



New Zealand  
**Planning Institute**<sup>®</sup>  
Te Kokiringa Taumata

**Submission: Draft National Planning Standards**

**Prepared by New Zealand Planning Institute (NZPI)**

**17<sup>th</sup> August 2018**

## **Summary**

NZPI makes this submission about Draft National Planning Standards (NPSs). Background to the submission is contained in the next section (Overview and Introduction). This is followed by a section outlining process issues identified in the preparation of NPSs. The final section reports the main results and findings of an NZPI administered survey of members which explored attitudes to each of the 18 draft NPSs as well as soliciting detailed comments and suggestions. The appendix reports quantitative survey data. We wish to be heard in support of this submission.

### **1. Overview and Introduction.**

NZPI's members are generally at the coal-face of RMA plan implementation – from policy writing, to resource consent processing – and are keenly aware of the implications and possible outcomes of changes to the plan making system in their area of New Zealand and to their work practices. Some of these reflections and responses will have found their way into the submissions of the organisations they work for – Councils and Planning Consultancies for example – but many will not.

While we find that members generally support the Draft NPSs many have specific and important concerns about their implementation and our submission is provided to assist in ensuring these documents are functional, without ambiguity and serve their purpose to the wide community of users.

## 2. Process Issues with Draft National Planning Standards

NZPI has considered the submission prepared by the Resource Management Law Association. NZPI considers their submissions on process and implementation raise a number of significant matters which need attention.

These are summarized in the following bullet points:

- The District Plan framework is generally appropriate for smaller/ rural councils that don't have overly complex or large urban environments. It is however overly simplistic for the larger metro Councils (Auckland, Wellington, Christchurch, and maybe Dunedin, Tauranga, Hamilton) or complex and litigious areas (Queenstown). Most of these Councils have recently completed District Plan Reviews. NZPI submits that the timeframe for implementation for these councils should be pushed out to 10 years or the next City plan review more thought given to enabling further zones. In any case it would be good to confirm if the 5 and 7 year timeframes are for notification rather than operative plans as that has a significant implication for timetabling plan reviews.
- Having to set out how all the higher order plans are given effect to will be really laborious and bulky – under s32 the plan has to do this anyway so question the need for the lengthy cross-references which seem more like something that should be in the s32 than a concise user-friendly district plan.
- Clarification is needed where a district plan is being reviewed and is adopting definitions, yet the relevant RPS has yet to be reviewed and has different definitions i.e. does the district plan give effect to the RPS or should it be consistent with the mandatory adoption of definitions.
- The NPSs makes rolling reviews of district plans really challenging – is there a need for a RMA amendment to remove the ability for rolling reviews?
- Clarification is needed that within the proposed 5 or 7 year implementation timeframe small private or council initiated plan changes don't have to use the proposed definitions but instead can rely on whatever the definitions are in the operative plan.

In addition to the RMLA points above NZPI submits:

- The language of any and all NPSs should and must reflect the language used in the Resource Management Act. Without that consistency, there is too much ambiguity and risk of challenge which would undermine the effectiveness of the NPSs.
- The matters for consideration within any given standard must reflect the statutory functions relevant, and not introduce matters that are not relevant – especially within district plans (section 31 functions) and regional plans (section 30 functions).

### **3. Member Survey on Draft National Planning Standards**

NZPI has conducted a representative survey of its members to measure attitudes to, and to collect open-ended feedback on, the Draft National Planning Standards. 59% of the sample responding are planners or policy analysts – most of them senior (63% have more than 10 years experience as a planner). 41% work in the private sector and the balance in the public sector.

#### **Quantitative Feedback**

The overall survey results indicate broad agreement with the Draft NPSs by NZPI's membership on average, but with some polarization. For example, while 43% of respondents agreed or strongly with the statement that the NPSs "will improve planning practices where I work", 26% disagreed or strongly disagreed. This response pattern is evident for most of the survey questions (see Appendix 1).

The key issues that are highlighted in this part of the survey are:

- 97% of respondents agree or strongly agree with the statement "Council RMA plans should be accessible over internet".
- 50% of respondents disagree, strongly disagree, or are neutral about the statement "The proposed Plan Definition Standards are appropriate".
- 43% of respondents disagree, strongly disagree, or are neutral about the statement "The proposed "C-1" Standard is appropriate".

