

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

| | |
|-------------------------------------|-------------------------------------------------------------------------------------|
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| | | |
|------------------------|------------------------|-------------------------------------|
| 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 checked="" type="checkbox"/> |
| | Other (please specify) | <input type="checkbox"/> |

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* 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

The concept of standardised planning requirements is supported in principle only, at this stage. We'd like to see how government will treat submissions, but we fully recognise and support the intent behind the mandatory directions being promulgated in the Tangata Whenua Structure Standard appearing in this draft.

Te Runanga o Ngati Awa (TRONA) would feel more confident in offering full support if the national

standards required planners to lift their performance when recognising and providing for s6e matters, having particular regard for s7a matters and taking account of the principles and CONTENT of Articles in the Treaty of Waitangi. We think this is needed in post-settlement New Zealand because we find planners and consents officer struggle to recognise and provide for Maori and their various relationships with place.

We would like to see government compel planners to show they know about Maori relationships with place because it is unacceptable that planners, consents officers, Councillors and Commissioners do not recognise those relationships and how the various mandates and decision-making responsibilities that are that people in Maori society. Planners need to demonstrate understanding that one Maori person or many Maori people can have a number of relationships and decision-making responsibilities. A Maori person can be an elected hapu representative with responsibilities to their hapu community while mandated to collaborate at their iwi authorities in decision-making. That person can also be a kaitiaki, a hapu member, a whanau member, and/or a Trustee of privately but multiply owned Maori Freehold land that is nominated by the landowners and appointed by a Judge of the Maori Land Court of New Zealand.

Maori can own land in different ways than iwi authorities. Iwi authorities can own land that is has not come from settlements and settled iwi can own that kind of land as well as cultural redress, commercial redress (with leaseholders they inherit from the Crown), and waahi tapu and statutory areas as well.

A Maori person might be a pukenga (cultural expert) relied upon by their people as knowing most about the relationships, culture and traditions of the hapu and iwi – and those folk can be extremely important in the process of assessing consents and the appropriateness of activities that propose change in a takiwa – or that propose regulations that will permit or otherwise changes and activities within a rohe or takiwa as well.

Understanding how to recognise these important relationships and responsibilities and to provide for them in plans and consent processes is desperately needed by those who are making plans and decisions in regions and districts.

We seek that the National Planning Standards positively affect people in the planning discipline. Universities and members of the NZ Planners Institute, Engineers, archaeologists, hydrogeologists, and all persons exercising functions and powers or contributing expert opinion on developments and to regulatory planning provisions need education about how people in Maori society work.

We are pleased that MfE has prepared these Draft National Standards because they will help to ready to lead our country towards the healthy decision-making we need to be making together.

We say – kia kaha – keep going – we ‘get’ where you are headed and we’re with you if you stay the course

2. S-RPS: Regional policy statement structure standard

Table 3

Part 1 structure is shaping up well. We support the inclusion of a mihi in Part 1 but think the components in part 2 Tangata Whenua should be brought forward to the ‘national direction instruments’ in part 1. Doing this would show central government is promoting recognition of Maori indigeneity (not pandering to race); and providing direction to planners and Councils to show what they understand about the relationships of Maori in their region, including relationships that now beginning to be described in settlement statutes, statutory acknowledgements, settlement land

tenures and protocols that are outcomes of Treaty settlements.

Part 3

Significant iwi resource management issues need to be included here. A common issue affecting most regions is failure to understand how to recognise and provide for Maori values & interests, relationships, culture and traditions with ancestral taonga – in consents and planning decisions.

Part 4

We'd like to see each of these themes promote identification of Maori policy, objectives and methods of implementation. Criteria might also be developed with members of the Maori regional community.

Part 5

Likewise we would like to see a space promoting Maturanga Maori provisions in the evaluation and monitoring section.

Part 6

Schedule 11 from the RMA, Appendices including lists of operable iwi planning documents and settlement outcomes (like those that are showing in 'Ngaa Whakaaetanga a Ture ki te Taiao a Toi – Statutory Acknowledgements in the Bay of Plenty' - a compendium to all regional plans and the RPS in the Bay of Plenty region) are examples of how those nationally significant treaty settlement outcomes can 'come to life' and service our communities when they are fitted in to regional policy and plans.

