24 August 2018

Planning standards
cl- Ministry for the Environment
PO Box 10362
WELLINGTON 6143

Via email: planningstandards@mfe.govt.nz

Dear Sir/Madam

RE: SUBMISSION ON THE DRAFT FIRST SET OF NATIONAL PLANNING STANDARDS

Thank you for the opportunity to provide feedback on the draft first set of National Planning Standards.

1. Introduction

Napier City Council is in the early stages of reviewing the Napier District Plan. Based on our current programme, a draft plan will be released for consultation in mid-late 2019, with notification of the proposed plan scheduled for mid-late 2020. This programme will allow us to align the revised District Plan with the first set of National Planning Standards scheduled to be gazetted in April 2019. As such, we will likely be one of the first Councils in New Zealand to adopt and implement the first set of standards. We would appreciate early signals from the Ministry for the Environment (MFE) of any substantial changes to the draft standards intended to be made as a result of this consultation. This will ensure we align our draft plan with the final standards from the outset, removing the need for substantial re-writes later in the plan review process.

We consider that the first set of National Planning Standards can generally be adopted through our District Plan review. However, we have a number of concerns with the District plan structure standard and the mapping standard as addressed below. We ask that MFE considers these matters when finalising the first set of national planning standards.

2. S-DP: District plan structure standard

2.1 Commercial zones

We consider that the local and neighbourhood commercial zones should be reamed as “Local Centre” and “Neighbourhood Centre”. These centres provide for a range of activities to support the local community, including commercial services and recreation facilities, and are
not restricted to commercial use. Further, residential activities above ground level may be appropriate in these centres to facilitate true mixed use nodes and live/work opportunities. In our view, the inclusion of “commercial” in the name of the zone is misleading and unnecessarily restrictive in terms of the function of these centres.

The current Napier District Plan includes a Large Format Retail zone. This zone was the consequence of a comprehensive Retail Strategy prepared in 2003, which has recently been reviewed. The Large Format Retail zone provides a dedicated area of the city for retail activities over 1,000m² GFA, and is intended to both protect the speciality retailing function of the Napier CBD, and reduce pressure on industrial zones to accommodate Large Format Retail activities. Retail under 1,000m² GFA, residential activities and offices are discouraged in the zone.

The existing Large Format Retail zone does not clearly align with any of the commercial zones in the draft national planning standard. Although we acknowledge that precincts can be utilised to provide for place-based variations to the standard zones, this approach is inappropriate when the objectives and policies of a precinct would fundamentally contradict the underlying zone. In the case of the Large Format Retail zone, this does not align with the centres in the zone hierarchy. Further, it would conflict with the purpose of the Commercial zone which is to “provide primarily for a broad range of commercial activities. It also provides for activities that are not sensitive to the effects generated from commercial activities” (emphasis added). This could result in confusion over the intended use of the land, and inefficiencies in plan implementation.

We therefore request either that Large Format Retail zone be added as an option to the suite of commercial zones, or alternatively, allow additional zones to be added to reflect local issues and strategies.

2.2 Rural zones

We understand that Hastings District Council are seeking to continue to use the terminology “Plains Production” for their primary production zone on the Heretaunga Plains. Although the template provides for a “Rural Production’ zone, this does not reflect the special qualities of the Heretaunga Plains. The significance of the terminology “Plains Production” zone is well understood in the Hawkes Bay community and we therefore support Hastings District Council’s position on this matter.

2.3 Open Space zone

The template only allows for three open space zones (Open space, Sport and active recreation and Conservation), with place-based circumstances able to be addressed through precincts. In our view, the range of zones are not broad enough to reflect different management requirements across a range of parks, reserves and open spaces. This will
inevitably require multiple precincts throughout District Plans, which could be more efficiently addressed through a broader range of standard zones.