While these statistics are of some interest, the most important and significant responses are those contained in the detailed feedback members have provided.

#### **Qualitative Feedback and Substantive Submission Points**

Members have provided 321 separate items of open-ended qualitative feedback to the questions asked in this survey. NZPI submits that this feedback – coming from members familiar with the practice of applying RMA plan provisions on the ground - raises important matters that need to be considered at this drafting stage. NZPI presents this information here, in bullet point form, by NPS.

#### **S-RPS: Draft Regional Policy Statement Structure Standard**

- Assumptions ignore the needs of unitary combined plans and the redundancies resulting in the plans hierarchy. MFE has ignored the five unitary authorities attempts to show how practice has responded to these redundancies and the links with other plan content.
- Needs a chapter for urban growth and infrastructure

#### **S-RP: Draft Regional Plan Structure Standard**

- While it is considered appropriate to include chapters in regional and district planning documents on a theme basis (e.g. historic heritage, infrastructure and energy, water), there is a need to ensure that the national planning standard does not unintentionally compartmentalise the management of natural and physical resources in planning

documents. In this regard, it would be unfortunate for provisions regarding the use and management of physical resources to be separated from provisions relating to the management of natural resources – particularly given the objective for integrated management. For example, there is often a link between the management of infrastructure and energy and water / coastal environment. The requirement for provisions regarding the management of infrastructure and energy matters to be included in an infrastructure and energy chapter, and provisions regarding the management of water and the coastal environment in another chapter has the potential to perpetuate issues of conflict between provisions. Theme based chapters in regional and district planning documents are acceptable, but the national planning standard also needs sufficient flexibility to acknowledge that matters relating to certain topics may appear in multiple chapters in plans. This may not be precluded by the draft standard, but it's not clearly endorsed either.

#### **S-DP: Draft District Plan Structure Standard**

- Options such as "Precinct" and "Development Area" are too urban in their application and clearly focused on urban outcomes and urban growth. Overlays and development plans also apply in rural environments, but are not "transitional" in that they are intended to remain in situ for the life of the development. Precinct is an urban term and inappropriate for bespoke rural zones. The default is to use Special Purpose Zoning.

#### **S-IGP: Draft Introduction and General Provisions Standard**

- Some of the requirements are ok, however some are overly onerous and add little value: Update Tables: The update tables (7, 8 and 9) will become very long and unwieldy over time. Preference is that this is not mandatory. However, if it is to remain it is suggested that this information is located in a schedule or appendix so as not to clutter the introduction section. How the Policy Statement/Plan Works Chapter (S-HPW) - 'Legal effects of rules' section: This will simply repeat what is stated in the RMA, which has little value and is unlikely to be useful to the public using the Plan. Furthermore, once a District Plan is fully operative, it becomes obsolete.

#### **S-TW: Draft Tangata Whenua Structure Standard**

- Iwi groups will want local variation rather than a nationally consistent standard.
- S-TW may restrict how much autonomy local communities and tangata whenua have to address these values.
- As long as this is not the only place where tangata whenua/mana whenua issues can be included in the planning documents as these issues are interwoven throughout most planning documents.
- This is another attempt to regulate for best practice. Different iwi have different priorities and capacity and getting prescriptive about how a District plan should detail how tangata whenua related resource management issues may have the unintended consequence of limiting innovation. The RMA already requires Council's to address Resource Management relevant to Tangata Whenua. Mana whakahono a rohe would provide a more robust framework to flesh out tangata whenua requirements and then determine what an

appropriate response might be for policy or plan development. There are very few Maori planners in the planning profession, so there is potential benefit in having some guidance available for Councils to be able to develop RMA policy or plan frameworks that achieve the requirements of 6(e), 7 and 8 of the RMA.

- This structure does not provide for other more inclusive ways of managing Tangata Whenua values within plans. Generally the plans have one Iwi section which is located at the front of plans but in practice these sections are rarely used. The Southland Councils have a very good relationship with Iwi and are looking to incorporate the Iwi Management Plan into a combined RMA plan for Southland. The driver for this is going a step beyond the RMA requirements of "having regard to" and we are looking to "implement" the management plan within the combined plan framework which would have objectives, policies and rules relating to Iwi values woven through the entire document. The draft structure standards does not provide sufficient flexibility to achieve this desired outcome.

