figure at the lower range of the 20,000 to 90,000 population band for provincial councils. It is likely, therefore, that the cost to MPDC of implementing the Standards would be closer to the $34.26 per capita estimate for rural councils, than the estimated cost of $11.54 per capita for provincial councils.

**Question 2: What topics or matters should be investigated for future planning standards?**

MPDC suggests that, to avoid unforeseen circumstances, future planning standards should not be introduced until such time as the current proposed standards are decided upon and tested to see how well they work.

However, we suggest future planning standards could include providing the criteria/framework for significant outstanding landscapes and features, and significant natural areas and heritage at a national and regional level. This would provide invaluable guidance and ensure national consistency. It would also focus the debate on which features meet the criteria, rather than on the criteria itself.

**Question 3: Do you agree with the level of standardisation proposed in the plan structure standards?**

MPDC acknowledges the advantages for users and organisations that use more than one plan, and that a prescribed approach saves deciding on a best practice approach. However, in all likelihood, most plan users do so only infrequently in relation to their domestic situation, and not in a professional sense. Furthermore, such users deal only with the plan in their 'home' district, so the chief benefits of standardisation would likely be enjoyed by relatively few.

**Question 4: Are there other topics that would benefit from a chapter structure standard?**

From MPDC's perspective, it is too early to suggest additional topics for revision. We would have a better idea of potential further topics once the Standards are implemented and subsequent gaps or issues are identified.

**Question 5: Does the tangata whenua part structure standard help meet RMA requirements for iwi authorities and tangata whenua input into RMA plans? Will this help tangata whenua and councils work together?**

Although progress has been made in the area of training in the field of RMA plan making and statutory processes, it can be a challenging and time consuming exercise for iwi to obtain and retain these skills and experience. Iwi and hapu will still
likely require resourcing to assist with providing in-depth participation in council processes.

Given the recent introduction of Mana Whakahono a Rohe as tools to enable tangata whenua and local authorities to work together under the RMA, MPDC feels that it is these tools, and not the proposed Standards, which will have a greater influence over iwi engagement as they require greater interaction between Tangata whenua and councils.

Furthermore, the imposition of a nation-wide standard for all tangata whenua may not be welcomed by iwi and hapu where local issues, and therefore local solutions, are often sought.

Question 6: Should we have a standard set of zones? Would this make plans across New Zealand easier to use?

MPDC agrees that it would be practical to have standard set of zones as they are a key foundation for Territorial Authority plans, and therefore an important component of seeking nationwide standardisation across all districts. However, as in Answer 3, it’s likely that the main benefits of standardisation would be enjoyed by people and organisations who regularly use more than one plan.

While the Standards may ensure that zones across different Territorial Authorities will share identical names and symbols, it is the rules of each council that will dictate the actual activities permitted within zones, and what, if any, controls will apply. These activities will invariably differ across some councils, which will detract from a complete standardisation across plans. Nevertheless, MPDC hopes that such independent decision making will still be afforded to individual councils, rather than central government employing a more prescriptive approach.

Question 7: Are some zones missing, or are some zones not needed?

If insufficient zones are approved as part of the Standards, there is a risk of Precincts being used as de facto zones. Such an eventuality weakens the intent of standardisation promoting a fixed maximum number of zones with prescribed purpose statement that the zone provisions must fulfil.

MPDC would favour the addition of a second rural residential zone. In the Matamata-Piako District we have two such zones, which are differentiated by different minimum lot sizes and locations. The second rural residential zone only become operative in 2018, after having been introduced as part of a ‘rolling review’ plan change. We would need to undergo a further plan change to revoke this recently introduced zoning should a second rural residential zone not be introduced as part of the Standards, which in itself does little to engender a commitment to consistency and wise use of resources in the public eye.

MPDC also queries the specific uses of precincts and how it is intended that they will be utilised, as we favour using them for Development Concept Plans (DCP).

MPDC utilises DCPs within our district plan, as a mechanism to regulate the activities and effects within certain large sites. Each DCP includes a full suite of rules and specifies the conditions under which the site must operate. There are currently 14
DCPs within Matamata-Piako, and we have received private plan change applications for a further two. MPDC have found DCPs to be a very useful tool to help manage large-scale activities which are continually evolving and changing, on sites which are typically out of zone.