The NZRA have introduced a set of national parks categories and guidelines for categorising open space according to primary purpose. The categories also have an associated level of service framework. Most Local Authorities are adopting these for the purpose of managing and developing open space – reflected in Activity Plans, Reserve Management Plans and Open Space Strategies. Many have also used the NZRA categories for guidance on District Plan zones. For example, the Hastings District Plan has recently split their Open Space zones to align with the 7 NZRA categories. Early scoping of our District Plan review has also identified this approach as an option, to ensure consistency and efficiencies in managing reserves across different legislation. From a resource management perspective, this will enable provisions to be appropriately tailored to the primary purpose of a park. For example, the range of activities and building coverage may be broader/higher for neighbourhood parks compared with public gardens, however under the current template they would both be required to be zoned as Open Space.

We therefore request that consideration be given to aligning the Open Space zones in the template with the NZRA categories.

2.4 Māori cultural zone

The proposed Māori cultural zone may be an appropriate method to provide for the ongoing operation and growth of existing marae and papakāinga. However, the spatial planning tool does not easily provide for land that may be subject to treaty settlements throughout the life of a District Plan. Further, a single Māori cultural zone does not provide for different resource management approaches for Māori land being subject to Te Ture Whenua Māori Act 1993, and Treaty Settlement Land.

Enabling marae, papakāinga and other activities on ancestral Māori land and Treaty Settlement Land through District-Wide rules would avoid the need for plan changes to rezone land to “Māori cultural zone” following treaty settlements, and would allow for different management approaches for ancestral and treaty settlement land. This approach may not be relevant or appropriate to all parts of New Zealand, including Napier/Ahuriri, however we consider that this option should not be excluded by the national planning standards.

The appropriate method and mechanism to provide for activities on māori land should be able to be determined at the community level between council and mana whenua through a District Plan review process, rather than being limited by the national planning standards.

2.5 Sites of significance to māori

The template requires use of the terminology “sites of significance to māori” in the District-wide rules. We consider this may be problematic for the following reasons:
• Local hapū may prefer alternative terminology, for example “significance to mana whenua” rather than “significance to māori”. For example, the Auckland Unitary Plan refers to “Sites and Places of Significance to Mana Whenua”. The Hastings District Plan chapter heading refers to “Wāhi Tapu, Wāhi Taonga and Sites of Significance”. The template does not allow for this flexibility to reflect local values or preferences.

• “Sites” are only one component of section 6(e) of the RMA. Broader areas or ancestral landscapes may also be recognised and provided for in a District Plan. Although the standard allows for these to be included in the plan, the section heading could be misinterpreted as limiting management to discrete “sites”.

• Further, there is potentially an issue in implementation with the template definition of “site”. Together with the proposed mapping standard of a site of significance to māori as a geometry point rather than a polygon (further discussed below), this could limit the application of management provisions in a plan to the certificate of title area. This may be inappropriate and not reflect the true extent of the area of significance.

• The terminology also does not easily align with the Heritage New Zealand Pouhere Taonga Act 2014 definitions of wāhi tūpuna, wāhi tapu, or wāhi tapu areas.

We consider that there should be flexibility in the terminology and also structure of this section to respond to mana whenua values at a district/city level.

3. F-2: Mapping standard

Our GIS team have advised that from a technical perspective, the mapping standards are clear and easily implemented. However, we raise the following matters for consideration:

• Some of the zone colours are very similar and not easily distinguishable, in particular:
  o Low-density residential and Medium-density residential; and
  o Rural residential and Rural settlement.

Although the differences may be visible when viewed in a legend, they’re unlikely to be clear when viewing an area on a planning map. For the standard colour template to be useful, and to avoid the need for GIS users to click on each site to confirm the zone, each zone should be easily distinguishable.

• The sites of significance to māori layer should be a polygon rather than a geometry point. These sites/places/areas are generally associated with District Plan provisions, such as additional earthworks controls, and therefore the extent to which those provisions apply need to be clear on the planning maps.

4. Future content for standards

The Ministry is seeking feedback on potential future content for standards, including on utilities provisions. We would appreciate being advised of any potential further standards as soon as possible so we can consider them in the current plan review process.
If you have any queries regarding matters raised in this submission, please contact Catherine Reaburn, Senior Policy Planner on [contact information redacted] or [contact information redacted].

Yours faithfully

[Signature]

Paulina Wilhelm
Manager: City Development