#### **S-DWM: Draft District Wide Matters Standard**

- The following Directions have been identified as being problematic:
  - Direction 7: This direction relates to the district-wide section on landscape, landforms and natural character. Clause (b) refers to objectives, policies, methods and rules "that will ensure the life supporting capacity of these systems are safeguarded". Safeguarding the life-supporting capacity of air, water, soil, and ecosystems is a s5 RMA matter, but it's not clear how it relates to landscape and natural character elements under direction 7 (may be more relevant to the ecosystem and indigenous biodiversity section under direction 9) Additionally – the RMA does not refer to "landforms" NZPI submits that the language of the RMA should be used. Suggest deletion of direction 7(b).
  - Directions 21 to 25: General support for the directions on Infrastructure and Energy chapter. Direction 24 usefully references the Noise and Vibration Metrics Standard CM-2 (see comment below). Direction 25 leaves the door open for a Special Purpose Zone to be applied to electricity generation (see comment below on Standard S-ASM).
  - Direction 21: The use of "to the extent relevant" duplicates the direction provided in the NPS's and is not required here. Suggest deletion of those words.
  - Direction 23: Needs to be recognition that these activities occur in various zones, and those zones also need to have policy recognise and provide for infrastructure and energy activities.
- Zone choice may be a bit limited i.e. only 4 residential zones – can you have more and if not will plans end up with a proliferation of precincts to get around the limitation. Plus 'medium density' in Auckland means very different things to Selwyn – both want to have a range of zones but in Selwyn you're going from low density at 5,000m<sup>2</sup> to medium density at 450m<sup>2</sup>.
- No rural residential zone – seems to jump from 4ha to suburban with no option between. Appreciate you can't tick all boxes but a lot of rural/ smaller districts do have residential zones around the 0.5-1ha range. Likewise no Large format retail zone and no rural industrial zone for things like freezing works, dairy factories, timber mills etc. These zones are common across district plans and if not included will just result in a lot of precincts or overlays as a work-around tool.

### **S-ASM: Draft Area Specific Matters Standard**

- S-ASM will remove the local community's ability to choose zone names that reflect their community's desires. Potentially reduces community ownership of their own Plan. Some aspects such as this have developed over decades and have strong associational value for the local communities concerned. Need to acknowledge who the Plan is for - the local community. Using the same zone names will infer the zone with the same name in another District is the same, but actually could be significantly different as the content of the provisions won't be the same. Therefore, there is no value in implying similarity at all - in fact, it's false. Plan users simply won't be comparing apples with apples. A minor point - the list does not provide a suitable zone option for low-key coastal bach settlements. Delete this standard altogether, other than in terms of locating zone provisions consistently in Plans.
- NZPI strongly opposes this standard because there cannot be a one-size fits all approach to stipulating a set number and types of zones for all districts across the country. The 27 zones are insufficient to match what exists, so it is best to avoid interfering with this at a national level. Particularly in the case of Auckland, where we have just been through the arduous Unitary Plan process and done the long-term planning for neighbourhood change or preservation. By trying to adapt to what is proposed in the S-ASM, it could effectively up-zone areas and lead to a hugely litigious and costly process for everyone. Zoning of land does not just have implications for surface-use but also underground municipal infrastructure so the suggested standardising would create enormous problems in this regard too. This proposal is a "square-peg, round-hole" situation and must be abandoned.
- Need to ensure that any unique district character can be incorporated into document, for example, lakes and geothermal features (and associated rules, assessment criteria etc) need to be in the Bay of Plenty and Waikato documents. Consider that Councils should be able to choose their own colour coding etc. for their plans this level of detail from central government seems onerous.
- Options such as "Precinct" and "Development Area" are too urban in their application and clearly focused on urban outcomes and urban growth. Overlays and development plans also apply in rural environments, but are not "transitional" in that they are intended to remain in situ for the life of the development. Precinct is an urban term and inappropriate for bespoke rural zones. The default is to use Special Purpose Zoning.
- Zone descriptions only work for cities, ie what is a suburban vs. an urban area in a provincial town. the rural zone and rural production zone appear to be similar and the rural settlement zone appears to be an 'urban area' such as a small village or town (having this under a single zoning for a mix of residential and commercial uses will not work in many places) the commercial zone provisions do not recognize the need for zones which are restrictive for some commercial activities eg. some types of retail in outer commercial areas, suggest an outer business or fringe business zoning is needed for commercial activity areas which are on the fringe.