The site operators favour the certainty that DCPs provide as they are intended to cater for growth and, where the effects of the activity are internalised, they don't require the ongoing time and expense of resource consent applications. Furthermore, neighbours and residents can view the requirements of each DCP as they are included in our District Plan.

MPDC seeks clarification about the requirements of the Standards in relation to zone changes and Schedule 1 of the RMA. The Standards Consultation Document indicates that zone changes will be subject to discretionary direction, with a requirement for formal consultation. We seek confirmation that a Schedule 1 consultation process will not be required to undertake like-for-like zone changes directed by the Standards. For example, we are not in favour of having to undertake a time-consuming and costly Schedule 1 process to rename our current Business zone to "Commercial" zone, or consult with the public on zones that will retain their existing names, such as "Rural" and "Industrial".

**Question 8: Is the inclusion of purpose statements for zones useful for guiding how they may be used?**

The inclusion of purpose statements will provide essential guidance for users and plan makers to understand how zones should be identified/differentiated. Furthermore, it supports an idea of standardisation on which the Planning Standards are focused. Variation will continue across districts, however; for example, high-density residential zoning in a predominantly rural district like MPDC would likely be labelled medium-density residential in a city plan.

MPDC seeks that the Standards won't seek to govern how zones will be identified by Territorial Authorities, but leave this as the sole responsibility of local government. If, however, it is intended that the Standards play a role in the identification of the appropriate zoning, then MPDC seeks clarification of what consultation will be held with Territorial Authorities.

**Question 9: Do the purpose statements help you understand which zones you currently have in your plan, and how they fit into the planning standard's zone?**

They provide useful guidance to allow the comparison and evaluation of the proposed zones and what is most appropriate for our district. However, given the variable makeup of the cities and districts throughout New Zealand, and the deliberately non-prescriptive nature of the purpose statements, they are predisposed to a considerable level of subjective interpretation.
Question 10: Is level 5 of the Electronic Accessibility and Functionality Scale an appropriate standard for Council ePlans? Should it be more or less ambitious? What would you include/exclude?

MPDC are in favour of the introduction of ePlans as they reflect the increasing demand for electronic information accessibility, and we have already embarked on the creation of an electronic plan for our district. We do, however, question the timing of the introduction of ePlans.

MPDC’s ePlan development (Masterplan) is estimated to be at the 2-3 stage in the Standard’s Figure 1: ePlan Electronic Accessibility and Functionality Scale, subject to minor implementation changes. However, the ‘linking’ and ‘searchable’ requirements for an ePlan are still beyond the capabilities of Masterplan at this time.

The Standards place new demands on Council systems that were previously considered fit for purpose (in the absence of any existing requirements). MPDC would incur a sizeable loss of time and expenditure for having made a start on an ePlan prior to there being any such requirement, yet then face the likelihood that a considerable amount of this work will need to be revisited to reflect the requirements of the Standards.

A requirement for the storage of earlier District Plan versions on council websites may cause confusion for the public as to which version they seek. In addition, electronically archiving numerous past editions of plans, which require considerable space, may be burdensome to council websites. We suggest that it should be sufficient for just the current version of each Council’s Plan to be published online, or all versions of the plan that are no more than five years old. Furthermore, we suggest that only the operative version of the plan be published to avoid confusion as laypeople may not typically know the significance of the relative weighting given to notified or decision versions.

Question 11: For councils, what type of support would be useful to help you implement the eplan standard?

MPDC, as a smaller, rural council, has a single staff member dedicated to web development. As such, the demands of implementing the Standards’ requirements in relation to an ePlan would become a new responsibility, additional to their existing workload, and one unable to be delegated to any other staff member. It is suggested that the timeline for the 16 baseline accessibility and functionality requirements from Table 18 of the Standards be extended to three years to allow the proposed changes to be included into an updated work schedule.

MPDC requests the provision, without cost, of a common software to all local authorities that allows the functionality intended by the Standards. Briefly, this would entail the ability for GIS and the ePlan to work seamlessly, and also allow integration with each Council’s corporate system.

MPDC suggests allowing updates proposed by the Standards to be introduced in line with, or as part of rolling review, and/or allowing all rural councils an extension to at least the seven year timeframe afforded to those Councils identified as having recently completed a major plan overhaul.
Question 12: Does the mix of map colours and symbols function well for your plan(s)?

