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Nelson City Council (NCC) Officer Submission to the Draft National Planning Standards

General Comments

Thank you for providing NCC officers the opportunity to provide feedback on the Draft National Planning Standards. This feedback is on behalf of officers as there has not been an opportunity to report this to the Council due to time constraints.

The focus of feedback is on Combined Plans given NCC's drive to have an integrated Nelson Plan. While the Combined plan structure closely aligns with where the Nelson Plan is heading some improvements and refinements should be made.

NCC is in a relatively unique position in that we are currently in the process of reviewing our resource management plans to create a combined plan as these standards are being developed. NCC therefore supports the combined structure in principal noting that there could be some improvements to better align with s18A of the RMA, which promotes plans being worded in a clear and concise way, and improve alignment with councils regional and district functions.

Recommended changes also seek better alignment with requirements for regional policy statements, regional plans, and district plans.

NCC supports the need for a separate Regional Policy Statement (RPS) so that Council can set the strategic direction for the region and lower order plans will then have to give effect to this direction pursuant to s67(3)(c) and 75(3)(c) RMA.

NCC supports the lack of reference to Climate changes as a specific theme as this will be addressed across topics such as Environmental risk, natural environmental values, water etc., given the cross cutting nature of Climate change.

NCC also supports the 5 year timeframe for alignment with the national standards given that we are currently undertaking a full review of our resource management plans and aim to notify this review following the gazetted of the new standards. NCC also intends to migrate to an EPlan that would meet the level 5 requirements within the required timeframe.

NCC is aware that no actual plan has been tested against the Draft National Planning Standards, particularly a combined plan, and would welcome the opportunity to work with the Ministry for the Environment (MfE) as the Nelson Plan develops to try and improve the combined plan template.

Given the likely volume of feedback anticipated and the lack of a further submission process it would be appropriate for MfE to engage with Regional Chief Executive Officers, The Resource Managers Group, and the Policy Managers Special Interest Group prior to
making final recommendations on the standards to see that responses are appropriately integrated across the sector.

NCC would support the opportunity to consider joint Environment Court declarations to help define which matters can be considered without using the first schedule process as part of the Planning standards implementation.

**Improvements to Combined Plan structure**

Part 2 Tangata whenua– Be clear that significant resource management issues for iwi need to be included in this Part or in Part 3. This is a requirement pursuant to S62(1)(b) RMA.

Ensure that “The Strategic Direction Structure Standard” (S-SD p 35) also applies to Combined Plans and RPS. At the moment this is only referenced in the District Plan structure (p16) but not in the RPS(p8) or combined Plan structure (p21). This is potentially where regional councils would set the strategic direction and targets for growth and development required by the National Policy Statement Urban Development Capacity and fulfil requirements under s61(1)(a), s61(1)(da), s30(1)(ba). It is noted that there is an absence of growth and amenity in the themes identified in Part 3 (RPS) of the Combined Plan structure (p27) and in Part 4 of the Regional Policy Statement Structure (p8). Alternatively add a theme to both the RPS and Combined Plan structure addressing growth, development, and amenity. MfE have indicated that growth, development, and amenity could sit under the Land theme however housing and business land (30(1)(ba)) are dealt with quite separately to the control and use of land (s30(1)(c) in terms of regional council functions. Accordingly growth, development, and amenity should sit separately from Land in the plan structure.

Remove duplication of describing significant resource management issues for the region by theme in part 3 (p21) and Part 4 region wide matters – Issues and objectives. While issues are mandatory at the RPS level (S62(1)(a) RMA) they are not in regional Plans (s67(2)(a) RMA). Expressing issues once will better achieve the direction for plans to be concise outlined in s18A RMA. The same issue applies to reference to methods, principal reasons for policies, and Environmental results (refer s62 (1) and s67(2)) below RPS level throughout the Planning standards as these are not compulsory in lower order plans either (EG) see clause 17(a) on page 39.