### **S-SAM: Draft Schedules, Appendices and Maps Standard**

- Zones detailed in S-ASM do not align with those covered in F-2. Zones excluded are: Airport; Port; Hospital; Education; Stadium; Future urban; and, Maori Culture. The label used for 'Special Activity Zone' does not allow for multiple zones, being one colour. Faultlines are inherently difficult to define and have a tendency to influence a wide area either side of a

faultline. Modern District Plans have responded to this by creating bands of how well defined a faultband may be, in line with best practice standards from GNS. Using a set line does not allow for the nature of faultlines to be accurately mapped. The combination of four distinct natural hazards in one polygon does not allow communities, business, and/or insurers to evaluate the level of risks they may be exposed to. This combination could also result in the associated rule structure to be quite long and impractical. Hazards should be defined in line with GNS, MCDEM, and FENZ. RMA s6(h) & s106 require hazards to be evaluated, including the scale of the effect, therefore there should be an ability to map this graphically.

- Whilst no in-principle objection is raised to the creation of specific standards for schedules as outlined in Table 17, concern is raised that the retrospective completion of schedules in this fashion would involve significant levels of work. A review of Council documents regarding the identification of areas of significant ecological value, indicated that few existing schedules fully identify the list of properties covered by this overlay outside urban areas (i.e. identification is often based on a map in rural areas), provided a full description of the values of the site or referred to the source material used in identification. Auckland Council has some 6,000 sites of identified ecological significance alone, which provides an indication of the scale of effort involved. Clarification as to what is precisely the minimum information requirements is needed. For example, is identification of the selection criteria met from the regional policy statement sufficient or is a more detailed description needed? Concern is raised that the effort needed to retrospectively adjust schedules to comply with the new requirements, would not justify the cost of making changes.
- The columns in this table are too limiting and the information needs to be unique to the schedule it is representing. For example, in a heritage schedule, Councils would need to add the HNZ category, and perhaps a description of the building and maybe a District Plan Category to cross reference to the rules. For SNAs, the significance ranking is the primary reason for listing them e.g.: is it international, national, regional or local? Also the protection status of the SNA is crucial. Despite the move to E-Plans, a map number is also useful in these tables. Further above – the designations conditions schedule cannot follow the format proposed in Table 17.
- Appendix: The requirement to only include technical and/or descriptive specifications required to be complied with to meet a rule requirement means that voluntary guidelines cannot be included. Is it the intention of the Standard to remove the ability for Councils to add guidance colour charts for heritage buildings and landscapes, design guidelines for towns and precincts, guidelines for property design to improve driveway safety etc? strongly submit that this flexibility should be maintained as these guidelines greatly assist plan users.

### **F-1: Draft Electronic Accessibility and Functionality Standard**

NZPI notes the very strong level of support among its membership for the concept of E-Plans, but notes that this is tempered by a very high level of concern over actual implementation – particularly in small councils – and this relates primarily to cost, but also to the interactivity standard which is at risk of requiring E-Plans which are too based on paper based plans, and may not deliver the functionality that modern E-Plan systems are capable of. NZPI submits that MfE needs to take

responsibility for the identification of a suitable software/systems platform and of managing and meeting the conversion costs for the establishment of a base E-Plan system for Councils without the capacity to do it themselves internally. Specific member responses:

