

16 August 2018

Vicky Robertston
Chief Executive
Ministry for the Environment

BY EMAIL: PlanningStandards@mfe.govt.nz

Dear Vicky

SUBMISSION ON THE DRAFT FIRST SET OF NATIONAL PLANNING STANDARDS

1. Thank you for the opportunity to submit on the Ministry for the Environment's (MfE) Draft National Planning Standards (the Standards). Kāpiti Coast District Council (Council) is supportive of the general principles behind the Standards to make the structure of District Plans produced by local authorities more accessible and aligned.
2. The Draft National Planning Standards provide a common framework to ensure that across the country there is consistency in terms of structure and practice; and the Council is supportive of this proposed framework.
3. The Council is towards the end of the process of developing a Kāpiti Coast District Plan (District Plan) which was publicly notified in 2012. We appreciate that the Standards have recognised this in identifying Kāpiti Coast District Council as one of the Council's to be given 7 years to implement the first stages of the Standards.
4. However, implementing the Standards holds a number of risks and will come at a considerable cost to Council and its ratepayers. This includes the potential for points of detail to be re-litigated, adding further cost and delays to the process.
5. Recognition of this through providing more guidance and flexibility in how the Standards can be implemented; and extending the timeframe to implement the Standards to align with the next required District Plan review (10 years), would enable Council to implement the Standards in a cost effective manner.
6. The Council would welcome the opportunity to discuss the content of our submission further with MfE.

Support to implement the Standards from the Ministry for the Environment

7. With such a significant change to plans, implementation support will be essential across all of local government. At this early stage of the process it is anticipated that there will be a need to have more details and guidance around the component parts of the structure, as well as the shape and format of content to help inform the approach and delivery of the Standards.
8. The Council considers the ways in which implementation could be supported include:
 - More detailed guidance and consideration around when and how Schedule 1 should be used, in particular, the extent that it applies where details of policies, rules and their standards are being re-aligned, from across different parts of the plan.
 - Central support to help answer questions from both a planning and IT perspective.
 - The establishment/facilitation of implementation groupings of councils could also be useful. This could help councils of a similar type and stage of the process to share and support best practice, capacity and resource to develop solutions to implement the Standards.

Comments on the components of the Standards

S-DP: Proposed structure for District Plans

9. It is not clear in the draft Standards how two issues are intended to fit.
10. The first is in relation to the District Plan providing for development and growth. This is typically a core area and driver of a District Plan, with its principles integrated across the relevant policies and rules. The Standard is not clear as to which chapter this would sit and how it would be integrated across the many other areas to which it would relate.
11. It is also not clear how the Standards intend to manage areas and themes that are integrated across District Plans. Subdivision is a good example, where provisions are generally addressed in a section of the plan (S-SUB), with further details lying in specific zones. An assumption (as it is not specific in the consultation material) is that all relevant references and details would be centralised to one location (S-SUB). Subdivision cannot be divorced from natural hazards, earthworks, and other features

which may apply to a particular site, for example historic heritage, outstanding natural landscapes or ecological sites. This adds considerable detail and duplication to this section, but also potentially divorces its practical link with the other rules that apply to land use in the relevant zone.

12. The Kāpiti Coast District Plan integrates details of rules and exemptions across activity areas/zones, but also addresses specific topics within their own chapters. Because of this, and the likely need to move and realign plan content, this could substantively affect the interpretation of the plan, creating substantial re-work and also requiring a Schedule 1 process. Further guidance to understand the nature and full extent of this challenge and options under the Standards would be greatly welcomed.

