

Draft first set of National Planning Standards

SUBMISSION FORM

The Government is seeking views on the draft first set of National Planning Standards.

For more information about the Government's proposals read our National planning standards consultation document available at <http://www.mfe.govt.nz/consultation/draft-national-planning-standards>.

Submissions close at 5:00 pm on Friday 17 August 2018.

Making a submission

You can provide feedback in three ways:

1. Use the online submission form available at <http://www.mfe.govt.nz/consultation/draft-national-planning-standards>. This is our preferred way to receive submissions.
2. Complete this submission form and send it to us by email or post.
3. Write your own submission and send it to us by email or post.

Publishing and releasing submissions

All or part of any written submission (including names of submitters) will be published on the Ministry for the Environment's website www.mfe.govt.nz. Unless you clearly specify otherwise in your submission, we will consider that you have consented both your submission and your name being posted to the Ministry's website.

Contents of submissions may be released to the public under the Official Information Act 1982 following requests to the Ministry for the Environment. Please advise if you have any objection to the release of any information contained in a submission and, in particular, which part(s) you consider should be withheld, together with the reason(s) for withholding the information. We will take into account all such objections when responding to requests for copies of, and information on, submissions under the Official Information Act.

The Privacy Act 1993 applies certain principles about the collection, use and disclosure of information about individuals by various agencies, including the Ministry for the Environment. It governs access by individuals to information about themselves held by agencies. Any personal information you supply to the Ministry in the course of making a submission will be used by the Ministry only in relation to the matters covered by this consultation. Please clearly indicate in your submission if you do not wish your name to be included in any summary of submissions that the Ministry may publish.

Submission form

The questions below are a guide only and all comments are welcome. You do not have to answer all of the questions. To ensure your point of view is clearly understood, please explain your rationale and provide supporting evidence where appropriate. The structure of this form is in line with the draft first set of national planning standards as shown in the overview section tables 1 and 2.

Contact information

Name*	Rebecca Beals
Organisation (if applicable)	KiwiRail Holdings Ltd
Address	[REDACTED]
Phone	[REDACTED]
Email*	[REDACTED]

Submitter type*	Individual	<input type="checkbox"/>
	NGO	<input type="checkbox"/>
	Business / Industry	<input type="checkbox"/>
	Local government	<input type="checkbox"/>
	Central government	<input type="checkbox"/>
	Iwi	<input type="checkbox"/>
	Other (please specify)	<input checked="" type="checkbox"/> State Owned Enterprise

* Questions marked with an asterisk are mandatory.

Draft first set of National Planning Standards

1. Do you support the draft first set of National Planning Standards?

- Yes
- No

KiwiRail support National Planning Standards as an initiative that has the potential to provide for nationally consistency. Substantive content would also be supported.

2. S-RPS: Regional policy statement structure standard

[Click here to enter text.](#)

a. Parts 3 and 4 – Core policy statement provisions

KiwiRail support that a specific chapter for Infrastructure and Energy is proposed within the RPS Structure Standard

b. Part 5 – Evaluation and Monitoring

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3. S-RP: Regional plan structure standard

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a. Parts 3, 4 and 5 – Core plan provisions

KiwiRail support a specific Infrastructure and Energy chapter being provided in the Regional Plan Structure Standard.

In terms of Historic Heritage and the ability for Regional Council's to include rules, KiwiRail note that this is limited to coastal heritage matters. Objectives and Policies can be included on heritage for land and water, however methods are excluded under the RMA therefore clarity would be supported in this provision as well.

b. Part 6 – Evaluation and Monitoring

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4. S-DP: District plan structure standard

KiwiRail support that Infrastructure and Energy are identified as District Wide Matters.

5. S-CP: Combined plan structure standard

KiwiRail support that the more recently reviewed Combined Plans have seven years to amend their Plans to accord with the Combined Plan Structure Standard.

KiwiRail support that in the Combined Plan approach, the Mandatory Directions include the requirement at point 5 that provisions need to be clearly identified as being regional coastal plan, regional plan or district plan.

