17 August 2018

Hon David Parker
Minister for the Environment
Parliament Office
Private Bag 18888
Parliament Buildings
Wellington 6160

Dear Minister,

FAR NORTH DISTRICT COUNCIL SUBMISSION ON DISCUSSION DOCUMENT – IMPROVING OUR RESOURCE MANAGEMENT SYSTEM

Far North District Council (FNDC) welcomes the opportunity to submit on the “Draft National Planning Standards” (the Standards). FNDC has been a member of the Council Pilot Programme and has participated in that process, which has helped inform the creation of the draft standards.

The submission is structured to provide general comment on the Standards, followed by targeted responses to the questions posed in the Ministry’s submission’s form.

General Comment
The Standards are now a legislative requirement and the Resource Management Act 1991 (the Act) prescribes the mandatory content and timing for the first set of Standards.

FNDC supports the general concept of having National Planning Standards as it will improve national consistency and provide a starting point for planning documents. FNDC has concern over the scope of the Standards and the potential to open Plan content to challenge. While FNDC is currently undertaking a consolidated review of the entire District Plan, other Council’s are not in a similar position. These Standards will require in some instances consequential changes, which may be beyond those allowed outside the Schedule 1 RMA process. This could have significant cost implications for a Council and its communities.

The Standards have been written for both rural Councils, like FNDC, and more densely populated urban Councils such as Waikato. Careful consideration has to be given to whether these standards provide a framework that works for both urban and rural Councils.

Draft District Plan Structure Comment

FNDC is supportive of the requirement to have a glossary of Te Reo Māori terms and a section that provides an overview of the higher order documents such as National Policy Statements. We also feel that it is appropriate to have a dedicated section for Tangata Whenua as this helps to inform users of a District Plan and will aim to improve the quality of applications made and improve consultation with Tangata Whenua.
Retaining the ability to have additional special purpose zones is supported by FNDC as this will allow for local issues to be managed and will address legacy areas in the District Plan that are best to retain the provisions as they currently apply.

**Draft District Wide Matters Standards**

FNDC would like to see more direction provided for district wide matters. For example what is intended to be managed in “activities on the surface of water”. Is this in relation to activities that only occur on water, or does it include management of potential supporting activities? For example, you may have a tourist venture that is using a lake with an associated structure on the adjoining land. It is unclear if the intention is to control any potential adverse effects from the structure in the relevant zone chapter or this section.

**Draft Electronic Accessibility and Functionality Standard**

FNDC supports the move towards better electronic accessibility for users of Plans. The current hard copy format can make it difficult for lay persons to use and understand and may increase the need for a consultant for what may be a simple land use application. An electronic format will also ensure that reading multiple sections of a plan will be easier; as currently a user may only go to the zone provisions that apply to their land use and not be aware they may also need to look at other provisions in different chapters.

E-planning will also allow for external documents to be hyperlinked in a Plan, or images of notable trees or heritage buildings being included. However, sufficient time needs to be given to Council to put this into practice, due to the financial costs and time required to implement an e-plan.

Standardised symbols and colour palette have been provided in the Standards. FNDC feels there needs to be flexibility to create additional symbols as required to reflect what is already to some degree standardised in Plans already.

It is not clearly shown whether the Standards allow a Council to have additional spatial planning tools in your District Plan. This needs to be clarified in any guidance document.

**Draft Chapter Form Standard**

It is unclear what the purpose of having a “short title” for each objective and policy will achieve. The objective or policy should be clear from reading the associated text and in theory does not require a title to advise the reader what its purpose or theme is. What happens if there are a number of policies tying into the same objective, do you then use the same heading? This may result in unnecessary time debating the title of an objective or policy, which is not a good outcome for our communities.

The new format is directing the use of “Rule Tables”, however in some instances an existing special zone may warrant retaining the current format vs. trying to incorporate it into a table format. While tables may make provisions easier to understand, they can also create a level of complexity when the matter may have been better dealt with using a different format. Consideration should be given to whether a special zone not identified in the Standards can utilise a different format.