From MPDC's trial mapping, the similarity of some zone map colours (e.g. "Medium Density Residential" and "Rural Residential") would be very difficult to distinguish, especially if they are situated on the same map, but not located side by side. Such difficulties are exacerbated by different printers which print the same document with subtle, but noticeably different shades.

From an aesthetic perspective, the greens in the supplied colour palette are drab; we suggest more vivid greens to enliven those districts that are primarily rural.

We note that the colours are distorted when layered on top of each other, we suggest considering a fill for "flood hazards" to avoid the underlining zone experiencing such a colour mismatch. We give the example of a District Plan map for central Te Aroha where some of the zoning is also subject to flood hazard and a heritage area. In trials using the proposed colour palette and symbology, the combination of all three features results in a colour distortion that did not match the map legend. We suggest that an overlay or hatching is required to ensure clarity.

The colour proposed for designations is very similar to the blue commonly used for waterways and would also benefit from a fill, not just a border, to ensure that they are easily discernible.

Symbols are not easily transferred from GIS systems to another use such as district plan maps and how this difficulty will be overcome is not detailed in the background material. Furthermore, prescribing certain symbols will present standardisation problems if the symbol in question is not common to the software systems used by all councils.

MPDC propose a two-fold refinement to the hazard symbology. Firstly, we suggest additional symbols to reflect the existence of multiple hazards, for example: earthquake, land instability and flood-related hazards. Secondly, we suggest providing a subset of flood hazard symbols, for example: ponding and overland flow paths, as our Plan has different requirements for both these hazards. Furthermore, other Councils may have High, Medium and Low Risk flood levels that need to be included.

Finally, we don't propose any other symbols to be added in the first set of Standards as we are in favour of assessing the impact and practicabilities of those already proposed.

MPDC questions why the symbol for "Sites of significance to Maori" will require consultation with tangata whenua when every other symbol has been prescribed, including that for Marae. Although we are happy to consult with Tangata Whenua, it seems an oversight that a feature prescribed by the Standards should not also have a symbol provided as such a decision is counter to its stated intention for consistency across all plans. Various iwi may well hold different views on the subject of a symbol to represent "Sites of significance to Maori", and it may be advisable for the Ministry to consult with Tangata Whenua on a national scale before prescribing a symbol.
Question 14: Can these spatial planning tools be used to address the planning issues in your community?

Yes, MPDC considers them useful tools to have and we utilise some already within our Plan. For example, our District Plan includes Development Areas to indicate areas of future residential growth. Specific controls are included to highlight commercial or industrial areas which are subject to planting requirements to enhance amenity values.

Question 15: Should additional spatial planning tools be included?

MPDC are satisfied with the proposed planning tools, provided that individual councils are free to utilise them in the manner that is both in general alignment with the Standards and most appropriate for their district. We note that it would be an unfortunate and needless consequence if the unintended misuse, in the opinion of MfE, of a spatial planning tool resulted in delays and an appeal to the Environment Court.

For example, we intend to use overlays to display the location of business/residential interface areas which allow the operation of certain businesses in selected residential zoned areas which neighbour commercial zones. Similarly, we intend to use a specific control to denote the location of commercial zoned properties which need not supply parking spaces if they provide verandas for pedestrian usage.

Further to our answer to Question 14, we intend to continue to utilise development areas and specific controls for other activities identified above.

Question 16: Do you agree with the level of prescription in the chapter form standard?

MPDC is in favour of requiring a consistent approach to promote the standardisation in plan structure intended by the Standards, without the content of the plan itself being dictated. Without standardisation, plans will differ dramatically, however, we are unable to confirm if the proposed format is the best option available. We refer back to Question 11 and note that to achieve the desired effect of nationwide plan standardisation, all Councils need to have the same software for their ePlans.

Initial testing suggests that the proposed structure will be workable from our perspective, but we request additional guidance on the format, and clarification of some terms. The phrases ‘rule descriptor’ and ‘rule requirement’ would benefit from extra clarification to distinguish their meaning, and their intended use to allow the Standards to be satisfied.

It will be a considerable task to identify every provision that an activity needs to comply with, however we will hope to address this matter by referring to whole sections or whole rule requirement tables in the rules section. Nevertheless, this will be very time intensive, and we repeat our request to extend the permitted timeframe from the proposed five year period.
Question 17: Would the acronym and alphanumeric code approach work well for your plans? If not, what changes would work better?