KiwiRail support that Infrastructure and Energy are specifically provided for through the chapter headings for Regional Policy Statement, Regional Plan and District Plan provisions in a combined plan approach.

6. S-IGP: Introduction and general provisions standard – Part 1 of all plans and policy statements

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a. Introduction chapter

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b. How plan works chapter

Section 8(b) identifies a requirement that an explanation of how certain provisions, zones, overlays, designations etc all relate to each other. This invites a difference of approach between authorities, when KiwiRail submit that the relationship between these elements should be consistently applied nationally. KiwiRail would therefore support that specific direction is provided as to how these elements all relate to each other, to ensure a consistent approach is adopted nationally.

c. Interpretation

KiwiRail support that abbreviations are specifically identified as being able to be included and explained, and that they are to be listed independently to definitions of terms.

d. Plan integration

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e. Formation of standards with tangata whenua

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f. National direction

KiwiRail support that National Direction Instruments are included within a specific Chapter of the Standard.

Table 14 and the reference column requiring identification of the policy which give effect to the NPS provisions is supported. Specific referencing in the Plan of whether that policy gives effect in full or in part to the NPS provision would also be supported. KiwiRail believes this would be a means of ensuring everyone has certainty around that aspect.

That table 15 included in the Standard provides a specific column where rules that are more lenient or stringent than the NES are identified is supported as a means of ensuring ease of use with the Plan.

7. S-TW: Tangata whenua structure standard – Part 2 of all plans and policy statements

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- a. Recognition of iwi/hapū chapter
[Click here to enter text.](#)
- b. Tangata whenua local-authority relationships chapter
[Click here to enter text.](#)
- c. Iwi and hapū planning documents chapter
[Click here to enter text.](#)
- d. Consultation chapter
[Click here to enter text.](#)
- e. Use of te reo Māori
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8. S-SD: Strategic direction structure standard – Part 3 of District plans

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9. S-DWM: District wide matters standard – Part 4 of District plans

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a. Natural Environment Values Chapter

KiwiRail support clarity around the location where coastal environment values are to be identified and addressed within a District Plan.

b. Environmental Risks Chapter

[Click here to enter text.](#)

c. Community Values Chapter

[Click here to enter text.](#)

d. Infrastructure and Energy Chapter

KiwiRail Support that Clause 23(a) (S-IE) includes reference to railways, including explicitly requiring, where relevant, objectives, policies, methods and rules in relation to operation, maintenance, upgrading and development.

KiwiRail seek that the zoning status also be clarified in relation to rail at Clause 24. In KiwiRail's experience, some Council's zone rail 'land transport', some leave the rail corridor unzoned, and some adopt an adjoining zoning meaning the rail corridor zoning changes along its length. This can cause confusion and make it inefficient at times to try and establish a permitted baseline for effects based on zone. A consistent approach to adopting a zoning of the rail corridor throughout the country would therefore be supported.

e. Subdivisions Chapter

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f. General District Wide Matters Chapter

KiwiRail support Clause 31, in particular clause 31(d) which relates to sound insulation requirements for sensitive activities being identified, however KiwiRail note that an 'or' is used in relation to the sound insulation requirements 'or' the limits to the location. KiwiRail seek a setback from the rail corridor for safety purposes, however this can often be misconstrued as being for noise mitigation purposes. There might be instances therefore where both a setback or limit to the location of an activity, and the requirement for insulation are necessary in order to address safety and amenity. KiwiRail therefore seek that 'or' be changed to 'and' in Clause 31(d). Clause 31(d) would therefore read: "sound insulation requirements for sensitive activities and limits to the location of noise sensitives activities relative to noise generating activities".

10. S-ASM: Draft area specific matters standard – Part 5 of District plans, Part 6 – Combined plans

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a. Zone framework (individual and range)

KiwiRail note that the comprehensive list of zones proposed is a mandatory maximum, that Council's cannot add any further zones. This therefore potemitally leads to rail either being unzoned, which the Standard does not appear to preclude, or adopting the adjacent zoning. This does not result in national consistency for KiwiRail.