Part 1: S-IGP: Draft introduction and General provision Standards

- (S-HPW) effect of rules
- (S-INTER) Abbreviations and interpretations
- (S-NDI) National Direction Instruments

13. Councils already accompany their District Plans with information outlining its status and legal status under the RMA, especially when under review. We suggest that the need for this could be met through a form of disclosure statement that sits alongside plans (rather than within) to provide necessary legal information on the effect of rules and implementation of national instruments. This would help support principles around plans being as concise and simple to use, and provide plans as being the single source of up-to-date requirements – similar to how legislation and changes are tracked and available on Legislation NZ website.
14. With regards to abbreviations and interpretations, these forms a key part of a District Plan, and from a practical perspective are more accessible at the front of a paper/PDF plan, rather than under the bulk of the back of the Plan. However, we also note that when using an electronic approach through an E-Plan it does not matter about the physical location of abbreviations and interpretations on the basis that they can be automatically linked and viewed from the plan text.
15. In regards to the requirements in these Standards to include lists of all RMA planning documents and all other important/relevant non-RMA plans in the 'Statutory Context' section, such lists run the risk of dating quickly - particularly in relation to non-RMA

plans - therefore requiring frequent changes to update them, which does not seem very efficient or necessary. The Council considers that this would potentially lead to duplication of information on our website into a statutory document that cannot be easily updated.

(S-ASM): Draft Area Specific Matters Standard (Zones – Discretionary)

(S-PREC) Precincts Chapter

(S-DEV) Development Areas chapter

16. The use of zones, precincts and development areas in the Standards similarly reflects the structure of Kāpiti Coast's District Plan, however, not all of our current plan zones are transferable within the proposed set, and a number of areas identified as precincts potentially become zones e.g. low and medium density residential.
17. The Council supports the flexibility of this hierarchy through the ability to identify precincts but notes that due to the different provisions which apply to different zones, it is likely overlays will be necessary to capture these distinctions. For instance, integrating current zones, not accounted for in the proposed structure, will create the need for overlays to capture those areas under the most appropriate zone. This risks recreating or adding complexity to the plan rather than simplification.
18. There is a need for clarification as to whether a structure plan area can exist in its own right or if it needs an underlying zone framework. For instance it is not clear as to whether structure plan areas that include a local centre, medium density and lower density residential areas can be identified and included by themselves or are they intended to only be included under one of the zones as these structure planned areas do not appear to fit well within the zones available?
19. In terms of the requirements for development areas, there is also a question as to when is a development area judged complete (and as a consequence, removed from the plan). It is not clear what happens if there are specific conditions that apply to areas or lots developed within a structure plan area and these need to be retained to ensure any future further development complies, e.g. specific building setbacks or building height restrictions.

F-2: Draft Mapping Standard

Colour palette of Special Purpose subzones

20. Historically a number and range of map colours and symbols have been used in District Plan mapping.
21. It is the Council's view that the Special Purpose subzones should have their own colour palette rather than the use of only one colour grey for all subzones. Otherwise more precincts and overlays have to be added (e.g. overlays for special purpose airport zone, special purpose hospital zone, special purpose education zone, special purpose future urban zone, etc.).

Symbols

Designations

22. When viewing larger designations electronically it is useful to have a represented overlay (e.g. symbol filled polygon) rather than relying solely on an outline polygon. This enables a user if looking at a more specific area within a larger site to recognise they are within a designated area.

Representation of natural hazards

23. There are a number of natural hazards that need to be shown on the Kāpiti Coast District Plan. The Standards provide one representation for all 4 standardised natural hazards (coastal, flood, volcanic and fault). Other hazards not currently commonly mapped include tsunamis, geothermal, landslip, subsidence, liquefaction, and fire hazards. It is Council's view that each natural hazard needs different polygon colours to be able to quickly identify one type of hazard from the other, when anyone looks at the District Plan. For example, the Council has 9 flood hazards, and 5 fault traces. It will be difficult to clearly identify all these kind of hazards with one colour filled polygon. It will be best to have one shade of blue for each of the 4 standardised natural hazards, and any subcategory of hazards to be represented by an overlay (e.g. symbol filled polygons).

Noise contours need to include roadways and railway lines

24. The Council notes that as well as noise contours for airport and sea port, provision for major roads and railways also need to be included. Similar to the point above on designations, these should contain a symbol filled polygon to identify and represent

different areas for viewing purposes. The Kāpiti Coast District Plan includes noise contours for the Kāpiti Airport, the North Island Main Trunk rail, and State Highway 1.