Further to our answer in Question 16, above, MPDC favours a consistent approach in the structure and formatting of plans, however, we are unable to confirm if the proposed format is the best option available.

Question 18: Are these drafting principles suitable for definitions? Should they be changed or expanded?

The drafting principles, based on New Zealand Standards and legislation such as the RMA, with the intention of being clear and concise are supported.

Question 19: What other definitions should be standardised in future sets of planning standards?

In terms of content, the proposed definitions from the Standards and the MPDC Plan are in many cases substantially different, even when referring to the same matter, for example: “Building”. Such a disparity will have a knock-on effect for our Plan and the activities that it regulates, as the proposed definition would exclude key matters. In addition, the Standards exclude the addition of similar definitions which synonyms of those already proposed. While this is understandable, it may mean a substantial, consequential redrafting of existing rules to ensure that exceptions as a result of the Standards are captured somewhere else in the Plan.

MPDC suggests that, to avoid unforeseen circumstances, future definitions should not be introduced until such time as the current proposed definitions are finalised and tested to see how well they work. We do, however, support the proposal to allow the addition of extra definitions where they have not been prescribed by the Standards.

We query the mandatory Direction 3 introduction and sub-part b) from the Definitions Standards (page 77 from the draft National Planning Standards) as they appear to refer only to regional plans.

Question 20: Is it appropriate to use NZ Standards as the basis for noise metric and vibration standards?

MPDC believes it is good guidance to use consistent guidelines – the certainty that these provide is advantageous both for large organisations which carry out activities in multiple districts, as well as for councils who have a set of prescribed standards with which to work. In addition, when the relevant NZ Standards are updated, Councils will not need to go through a Schedule 1 process to reflect these changes in their Plans.

Question 21: Should the planning standards set noise limits for certain zones?

MPDC believes that noise limits for zones should not be prescribed by the Standards but be determined by individual communities.
Question 22: How will these implementation timeframes affect your council?

The stated baseline accessibility and functionality requirements are too wide ranging and detailed to be realistically implemented within 12 months of gazetted of the standards.

We have real concern at time frames: our Council, like many of our small counterparts, has limited staff and financial resources to be able to embark on work required by April 2020, yet the requirements of which have not yet been confirmed. A small collection of staff with numerous responsibilities would be expected to complete this exercise as well as their existing roles – many roles in this council are the responsibility of just one employee. For example: at this Council, this applies to GIS, web development, and the policy planning role responsible for the District Plan review.

The implementation of the Standards will channel a considerable amount of time and resourcing from these staff members. Consequently, the rolling review of our district plan, which is to ensure we meet our community’s needs, will be affected by this additional exercise.

Question 23: What sort of guidance and support would be useful to plan users and councils? What guidance should we prioritise?

MPDC would like to see legal guidance on consequential amendments arising from certain changes to our District Plan to get an opinion on specific cases.

We would also request legal guidance on what matters can be submitted upon. For example: in terms of the submissions process, is it out of scope to make a submission on the content of a National Policy Standard which has been incorporated into a plan?

We favour implementation advice in relation to the Standards to ensure that our understanding and proposed use of its tools are robust and are as the Standards intend. For example, we would appreciate the opportunity to submit scenarios for comment to ensure that our proposed use of spatial planning tools meets the intent of the Standards.

Question 24: Should MfE target its implementation support to smaller councils with fewer resources?

Given that Treasury’s calculations indicate that provincial councils will pay a disproportionate cost per capita to implement the Standards (see Question 1), in turn we would like to see a larger share of the implementation support be provided to smaller councils.

Rural and small provincial Councils are affected by the constraints of smaller ratepayer bases, frequently experience high levels of deprivation and feature small teams or even individuals to conduct the work that may be assigned to sizeable teams in larger districts or cities.
Other Matters

The Consultation document requested an outline of the proposed implementation timeframes and approach to be employed by each council. In response, MPDC notes the tight timeframes associated with the Standards, which were only released in June. This time pressure means that in-depth analysis of MPDC’s approach and implementation costs have not been conducted, nor the subsequent and necessary Council approval gained.

Signature:

Don McLeod
Chief Executive Officer, Matamata-Piako District Council
Date: 17 August 2018