The adoption of a Special Purpose Zone for rail would require the majority of the territorial authorities in the country to do the same thing if consistency were to be achieved, however the clause in relation to the creation of these Special Purpose Zones, Clause 7(c), requires a consideration of whether a designation is more appropriate. The majority of the rail corridor is designated, therefore this would appear to preclude the ability for the rail corridor to adopt a Special Purpose Zone.

A more efficient means of achieving national consistency, and efficient approach, and certainty for the community and KiwiRail would be for the National Planning Standards to include a zone for land transport corridors. This would then allow for a suite of land transport standards to be developed, a permitted baseline of effects established, and can be consistent with the approach adopted in Auckland which allows for permitted activities from the zoning of adjacent sites to also be undertaken. The suite of provisions could be included in a separate Zone Chapter or within the Infrastructure and Energy Chapter already proposed, noting that land transport is only one component of Infrastructure.

b. Purpose statements

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c. Additional special purpose zones and criteria

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d. Precincts chapter

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e. **Development areas chapter**

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f. **Designations chapter**

KiwiRail support the designation table as proposed and the consistent identification of designation and requiring authority details.

The table requires identified of whether the designation is primary or secondary. The concern KiwiRail have for this is that it is not always clear for rail, or consistent throughout a district. The rail designation is a long linear designation. In particular in relation to roads, there are often overlapping designations along the route of the rail corridor. In some instances rail is the primary, in some instances the secondary. This will vary throughout the district. There will also be instances where the rail designation is the only designation. The bracketed text of “primary or secondary” should therefore also include a third option of “varies” to highlight that it is not always simple and further investigation may be required in some instances.

11. **S-SAM: Schedules, appendices and maps standard – Part 6 – Regional policy statements, Part 7 – Regional plans, Part 6 – District plans, Part 8 – Combined plans**

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12. **F-1: Electronic accessibility and functionality standard**

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a. **Standard baseline requirements**

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b. **Level 5 requirements**

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13. **F-2: Mapping standard**

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a. **Zone colour palette**

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b. **Symbology**

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14. **F-3: Spatial planning tools (Regional) standard**

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a. Range of tools

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b. Zone

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c. Overlay

Click here to enter text.

d. Specific control

Click here to enter text.

e. FMU

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f. Airshed

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g. Area

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15. F-4: Spatial planning tools (District) standard

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a. Range of tools

Click here to enter text.

b. Zone

KiwiRail support that the Zone polygon links to a Zone chapter.

c. Overlay

Click here to enter text.

d. Precinct

Click here to enter text.

e. Specific control

Click here to enter text.

f. Development areas

KiwiRail support that Development areas are to be mapped and link to a Development area chapter within a District Plan. These indicators of future

development are important in ensuring potential reverse sensitivity effects are addressed before development occurs.

g. Designation

KiwiRail support that designations are mapped within District Plans as a spatial planning tool.

KiwiRail would support some clarity around a hierarchy of these Spatial Planning Tools to enable clarity when determining consent requirements or Outline Plan of Works requirements.

16. F-5: Chapter Form standard

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a. Chapter form

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b. Rules

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c. Rule tables

Rule Table 26 is supported by KiwiRail as a clear means of identifying activity status, standards that are required to be complied with to achieve that activity status, and in the event of non-compliance what category of consent may be required.

Rule requirements Table 27 is supported by KiwiRail. The change in language from the commonly understood and used activity standards will cause confusion, however if properly socialised with the community, this should be temporary.

17. F-6: Status of rules and other text and numbering form standard

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a. Status of rules and other text

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b. Numbering

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18. CM-1: Definitions standard

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a. Individual definition

KiwiRail comment on the following definitions as proposed:

- Functional need: KiwiRail specifically support that it includes reference to traverse,

locate or operate in a particular environment. While these are normally separate definitions, one definition is not opposed subject to in the event of changes to the definition arising from submissions, the distinction between functional need, locational need and operational need continue to be recognised. KiwiRail however have a concern with the 'activity can only occur in that environment' wording at the end of the definition as this appears to remove functional or operational needs from being a relevant consideration. KiwiRail therefore suggest that either the definition as notified end after 'environment' or that a definition be adopted consistent with that in the Auckland Unitary Plan.