**Draft Definitions**

FNDC does support the standardisation of common definitions and believes doing so will reduce time and money spent arguing the meaning.
However, if a definition is going to be included in the Standards, there has to be confidence that it is the right wording, it will provide the clarity and certainty needed to support the relevant provisions and not create gaps that will result in poor environmental outcomes or the need to create more definitions.

The following definitions have raised some concerns and it is requested that they are reviewed:

- Accessory building – is it intended that this includes habitable buildings such as a sleep out;
- Building – it is unclear why reference is not simply made to the structure requiring consent under the Building Act, as this is the common practice in Plans;
- Industrial activity – it is unclear why a separate definition has not been provided for light and heavy industrial activities. This would be helpful as the Standards provides for a light and heavy industrial zone;
- Minor residential unit – it would be helpful if further direction is provided in this definition for example it is common to specify a size when defining a minor residential unit for example 65m²;
- Residential activity – it is unclear if this would capture workers accommodation as it could for example be argued they are not members of the same household or the layout of the building may provide for separate cooking facilities. To address this issue consideration may need to be given to a definition for workers accommodation;
- Site – this definition is very helpful and we support the inclusion of clause (e), however would this definition cover the situation where you have a farming operation on two titles which may be physically separated by a road or a waterbody, as the term used is adjacent;
- Structure – this definition excludes motorised vehicles that can be moved under their own power, does this include for example a camper van or bus that is not warranted or registered? Or can you simply argue I can start the engine and move it therefore it’s not a structure;
- Visitor accommodation – this definition refers to tariff being paid. However it unclear what is a tariff vs rent. For example, if a person is paying a tariff for three months to use a unit, has this become a residential unit due to the duration?

Some commonly used definitions have not been included in the Standards, such as

- Frontage
- Gross Business Area
- Hazardous facility
- Workers accommodation
- Impermeable surface
- Indigenous fauna and flora
- Kennel / Cattery
- Landscaping
- Manoeuvring space
- Maritime exemption area
- Maori reserve
- Sensitive activities
- Papakainga Housing
- Reflectivity
- Relocated Building
- Gross site area
- Renewable Energy definitions such as Wind Energy Facility, Solar Energy
FNDC supports the fact that the Standards are not trying to include all possible definitions, as that is not feasible as each district will have its own issues it needs to manage. However, it is requested that careful consideration is given to whether the Standards are including all relevant and common definitions that are currently used in District Plans. By including common definitions, it will reduce the financial burden on Councils to defend definitions that are common place and accepted throughout New Zealand and reflect what the majority of people understand them to mean.

**Draft Noise and Vibration**

FNDC supports a standardised approach because a Plan should reflect the relevant New Zealand acoustical standards. This has the added benefit of reducing the financial burden on Council to hire acoustic engineers to help write noise provisions.

**Implementation**

FNDC considers it important that the necessary guidance and support is provided to ensure that when the Standards are gazetted there is certainty for implementation and there is a clear understanding how changes are made to plans outside of the Schedule 1 process. If this guidance and support is not provided, it will create uncertainty and has the potential to result in poor environmental and economic outcomes for our communities.

**Future content for the Standards**

FNDC would support the introduction of infrastructure standards. This is a very technical section of a Plan, and in most instances what ends up at Environment Court has been argued already throughout New Zealand. There is now a lot of direction from higher order documents, which could be incorporated into a standard. This would benefit our communities in terms of the time and money spent on dealing with plan changes involving infrastructure. It would also provide certainty to Council as an infrastructure provider itself.

However care would need to be taken when writing infrastructure standards, to ensure they are not written heavily in the favour of utility operators. While our communities need and want infrastructure, it can also create significant adverse effects and raise cultural concerns.

We appreciate your consideration of this submission and Council would value the opportunity to contribute further to discussions regarding the Standards. If you require any further information please do not hesitate to contact me on our freephone number [redacted] or on [redacted].

Yours sincerely,

Bill Lee

*Acting General Manager: Environmental Management*