- Councils are unlikely to have the resources to cope with this requirement so central government should provide additional resourcing to enable this to occur.
- There needs to be help for smaller Councils without the manpower to easily form functional policy statements, plans and maps, to be able to have a platform that doesn't cost the Council / ratepayers too much to implement.
- This standard is way too basic and could have been the driver for improved digital systems as e-plans and e-planning data systems. The limited requirements are negated by freezing print structure in other standards as the assumed solution to national consistency and its unstated problems (accessibility and understanding).
- MfE should provide a national platform if it wants consistency of electronic accessibility.
- This is very costly on small councils. I think it would be better lead centrally with a greater range of data. There are a number of different data sources held centrally eg lidar, earthquake risk, climate, linz data, etc that could be spatially displayed which would provide a one point for property/spatial data across the country.
- The electronic standard should focus on open source eBook formats (ePub) or HTML which are much easier to read and access than PDFs. The real issue with electronic access is that all relevant documents are scattered across a variety of websites and web pages. For example the RMA, district plans, regional plans, regional policy statements, NESs, NPSs, GIS, maps, codes of practice, bylaws, information about resource consents, fees, development contributions etc are all found in different locations.
- In principle I agree that plans should be electronic and accessible. It is just a shame that MfE are not willing to do the work to roll out an electronic system if it is to be standardised across the country. Instead all individual TAs will have to do the same work at considerable expense
- Table 18 (7): In respect of the requirement to provide a 'note' within any district plan rule (and hyperlink to relevant plan) that clarifies an activity may also require consent from another plan. Oppose this proposal. The potential for Districts and Regions to make errors interpreting each other's plans and to fail to keep up with changes to these documents is likely to cause significant issues and overly complicate matters. In addition, this would create significant and unnecessary administrative burden for little gain. Table 18 (11 and 12): Unsure what will be achieved by requiring a copy of all previous plans under the RMA both at the time they first became operative and the final version before being superseded by the replacement plan on the local authority website; as well as providing all versions of the current plan since first becoming operative on the local authority website. This is a pointless exercise to keep historical versions or superseded versions once a plan is operative. Copies of historic plans can be made available on request, and this can be noted on Council websites. Strongly oppose this requirement, as this will simply confuse people, and introduce risk (and cost) should people accidentally use and refer to an incorrect version of a district plan. Table 18 (13 and 14): unsure what will be achieved by requiring this digital data to be uploaded. It is unclear what this data will be used for and how it will be managed and kept up to date. oppose this provision.

## **F-2: Draft Mapping Standard**

- Table 21: Zone colour palette: Would like to see each type of zone have colours from the same colour family, (ie all 4 residential zones should use varying shades of yellow, rural zones use varying shades of green) Table 22: Symbology table: Need symbols for roads, telco towers, property boundaries... The hazard symbols (coastal / flood / volcanic / fault) should be in shades of red or orange, as that is what people typically associate with hazards. The Coastal environment colour should be a more aqua blue (for instance RGB 0, 176, 240) and a new symbol for freshwater bodies should be included using this shade of blue (RGB 28, 103, 148). As a consequence, the designation colour would need to change.
- There is merit in some form of consistency. However, there is a real risk that non every day plan users will see a zone or or overlay and although it may be the same colour, the underlying intent, and objectives, policy and rule framework could be completely different between regions.
- Number of colours are similar eg low and medium density residential. Colour zones will not work with colour overlays eg natural hazards.
- Consider that Councils should be able to choose their own colour coding etc. for their plans this level of detail from central government seems onerous.
- Zones detailed in S-ASM do not align with those covered in F-2. Zones excluded are: Airport; Port; Hospital; Education; Stadium; Future urban; and, Maori Culture. The label used for 'Special Activity Zone' does not allow for multiple zones, being one colour.
- Consistency is supported but some of the mapping colours need to be revised because they are too similar. For example low-density residential and medium-density residential and rural residential. Another example is High-density residential and mixed use. There should be a consistent symbol for Sites of Significance to Mana Whenua. Designations should be a different colour to blue as that generally denotes water.
- Some of the symbology doesn't make sense. For example why include sites of cultural significance if there is not going to be a standard symbol? Also, there are a range of hazards with one symbol which will create confusion. Having taken a risk based approach to flood hazard identification we have utilised three different colours for the different risk levels. That approach wouldn't work under the proposed standard.

## **F-3: Draft Spatial Planning Tools (Regional) Standard**

- MfE should supply a national spatial planning tool if it wants to achieve consistency nationally. Not doing this will result in fragmentation across the country, regardless of what the standards require.

## **F-4: Draft Spatial Planning Tools (District) Standard**

- Options are limited and too urban. Options such as "Precinct" and "Development Area" are too urban in their application and clearly focused on urban outcomes and urban growth. Overlays and development plans also apply in rural environments, but are not "transitional" in that they are intended to remain in situ for the life of the development. Precinct is an urban term and inappropriate for bespoke rural zones. The default is to use Special Purpose Zoning.