Maps can be tricky, especially when slender lines are used to determine property and decision making status and rights. When, or if, it's necessary to show 'boundaries' between iwi, or specific sites of significance - let it be okay for plans to show indicative areas to trigger engagement and use broad brush-strokes rather than slender lines for 'certainty' sake. Encourage planners to be less hung up that level of specificity, when an indicator that triggers meaningful engagement will contribute just as usefully (if not more so), in faith that the more formal Schedule 1 process will test that metal.

Overall, in terms Table 3, we suggest you reach out to Nassah Steed (Team Leader Regional Integrated Policy, BOPRC) and take a look at the work he has done in preparation of Bay of Plenty Regional Policy Statement. Our RPS is sharp, simple and includes policy, objectives and methods that are well informed by the Maori regional community. It is supported by the Regional Integrated Policy team who ensure draft and proposed regional plans are consistent and district plans will give effect to regional policy provisions.

Our regional policy statement includes useful tools for Maori in a variety of provisions for 'Integrated Resource Management', 'Iwi Resource Management', 'Matters of National Importance', and many others. These provisions give Maori a 'hook to hang their hat on' that Councillors must show how they give weight to as they read and hear the contributions tangata whenua give to inform Council decision-making.

A key policy in the BOPRPS Policy that we promote with MfE is IW2B(b) that which states that decision-makers - 'Recognise that only tangata whenua can identify and evidentially substantiate their relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga'.

This policy is the hook for us to hang our hat on as we develop our Cultural Impacts Assessments, our written consents responses and even our submissions to draft or proposed planning provisions which

we also use as we participate in these more administrative acts of kaitiakitanga.

We think MfE use of IW2B(b) and a korero with Nassah may inspire useful core messaging in the National Planning Standards because that policy creates a clear, reasonable, fair and accurate platform for planners and consents officers, councillors and communities to recognise what Maori people bring to change management decisions in a shared geographic space that remains a homeland of the indigenous people.

Its up to government to promote recognition of Maori contributions to rates and taxes that are applied for the common good and that having contributed thus entitles Maori to public and civil service. It's also up to government to tell people that recognition and provision is due to Maori indigeneity, Treaty partnership with the Crown, and not due to race.

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

Mandatory directions are fully supported. We request that Whakatane District Council is not added to the 7 year list as their newly operable district plan does not include the matters described in sections 3, 4, 5 and 6 of the Tangata whenua Structure Standard despite their being a compendium to the BOPRPS and operable matters in the BOPRPS and plans since November 2010, that is about 2 years prior to development of the newly operative Whakatane District Plan.

The Whakatane district community would benefit greatly from the district council being required to amend its plan to include these important matters.

All of the matters identified in the Tangata Whenua Structure Standard are fully supported by Te Runanga o Ngati Awa.

Their inclusion under mandatory directions in the National Planning Standard would be a tremendously significant accomplishment that honours the principles and outcomes of treaty settlements. Their inclusion will bring greater clarity to communities, who would be encouraged to let go of prejudice and embrace new ways to share geographic space and foster fair and equitable access to a form of prosperity based on a peace and understanding in post-settlement NZ.

Our country cannot afford to revert to repeating the grievances of the past. We need government to lead us to a fair and just future. These tools will help us all arrive there. Well done. Keep going.

- a. Recognition of iwi/hapū chapter

These are supported for reasons outlined in the preceding section.

- b. Tangata whenua local-authority relationships chapter

These are supported for reasons outlined in the preceding section

- c. Iwi and hapū planning documents chapter

These are supported for reasons outlined in the preceding section

- d. Consultation chapter

These are supported for reasons outlined in the preceding section

- e. Use of te reo Māori

These are supported for reasons outlined in the preceding section

4. S-SD: Strategic direction structure standard – Part 3 of District plans

These are supported for reasons outlined in the preceding section and the narratives provided in response to questions 1 and 2 of this submission.

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

These are supported for reasons outlined in the preceding section

- a. Natural Environment Values Chapter

These are supported for reasons outlined in the preceding section

- b. Environmental Risks Chapter

These are supported for reasons outlined in the preceding section

- c. Community Values Chapter

These are supported for reasons outlined in the preceding section

Other comments

6. 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.