Flexibility to provide for additional areas

25. It needs to be clear that there is flexibility to provide for other symbol and overlays, for instance, coastal hazard risk lines or other site specific planning features which are useful mapped as opposed to simply referenced within a policy, rule or standard. The ability to map a range of site specific features is crucial in assisting TA's in preparing Land Information Memorandums.

CM-1: Draft Definitions Standard

26. While Council notes that the intention is to improve consistency of definitions across District Plans, there are a number of proposed changes that have been included that may be problematic. Specific examples which are particularly simplistic, problematic or open to interpretation include:
- Addition: the definition does not capture any increase in height.
 - Boundary adjustment: this definition would result in unintended consequences for subdivisions where the number of allotments is not changing but the boundaries are being significantly changed.
 - Building: this definition is overly simplistic and inappropriate to underpin District Plan provisions. The definition is very much open to interpretation and provides no certainty as to what is and what is not a building.
 - Coverage: the definition includes access legs and rights of way. If adopted into the Kāpiti Coast District Plan this would result in increased site coverage and result in adverse effects not anticipated by the objectives and policies of the plan, and potentially exacerbate stormwater issues in parts of the district.
 - Commercial activity: the definition is too general and all-encompassing which does not enable different types of retail activity or other business activities to be managed in different ways.
 - Earthworks: the definition is too simplistic and will require additional detail on current exclusions to be included in permitted activity criteria.
 - Educational Facility: the use of Pre-Set Syllabus narrows the use of the definition and how it might be applied to manage education facilities.
 - Greywater: the definition does not recognise laundry sinks and kitchen wastewater systems also discharge to the sewer.

- Ground level: the definition is simplistic and problematic for compliance purposes. It appears that as long as the ground level is changed before a building is proposed it is possible to make the ground level whatever is desired. Please see the Kāpiti Coast District Plan definition for original ground level for how to overcome this issue.
- Height: when read in conjunction with the draft definition for ground level, as long as the ground level is altered prior to any building consent application being lodged, the ground level can be changed to whatever is desired. Please see the Kāpiti Coast District Plan definition for original ground level for how to overcome this issue.
- Height in relation to boundary: the definition does not refer to other important factors such as ground level, original ground level
- Land disturbance: this has been used in District Plans in relation to managing the effects of earthworks within wahi tapu sites. Clarification of potential conflicting use would be beneficial.
- Residential activity: the definition would result in uncertainty as to what is included and what is not included. For example, does the definition include temporary and visitor accommodation?
- Site: the definition does not acknowledge a site can be part of an allotment; a site is not necessarily the entire legal entity.
- Structure: this definition is inconsistent with the RMA definition.
- Subdivision: the definition needs to include boundary adjustments.

27. As noted above the Council appreciates the intent to standardise the definitions and the flexibility to add further to definitions to reflect local circumstances. However, in simplifying a number of the definitions there is the potential to create significant gaps, conflicts and inconsistencies in District Plan provisions.

Additional Issues

Understanding the full scope and suite of Standards

28. There are a number of questions in the consultation material that suggests there could be a number of further Standards introduced. A forward work programme of all known or emerging Standards would be helpful to inform Councils approach to implementing the Standards and set our planning work programme.

29. A forward programme has the advantage of providing flexibility, where councils can structure their review processes in a way that best aligns with government's timeframes.

National benefits of developing an E-Plan template

30. We recognise the benefits of E-Planning and are currently drafting an E-Plan for our District Plan. With all Councils moving towards E-Planning, there is a range of benefits that could be achieved by developing a common or shared IT platform and template to support implementation of the Standards.
31. This would provide consistency in the development and implementation of plans as well as considerable cost savings by best utilising key skills required to develop and implement E-Plans nationally.

Yours sincerely



Wayne Maxwell
CHIEF EXECUTIVE