**Coastal Environment**

The coastal environment spans both the coastal marine area and parts of the land that are influenced by coastal processes. The nelson resource management plans reflect this in there structure with a Coastal Environment Chapter at the RPS level, district wide objectives and policies for the coastal environment and the port as well as objectives policies and rules for the Coastal Marine Area zone, Coastal Environment Overlay, and relevant land based rules in general zones such as the industrial zone for port activities in the combined regional/district/coastal plan. In combining these plans into a single unitary plan the same structure is proposed to be maintained with the exception of combining the RPS and district wide objectives for the coastal environment at the RPS level.

The Planning Standard provides for the Coastal Environment as a specific chapter/section or even as a separate plan (p22). There is ambiguity as to how councils should deal with regional/district matters that occur both within and outside the Coastal Environment, for example discharges, landscape, buildings and land use activities. The Planning Standard enables this
issue to be addressed in a separate Coastal Environment Plan, but provides no further guidance as to what form the plan will take.

Furthermore the Draft Spatial Planning Tools (Regional) standard (p58) provides for a coastal marine area zone but this is not reflected in the Combined Plan Structure Standard – Part 6 Area Specific Matters (p24) or in the Draft Mapping Standard (p54).

It is therefore recommended that a Coastal Marine Area zone is added to Part 6 of the combined plan structure and that the combined plan structure is tested against unitary plans before the combined plan structure is finalised given the integrated nature of coastal issues. It is also recommended that a Coastal Marine Area zone is added to the draft mapping standard (table 21) particularly as the regional spatial planning tool standard provides for this.

**District Wide Matters Standard – Subdivision Chapter (S-SUB) s 26 and 27 (P40).**

This seems to be suggesting that subdivision provisions have to be grouped together at the District Plan level but that it may be appropriate to separate this chapter into different sections. This chapter is also required to have objectives and policies relating to subdivision.

It is assumed that the different sections would be by zone. On this basis it would be more concise to locate subdivision provisions by zone so that objectives and policies do not need to be duplicated at the zone level and in the subdivision chapter.

Subdivision is typically assessed against whether the objectives and policies of the zone are to be achieved therefore it is more appropriate to group subdivision standards with zones (EG) Subdivision in the rural environment should not compromise rural productivity and character and amenity objectives of the zone whereas subdivision in the residential area should maintain neighbourhood character and amenity. Similary non-residential activities and bulk and location standards are also designed to achieve these outcomes. Saying this once at the zone level is more clear and concise than repeating this or cross referencing back to the zones standards from the subdivision standards. This is particularly important given the move to EPLAN which is largely property query related (ie) zone based.

**Draft Area Specific Matters Standard - Open Space (p44)**

The options for open space zones is very limited (Open Space zone, Sport and Active recreation zone )and does not align with the NZ Recreation Association guidance. NCC has recently aligned our Parks Asset Management Plan with “NZRA Parks Categories Framework” and are proposing to more closely align our resource management plan with these standards so that there is greater national consistency. This includes the following categories:

- Camping Ground
- Cemetery
- Esplanade and Foreshore Reserve
- Landscape Reserve
- Neighbourhood Park
- Public Garden
- Regional Sports and Recreation
- Sports and Recreation
While clause 6 (p43) indicates that Local authorities may include additional special purpose zones that could not be enabled by another zone or overlay, it is requested that the Open Space zone options are broadened to align with national guidance to ensure conciseness in plan terminology across NZ.

**Draft Electronic Accessibility and Functionality Standard – (p50)**

Table 18 outlines baseline accessibility and functionality requirements that must be implemented within 12 months of gazetted. This includes the need to “upload publically accessible existing digital data such as plotted features, poly points and polygons to [www.data.govt.nz](http://www.data.govt.nz) in machine readable format”. Clarification is needed as to what “machine readable” means. This should instead refer to “standard Geographical Information Systems” for improved understanding.

