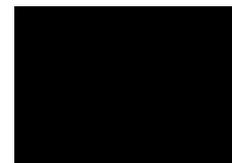


14 August 2018



Planning Standards
c/- Ministry for the Environment
PO Box 10362
WELLINGTON 6143

File ref: ROA 05 01
PAT:MLB

By email only
planningstandards@mfe.govt.nz

www.horizons.govt.nz

Dear Sir or Madam

HORIZONS REGIONAL COUNCIL SUBMISSION ON DRAFT NATIONAL PLANNING STANDARDS

Thank you for the opportunity to provide feedback on the first set of draft National Planning Standards (the Standards). Horizons Regional Council (Horizons) is the regional authority for the Manawatū-Whanganui Region. The One Plan, our region's consolidated regional policy statement, regional plan and regional coastal plan, will have to meet the Standards that apply to these documents.

This submission focuses on both the high-level concerns we have about the potential impact on Horizons' business of implementing the Standards, and detailed points associated with individual standards or parts of standards (Annex A). It was approved by our Council at the Strategy and Policy Committee meeting on 14 August 2018. Horizons also supports Local Government New Zealand's submission on behalf of local authorities.

Horizons has long held the view that, should standards determining the structure of planning documents be introduced, there will be varying degrees of change from existing plan formats needed to implement them and this will largely be the luck of the draw. We acknowledge that aspects of the proposed changes, once fully implemented, will bring some efficiencies for councils in future plan development processes, including for our own staff as they engage with the ten district plan documents across the Region.

Horizons strongly supports the making of standards mandatory in an effort to avoid a Schedule 1 plan change process for an, essentially, administrative exercise. However, our analysis leads us to the conclusion that that the extent of the amendments associated with inserting some of the standard definitions will be considerably more than can be carried as consequential amendments. For example, 'height' is defined as

the vertical distance between the highest part of a structure and a reference point. The reference point outside the coastal marine area is ground level unless otherwise stated in a rule. The reference point inside the coastal marine area is mean sea level.

The One Plan uses 'height' in several contexts, including the height of vegetation to describe habitat types in the Glossary – this uses the normally understood meaning of the term. As the standard does not allow the use of synonyms, extensive reworking of the affected provisions may be necessary to ensure the

Kairanga

Marton

Palmerston North

Taihape

Taumarunui

Wanganui

Woodville

policy intent is retained, well beyond what is considered “necessary to avoid duplication or conflict with the amendments”¹. The need to go through a plan change to make amendments across a broad range of provisions in the One Plan could create an opportunity for submitters to comment on quite fundamental aspects of the policy and regulatory approaches.

This is surely not the intention of mandatory Standards; such substantive matters should be considered as the result of a focused plan review, not confused with a technical change to comply with National Planning Standards requirements. While we appreciate that the Standard allows five years to achieve compliance to enable ‘piggybacking’ on other plan change processes, in Horizons’ case we do not consider this to be sensible.

Horizons considers that the insertion of 61 stand-alone terms (as opposed to those brought in from the Resource Management Act, New Zealand Standards and other legislation) into regional planning documents will cause significant costs and disruption for little benefit, and opposes this aspect of the Definitions Standard. In Horizons’ case, a plan change for this purpose will divert limited resources from urgent work on nutrient management in particular and ongoing work on implementing the National Policy Statement for Freshwater Management’s requirements. We submit that, if definitions must be inserted, they should be restricted to those brought in from legislation and New Zealand Standards.

In relation to the stated aim of improved accessibility of district and regional plans for plan users, Standards will be of most benefit to those plan users who work across boundaries. These are infrastructure providers, consultancies, large developers and other large businesses; most of the ratepayers who will bear the not insignificant cost of implementation will need to use a plan no more than once or twice in their lives. I see no acknowledgement of this disparity in the economic analysis.

It is also very disappointing that the outcomes the Standards are focused on are almost entirely administrative. The only benefits to the environment identified in the economic evaluation are indirect and unquantified. As noted above, we consider that the diversion of resources into implementing the Standards is likely to lead to a delay in resolving issues associated with water quality in the Region, a cost that has not been acknowledged in Castalia’s cost-benefit analysis.

Guidance and support

Horizons is of the view that additional guidance will be vital to assist councils as they convert their plans into the Standards. Officers found the initial guidance provided very useful in the assessments of Draft Standards.

The main areas we feel further guidance and support is needed, and would be most usefully targeted, are:

- Robust advice on the extent of changes permissible through the use of consequential amendments, including a legal opinion. We are disappointed that the Ministry has not already provided such advice given the reliance

¹ Resource Management Act 1991, Section 58I(3)(d)

on consequential amendments as a mechanism for completing the implementation of many of the Standards.

- Ongoing advice and support from Ministry officials; this should include access to a team with sufficient experience in district and regional council planning documents to be able to provide advice on specific implementation issues and a mechanism for discussion (such as through LGConnect, similar to that established during implementation of the Resource Legislation Amendment Act).

The attached table includes specific issues that officers have identified as they work through the draft Standards. This work has not been exhaustive; we note that actually applying the standards across our existing plan will be the only way to identify every issue we are likely to encounter in implementation.