## **F-6: Draft Status of Rules and Other Text and Numbering Form Standard**

- Numbering form category: Combined Plans: The references to Regional Policy Statements should be 'RPS' not 'PS' as proposed, to keep consistency with current practice. Table 28: Combined Plans: Sections of the combined plan: references to Regional Policy Statement should be 'RPS' not 'PS'.
- Need to ensure that any unique district character can be incorporated into document, for example, lakes and geothermal features (and associated rules, assessment criteria etc) need to be in the Bay of Plenty and Waikato documents. Provision for assessment criteria needs to be provided.
- This is over specified and unnecessary and will not make any material contribution to the outcomes intended for the NPS. The prefixes are too long making for extremely long alphanumeric strings, difficult for readers. The prefixes contribute no important information to readers, apart from telling them what chapter they are in. A page footer could do the same with less clutter.
- This means massive reshuffling to achieve, but when renumbering occurs and there is a lot of cross-referencing to other provisions, it can be arduous and painstaking to be sure everything is transposed correctly. The journey might be rocky, but the destination will be a better world for ease in achieving e-plan usefulness. An e-plan platform is preferred where one can be absolutely certain every relevant (RPS, regional plan, district plan and bylaw) policy and rule applies to activity A in location B at time C. Anything that facilitates that certainty would put planners and planning in an enviable place for public policy planning worldwide.

## **CM-1: Draft Definitions standard**

NZPI believes that the level of concern shown by members in this Draft NPS needs to be recognized and taken seriously. Clearly, the devil lies in the details of definitions. NZPI submits that a balance needs to be struck in deciding which matters require and justify a national definition, and which matters – because of their incorporation and interconnection within rules or because they have been settled by Environment Court decisions – should reflect the needs of local districts or regions and not be narrowed or restricted by a national definition. NZPI submits that more analytical work is required to finalise the list of matters that should be defined nationally, where national efficiency benefits are gained, but not at the expense of losing significant local innovation and specificity.

- CM-1 includes extremely simplified definition for 'building' that means District Plans will have to replicate numerous additional rules to provide for many of the 'exemptions' that they currently address succinctly through the definition of 'building'. Also, not sure if this definition aligns with that in the 'Building Act'? Definitions in respect of land use activities such as commercial activity, community activity, educational activity, visitor accommodation etc do not enable local communities to choose to succinctly exempt various aspects of those as they see fit. This is a long standing method that works. The use of E-Plans with hyperlinks to relevant definitions will avoid much of the issue around any differences between Plans. However, there are advantages to having set definitions for 'technical' terms that should be applied consistently across all Plans e.g. those pertaining to noise measurement, definitions

from legislation, boundary, height, setback etc. Restrict this standard to these types of definitions only.

- There are a number of issues with the definitions, and most concerning are those definitions which differ to the RMA definition. Bore – a bore is typically drilled, which makes the reference to “constructed” in the definition somewhat artificial. I consider that the definition would be more effective if it referred to any hole drilled or constructed into the ground. Cleanfill – there is a need to distinguish between “cleanfill” (i.e. natural material such as clay, gravel, sand, soil and rock which may be deposited on a site as fill during earthworks) and “cleanfills” (i.e. the site where cleanfill material is deposited). This is probably best achieved by a definition of “cleanfill” and “cleanfill material” as per examples such as the Auckland Unitary Plan. Drain – the definition of drain refers to any means any artificial watercourse that is designed, constructed or used, for the purpose of the drainage of surface or subsurface water. I’ve looked at this definition a number of times and it’s difficult to ascertain whether it would capture a canal for irrigation or electricity generation purposes – which are artificial watercourses but are not normally defined as drains. The subjectivity in the definition comes from the words “drainage of surface water” – which would relate to water being “carried or taken away”. A canal for hydro / irrigation purposes conveys water away from a river or lake (or to a river or lake), but isn’t for drainage purposes. I think the definition needs a qualifier in brackets that excludes an irrigation canal, water supply race or canal for the supply of water for electricity power generation. Drinking water – while it is recognised that this definition largely reflects that used in the New Zealand Drinking Water Standards, the reference to “intended to be used” is considered subjective for a national planning standard definition. In this regard, how much intent is required in order for water to be deemed drinking water. It is considered that the definition would be workable and clear without the reference to “intended to be used” (i.e. means water used for human consumption; and includes water used for food preparation, utensil washing, and oral or other personal hygiene). Functional need – the definition needs to reflect that functional needs does not just relate to the fact that an activity can only occur in that environment. Regard also needs to be given to technical, logistical or operational requirements or constraints that impact on the need to locate in a particular environment. Reverse sensitivity – The proposed definition applies to existing lawfully established activities, but not unimplemented consented activities. In contrast, the likes of Policy D of the NPSREG requires decision makers to avoid reverse sensitivity effects on consented and existing renewable electricity generation activities. Given that many infrastructure projects have a long lead from consenting to construction / implementation, the definition of reverse sensitivity should be amended to capture consented activities also. Small scale renewable electricity generation - Limiting the output to 20 kW may be appropriate for domestic applications. However, it will soon be economic to produce a roofing system with integrated photo-volatic which will enable in excess of 20 kW of generation being produced domestically. In addition, in excess of 20kW of generation is already being exceeded on commercial properties. I consider that small-scale can be more appropriately defined at a level of 500 kW. Structure – I understand that definitions from the RMA are the starting point for definitions in the national planning standard. However, the standard proposes to amend the definition of structure in the RMA to include reference to building or equipment “located on land”. The MfE Evaluation Report does not provide any evaluation for the term structure (e.g. that the RMA definition is not fit for purpose) or why the definition differs from that in the RMA. As a result, it is not clear which definition takes priority. If the RMA