Table 19 and 20 outlines standards for Eplan functionality that must be met within five years of gazetted including the “ability to download, print out and provide, without alteration, a hard copy version of the plan, which includes planning maps (in part or whole document)”. With Councils working towards digital versions for spatial mapping the time taken to produce and maintain hard copy maps would be significant for the whole plan as opposed to particular areas of interest. This clause should be amended as follows: “ability to download, print out and provide, without alteration, a hard copy version of the plan, which includes planning maps (to an appropriate scale)”

**Draft Mapping Standard – p54**

While clause 5 allows Councils to include additional symbols in maps and Eplans it does not allow additional zones. As outlined above additional Open space categories should be added to align with NZRA standards. Also there is only a limited colour palette for all Hazards in table 22 (p55). It is important to be able to distinguish between different types of hazard including flood, fault, liquefaction, and contaminated land (Hail sites). These should be individually provided for.

**Draft Spatial Planning tools (regional) standard – (p58)**

Table 23 outlines components of plans. The table makes reference to “Specific controls” and “Areas”. While this is supported it is unclear how these provisions fit within the plan structure standards.

**Draft Chapter Form Standard – (p62)**

NCC supports that the need for an introduction, issue statement, principal reasons, methods, and environmental results anticipated is up to the Local authority particularly as these matters are not mandatory below RPS level.

Clause 12(c) indicates that the rule table must be presented as outlined in table 25 and 26. While the content is appropriate the format (running down the page) would not fit with Nelson’s resource management plans which are read left to right. It is therefore requested that clause 12 (c) is rephrased to read as follows: “If the local authority includes a rule overview table, rules, or a rule requirement table they must-be-presented-as include the content identified in tables 25, 26 and 27 below”

**Definitions - (p77)**

It is unclear how the proposed definitions will be used and their value particularly given a number of definitions are repeating RMA definitions. Should definitions be retained a number of adjustments should be made as follows.
Boundary adjustment (p79)

“Boundary adjustment means a subdivision that alters the existing boundary between adjoining sites, without altering the number of sites” This definition does not anticipate amenity impacts that might arise if one lot is made considerably smaller than the standard in the zone and would benefit from the addition of a limit such as “and does not decrease the site area of any site by more than 10%”. The actual percentage may be different nationally due to the range of amenity issues subdivision standards are required to address.

Community facility (p79)

“means a non-profit facility primarily for recreational, sporting, cultural, safety and welfare, religious or similar community purposes” Community facilities are not necessarily non-profit facilities. This needs further consideration.

Drain (p80)

“means any artificial watercourse, open or piped, that is designed and constructed, or used, for the purpose of the drainage of surface or subsurface water. There is concern that this definition may include ephemeral streams and other streams that have been highly modified over time but would still be considered watercourses. This definition should be amended as follows:

“means any artificial watercourse, open or piped, that has been designed and constructed (manmade) solely for the purpose of the drainage of surface or subsurface water and is not replacing, diverting or altering any waterbody.

Educational Facility (p81)

“means the use of land or building for the primary purpose of regular teaching or training in accordance with a pre-set syllabus by suitably qualified or experienced instructors, but does not include any industrial activity.” Industrial activity includes research laboratories used for scientific and medical research and training facilities. This would seem to exclude universities and technical institutes from the definition of educational facility. This needs further consideration in light of what the definition will be used for.

Root protection area (p87)

“means the circular area surrounding a tree, which is the greater of the radius, measured from the base of the trunk to:

a) The outer extent of the branch spread; or

b) Half the height of the tree”

It is unclear what this definition seeks to achieve. The root zone does not necessarily follow the extent of branches or the height of the tree particularly when trimming and pruning is undertaken. A more acceptable method is one that recognises when changes to the scale of the tree are made. NCC defines the root protection zone as a factor of the diameter of the trunk at breast height. It is considered that the NCC approach is more appropriate given that this approach recognises that the root zone does not necessarily follow the branch spread or the height of the tree once trimming and pruning has been undertaken.

Sign (p88)
“means.....(d) may be illuminated by an internal or external light source”

By including illumination in the definition of sign it would be difficult for rules to differentiate between whether it is appropriate to have an illuminated sign or not.

It is requested that clause d is removed from the definition so that the determination about whether a sign can be illuminated or not should be considered when rules are developed rather than by needing to meet a national definition. Including illumination in the definition may have a perverse outcome as Councils will have to make all signs require consent if they are to control illumination.