Yours faithfully



Michael McCartney
CHIEF EXECUTIVE

Encl: Annex A: detailed submission points

ANNEX A: Horizons Regional Council – detailed submission points on draft National Planning Standards (NPS)

Standard	Issue	Outcome sought
S-CP Draft Combined Plan Structure Standard	Part 4 of S-CP provides for the coastal environment only, not a regional coastal plan focused on activities in the coastal marine area (either incorporated into a combined plan or stand-alone)	Provide for a regional coastal plan
F-1: Draft Electronic Accessibility and Functionality Standard Table 18, Instruction 7	Providing a note and hyperlinks between district and regional plan rules to sections in other plans will have practical difficulties as, especially during the implementation of S-RPS, S-RP and F-1, the location and naming of sections and provisions will be somewhat fluid. There is likely to be a chicken and egg situation depending on the sequencing of implementation between councils – in Horizons’ case, we will have to insert references to 10 district plans. This could be addressed by explicitly enabling the updating of this content without the need for a Schedule 1 plan change.	Enable ongoing updating of references and links between plans without need for a Schedule 1 process.
F-1: Draft Electronic Accessibility and Functionality Standard Table 18, Instruction 8	It is unclear whether instruction 8 applies to all PDF plan versions, or only to those councils that are using only PDFs. The One Plan is presented as both a web version, and searchable PDFs (entire plan and individual chapters). Our web version includes hyperlinked cross-referencing.	Clarify that Instruction 8 applies to those local authorities that are relying on PDF versions alone to present their policy statements or plans.
F-2: Draft Mapping Standard Table 22: Symbology table Sites of significance to Māori	The standard only provides for these sites to be shown as a geometry point. The One Plan equivalent appears to be “Sites of Significance – Cultural” as a freshwater value; these are river reaches and are mapped indicatively as lines.	Provide for Sites of significance to be shown as a line.
F-3: Draft Spatial Planning Tools (Regional) Standard – Overlay	Horizons identifies freshwater values and includes indicative mapping of the river reaches they apply to. Their function is most closely aligned to overlay; however they are mainly represented as a line in the One Plan. For our purposes, we are caught between having areas that meet the function of an Overlay but cannot be represented in the manner provided for in the Standard.	That overlays, which initial guidance describe as applying to an identified area or feature, be able to be presented as a line as well as a point, polygon or 3D polygon.

<p>F-3: Draft Spatial Planning Tools (Regional) Standard – Mandatory direction 4</p>	<p>This direction states “...where a regional plan has a need that is not met by the functions described in Table 23, other categories of spatial planning tools may be used within regional plans where appropriate (provided they do not overlap with the tools specified in this standard).” Horizons strongly supports this direction as it enables the mapping of features not otherwise provided for in the spatial planning tools (such as the boundary of the CMA at a river mouth). However, the intent of the qualification in parentheses needs to be clarified to ensure that ‘overlap’ refers to the function of the tools and is not restricting the use of other categories within areas where one or more tools from Table 23 have been applied.</p>	<p>Redraft this standard to ensure that its scope is clear and alternative spatial planning tools can be utilised when needed.</p>
<p>F-6: Draft Status of Rules and Other Text and Numbering Form Standard</p>	<p>Initial guidance for draft NP indicates that defined terms should appear in different text format when used. Horizons has used this approach to make defined terms (and terms defined in the Resource Management Act (RMA)) obvious to plan users. We have found this to be a useful, straightforward mechanism to improve plan clarity and support its inclusion in the NPS. However, officers could not identify any such requirement in the draft standard.</p>	<p>Clarify the standard to require defined terms to be easily recognisable in planning documents.</p>
<p>CM-1: Draft Definitions Standard</p>	<p>Horizons does not support the introduction of stand-alone definitions for terms such as ‘structure’ which are defined in the RMA. Where plans have taken the approach of not redefining a term included in relevant legislation, it is inappropriate to require the use of a new definition.</p>	<p>Remove the requirement to adopt any definitions that are different to terms interpreted in the RMA.</p>
<p>CM-1: Draft Definitions Standard Drain</p>	<p>The relationship between ‘drain’ and the RMA term ‘river’ (and ‘farm drainage canal’ referred to within the RMA definition of river) is unclear; in particular, it is unclear whether artificial watercourses include modified natural watercourses.</p>	<p>If retained, clarify the relationship between this term and ‘river’.</p>
<p>CM-1: Draft Definitions Standard Greywater</p>	<p>Unlike the definition of ‘sewage’, it is unclear whether ‘greywater’ is restricted to households or could come from institutions, businesses, etc. This also affects the scope of the term ‘wastewater’.</p>	<p>If retained, clarify whether the definition applies more widely than households. If restricted to domestic greywater, consequential amendments around the wastewater definition may be required to provide for both domestic and non-domestic contexts.</p>

<p>CM-1: Draft Definitions Standard</p> <p>Height</p>	<p>The restriction of this definition to the context of structures, and the inability to use a synonym, is extremely problematic for such a common term. The One Plan uses 'height' in its normal meeting in a number of contexts; the inability to continue to do so may cause significant issues where we use the height of trees or grasses to define particular indigenous biodiversity habitat types.</p>	<p>If retained, broaden the application of the term beyond structures, preferably by allowing words to be used in their common dictionary meaning. We note that clarifying the difference between a defined term and a common dictionary meaning is straightforward when defined terms are clearly recognisable (as requested above in relation to F-6).</p>
<p>CM-1: Draft Definitions Standard</p> <p>Site</p>	<p>This definition will have implications for two One Plan definitions: 'site' and 'property'. 'Property' is quite closely aligned and is possibly a subset of the NPS definition of 'site'. However, 'site' is defined as "includes, where in the context it is appropriate, an area or place or river reach"; its context is radically different to legally defined allotments, which seems more closely aligned to district planning. One way 'site' has been widely used in the One Plan is to describe river reaches or locations with certain water quality Values – for example, Sites of Significance – Aquatic, which are recognised as native fish habitat.</p>	<p>If retained, this term should apply to district plans only.</p>
<p>CM-1: Draft Definitions Standard</p> <p>Stormwater</p>	<p>Stormwater does not always flow to a waterbody or the coastal marine area; it may be contained in a stormwater detention structure or diverted to land, for example</p>	<p>If retained, amend the definition to broaden the receiving environment.</p>