definition is no longer fit for purpose, then I do not consider the national planning standard should not be used as the vehicle to effect changes to legislative definitions.

- The concept of including definitions is appropriate, however more care needs to be taken as to the wording of definitions and the unintended Schedule 1 processes that will occur as a result. MfE has not conceptualised just how large scale the flow-on effects of definitions are on rules and the impacts this will have on smaller councils. The assumption they have made that every council will launch into a Full DP review is unrealistic and impractical on a nationwide level. Amendments should be made to the Schedule 1 process in order to reflect the scale and significance of a plan change (and its influences, like the NPS), just like how s32 allows for. This would reduce the burden and in some ways fear some councils have of going through the Schedule 1 process; the process should be straight-forward and expected by the community for smaller scale updates to the DP.
- Some of the definitions are limited in scope and the "rural" definitions are poor and insufficient in respect of rural industry, which appears to be dismissed as just a small component of "rural".
- Standardising definitions sounds great in principle, but they are actually an extension of rules. Standardising is likely to result in reviews of significant portions of plans because standardisation may completely change the interpretation of existing rules. This would not be beneficial for ratepayers, who will have to foot the bill.
- Interpretation of the definitions could vary and may take some time to develop consistent understandings. Potential to over turn the understanding of previous definitions that have been developed.
- Agree this is important but think there needs to be strong guidance around how this is implemented as it may change activity status of various rules due to changed definition.
- The definition of earthworks as proposed appears to exclude the filling or excavation of land where there is no change to the existing ground level. It would be helpful to have a consistent term which covers land disturbance where there is no permanent change in ground level (e.g. temporary removal of soil to lay pipes). It is likely to be appropriate to control all filling/excavation on sites of high cultural value, ecological value or landslip potential. The standard definitions are considered helpful.
- The consequential amendments required to amend the plan chapters to match the some of the simplified definitions may make plans less user friendly. For example, at the moment, a plan user generally knows to look at a definition to determine what constitutes 'earthworks' or 'waterbodies' in the relevant rules, but now would have to look at the (simplified) definition as well as the rule and any advisory text that includes exemptions or clarifications as to what the rule includes or doesn't include. The advisory text may need to be duplicated in each rule to make it clear to plan users, which could lead to drawn-out plan chapters and significant duplication of advisory notes throughout. Alternatively, it could result in a complete re-write of chapters to include specific permitted activity rules for activities that were previously exempted from the definition and were subsequently exempted from the plan rules and standards.
- Accessory buildings: Are garages and carports considered to be accessory buildings? Most district plans define garages and carports as accessory buildings. Dust: Amend the definition to add 'rock' to the list. Home business: Consider excluding nuisance activities from the home business definition eg: panel beating, spray painting, motor vehicle repair or wrecking, fibre glassing activities, sheet metal work, wrought iron work, activities involved scrap metal or demolition materials or hazardous waste substances, activities involving processing fish or

meat, boarding and/or breeding kennels or catteries, or funeral parlours etc. These activities generally create nuisance issues in our experience. Industrial activity: Amend the definition to exclude mineral extraction activities/mining. Intensive primary production: Amend the definition to include glasshouses/greenhouses. Outdoor living space: amend as follows: "means an area of open space for the exclusive use of the occupants of the residential unit or units to which the space is allocated. This excludes outdoor service and storage areas, driveways, manoeuvring areas and parking spaces". Primary production: Amend the definition to exclude 'Intensive primary production'. Is it envisaged that bee keeping will fall under this definition?