- Infrastructure: KiwiRail specifically support that this replicates the definition in s2of the RMA, and that at (g) this includes rail.

- Network utility operator: KiwiRail support that this also replicates the definition in s166 of the RMA, including that (f) includes rail.

- Reverse sensitivity: KiwiRail specifically support that this definition includes the establishment or alteration of an activity. The alteration component is important in recognising the potential for reverse sensitivity effects and in providing mitigation. Any changes arising to the definition through the consideration of submissions should ensure that alteration and new activities continues to be recognised.

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b. Additional definitions

A definition of noise sensitivity activities / sensitive activities would be supported in order to provide national consistency in what is or isn't a noise sensitive activity, and thereby when reverse sensitivity effects are required to be mitigated.

19. CM-2: Draft noise and vibration metrics standard

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a. Technical support

Table 30 references NZ standards, as they are currently labelled. The specific inclusion of text that enables the ability to use a successor in title would be supported as over time, these standards are likely to be reviewed and updated. Further, Table 30 should reference all relevant standards, not just the NZ ones, particularly noting that Clause 5 references a German Standard.

KiwiRail have a concern with the terminology used in Clause 3 and 4 of the Standard. The various standards (including NZS 6806) use metrics other than rating level and I_{max} from NZS 6802. You cannot comply with both parts 3 and 4. To fix this part 4 should probably list out the units for each different source in the referenced standards. Clarity is required around the focus of managed of noise or measurement methods. The way currently worded there appears to be conflict in that it is not possible to comply with both clauses when one is very specific about how noise is assessed and the other provides options as to which standard to use.

Clause 5 should be redrafted as:

"Any plan rule to manage construction vibration levels must be in terms of the peak

particle velocity (ppv) in mm/s, in accordance with ISO 4866:2010 Mechanical vibration and shock – Vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures”

This change should be made as:

a) The clause as currently drafted specifies vibration limits (the tables in DIN 4150) rather than just specifying metrics. As such the clause as drafted is contrary to the claimed purpose of this National Planning Standard in that it does not just define metrics.

b) Construction vibration has multiple potential adverse effects. The focus of this clause on structural damage may result in adverse effects on people being overlooked.

c) The specified German DIN standard is out of date. Use of an International ISO standard is preferable as New Zealand experts (through MBIE/Standards New Zealand) can provide input to and vote on ISO standards.

20. Implementation

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a. ePlanning implementation

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b. Timing

KiwiRail support that the more recently reviewed planning documents have seven years to be amended to accord with the Standards, rather than a shorter timeframe of 5 years.

c. Support

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d. District plan structure guidance

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e. Regional policy statement and regional plan structure guidance

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f. District plan spatial planning tools and zone framework guidance

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g. Regional plan and policy statement spatial tools guidance

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h. Chapter form and status of rule and other text numbering guidance

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i. Additional guidance materials required

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21. Future content for standards

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a. Utilities provisions

KiwiRail agree to a National Standard for Utilities, which includes substantive content, being further developed and implemented. Utilities are for the large part consistent across the country and therefore should be recognised in a nationally consistent manner.

The KiwiRail network / landholding crosses 70 of the 78 Local Authorities (14 Regional and Unitary, 56 Territorial). The ability to operate, maintain and upgrade the infrastructure consistently around the country is therefore of considerable benefit for KiwiRail, Councils, and the community.

Other comments

22. Do you have any further comments you wish to make about the Government's proposal?

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Releasing submissions

Your submission may be released under the Official Information Act 1982 and will be published on the Ministry's website. Unless you clearly specify otherwise in your submission, we will consider that you have consented to both your submission and your name being posted on the Ministry's website.

Please check this box if you would like your name, address, and any personal details withheld.

Note that the name, email, and submitter type fields are mandatory for you to make your submission.

When your submission is complete

If you are emailing your submission, send it to PlanningStandards@mfe.govt.nz as a:

- PDF
- Microsoft Word document.

If you are posting your submission, send it to National Planning Standards, Ministry for the Environment, PO Box 10362, Wellington 6143.

Submissions close at 5:00 pm on Friday 17 August 2018.