#### **CM-2: Draft Noise and Vibration Metrics Standard**

- Vibration would be quite good - this is a complex area and many Council's don't control it well. But it needs to be clear when it is to be triggered - would be inappropriate for Council to automatically require analysis of it to satisfy their "acceptance check" - that's the sort of outcome that may occur. Changing the legislation doesn't necessarily mean that the practice keeps up.
- General overall comment. a centralised template approach is the way to go and that much can be learned from the Australian planning system especially as practiced in Victoria. The new system needs to cater for rolling plan changes in as streamlined a manner as possible to in order to address the changing needs of the community. And most of all the current system of dual plans having legal effect until appeals are resolved must be ditched. It is an administrative nightmare and imposes unnecessary cost and confusion on citizens.

**ENDS**

## Appendix 4

### Quantitative results of NZPI member survey

	<b>Strongly Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>Strongly Disagree</b>
<b>Overall opinion about National Planning Standards</b>					
They will improve planning practice across New Zealand	10.43%	49.57%	20.00%	13.91%	6.09%
They will improve planning practices where I work	10.43%	33.04%	30.43%	20.87%	5.22%
These are a good start but more standardisation is needed	12.17%	33.91%	24.35%	20.87%	8.70%
They will help the public to understand RMA plans	16.52%	34.78%	22.61%	19.13%	6.96%
Proposed implementation timeframes are about right	7.02%	38.60%	31.58%	19.30%	3.51%
Council RMA plans should be accessible over internet	78.95%	18.42%	2.63%	0.00%	0.00%
<b>Opinion about each group of National Planning Standards</b>					
The proposed Plan Structure Standards are appropriate	12.50%	51.79%	23.21%	7.14%	5.36%
The proposed Plan Form Standards are appropriate	10.62%	47.79%	24.78%	12.39%	4.42%
The proposed Plan Definition Standards are appropriate	7.08%	42.48%	23.01%	22.12%	5.31%
<b>Opinion about each National Planning Standard</b>					
The proposed "S-RPS" Structure Standard is appropriate	8.54%	50.00%	31.71%	7.32%	2.44%
The proposed "S-RP" Structure Standard is appropriate	6.02%	53.01%	33.73%	6.02%	1.20%
The proposed "S-DP" Structure Standard is appropriate	12.50%	59.38%	17.71%	8.33%	2.08%
The proposed "S-CP" Structure Standard is appropriate	9.41%	43.53%	36.47%	9.41%	1.18%
The proposed "S-IGP" Standard is appropriate	6.82%	57.95%	23.86%	9.09%	2.27%
The proposed "S-TW" Structure Standard is appropriate	4.49%	46.07%	35.96%	6.74%	6.74%
The proposed "S-SD" Structure Standard is appropriate	7.78%	50.00%	32.22%	6.67%	3.33%
The proposed "S-DWM" Standard is appropriate	8.70%	57.61%	25.00%	5.43%	3.26%
The proposed "S-ASM" Standard is appropriate	4.40%	51.65%	29.67%	10.99%	3.30%
The proposed "S-SAM" Standard is appropriate	13.98%	53.76%	21.51%	9.68%	1.08%
The proposed "F-1" Standard is appropriate	31.31%	42.42%	18.18%	5.05%	3.03%
The proposed "F-2" Standard is appropriate	17.35%	47.96%	21.43%	9.18%	4.08%

The proposed "F-3" Standard is appropriate	9.52%	44.05%	40.48%	4.76%	1.19%
The proposed "F-4" Standard is appropriate	11.49%	48.28%	33.33%	3.45%	3.45%
The proposed "F-5" Standard is appropriate	8.89%	50.00%	30.00%	7.78%	3.33%
The proposed "F-6" Standard is appropriate	12.37%	51.55%	26.80%	5.15%	4.12%
The proposed "C-1" Standard is appropriate	15.31%	41.84%	15.31%	21.43%	6.12%
The proposed "C-2" Standard is appropriate	25.81%	49.46%	20.43%	2.15%	2.15%