

APPENDIX 4

to Agenda Item 8.1 Draft National Planning Standards

Draft BOPRC Submission and Cover Letter

Your Ref:
Our Ref: 7.00285



16 August 2018

National Planning Standards Consultation 2018
Ministry for the Environment
PO Box 10362
Wellington 6143

Submitted to: planningstandards@mfe.govt.nz

Dear Sir/Madam

Bay of Plenty Regional Council Submission on the Draft National Planning Standards

Thank you for the opportunity to submit on the Draft National Planning Standards. Bay of Plenty Regional Council's detailed comments on the draft standards are attached. This submission was formally endorsed by the Regional Direction and Delivery Committee under delegated authority on 9 August 2018.

Toi Moana supports the general intent of the National Planning Standards to make Resource Management Act 1991 plans more consistent, less complex, easier to prepare, use, understand and compare. We, like other Councils, have concerns over implementation costs and timing and uncertainties over the extent of changes that can occur outside the Schedule 1 process.

Bay of Plenty Regional Council has invested \$16 million on Schedule 1 processes involving full reviews of the Bay of Plenty Regional Policy Statement (RPS) and Regional Coastal Environment Plan and an ongoing rolling review of the Regional Natural Resources Plan in the last six years. Many RPS and regional plan provisions will not easily translate over to the new content structure and will require consequential amendments opening them up to another raft of Schedule 1 processes and the potential for further legal challenge.

Bay of Plenty Regional Council made a conscious decision to streamline our regional plans by limiting content to mandatory requirements under section 67 RMA. All other optional material such as issues, methods, explanations/ principal reasons / cross boundary issues information for resource consent applicants will over time be removed from the combined Regional Natural Resources Plan.

We request that the structure prescribed in the national planning standards align more closely with the relevant sections of the RMA which apply to content of regional plans and functions of regional councils. If considered necessary, guidance could be provided about how to house other material in supporting documents. We recommend guidance (rather than a standard) about how best to provided lists and / or links for other material which is important and relevant but clearly not part of the content of a regional plan such as iwi and hapū resources management plans and formal agreements.

Objective ID:A2929678

We suggest a standard set of compendium documents is appropriate for matters that sit outside the mandatory content requirements for regional plans in section 67 RMA. We are streamlining our regional plans to remove non mandatory matters to compendium documents.

Bay of Plenty Regional Council acknowledges the time to implement the standards has been extended. However, no thought appears to have been given to the hierarchy of plans to allow alignment with second generation plan reviews. Changes to regional policy statements should be first, or at the same time as regional plans, with district plans to follow. If the definitions and glossary terms requirements remain, significant changes to policy and plan provisions maybe required and consequential flow on effects with the plans needing to give effect to and be consistent with the regional policy statement.

We request the National Planning Standards retain flexibility to recognise regional differences, are easy to use, with reduced costs. Amendments sought to the standards are identified in the attached detailed comments table.

Please contact Moana Boyd (Senior Planner) on 0800 884 880 or moana.boyd@boprc.govt.nz if you have any queries.

Yours sincerely

Namouta Poutasi
Acting General Manager Strategy and Science

Appendix 1: Bay of Plenty Regional Council - Toi Moana Submission on the Draft National Planning Standards Detailed Comments

DRAFT Regional Plan Structure Standard (S-RP) and Regional Policy Structure Standard (S-RPS)

Standard	Issue	Submission Point	Relief sought
General submission points			
S-IGP PART 1: Introduction and General			
	General comments on this Standard S-IGP (pp26 – 31)	<p>In general we are concerned with the fine detail included in these opening chapters which dictate the headings, subheadings and content. None of this content is required by the RMA. Bay of Plenty Council has recently approved a streamlined approach which limits regional plan content by removing non-statutory content and we are concerned that this is setting up community expectations for this material to once again be included in regional planning documents.</p> <p>Matters listed in Part 1 of the standards as ‘mandatory plan content’ could be equally effective (aside from definitions) in a non-statutory user guide that is not required to go through a Schedule 1 process. Opening up this type of explanatory and contextual information to submissions and appeals increases the time and costs associated with plan-making.</p> <p>The draft planning standards are not clear on the approach to be taken if a plan does not currently contain content relevant to a mandatory chapter or section. Do we still include those chapters or sections as placeholders pending a future plan review or can we omit these as not relevant.</p>	Support with amendment to clarify where content is not addressed in a plan irrelevant part, chapter and / or section headings are not required.
	Introduction Chapter S-INTRO (p27, 28)	<p>Bay of Plenty Regional Council has recently approved a streamlined planning approach which limits regional plan content to what is required by the RMA (s.67) and some additional material if deemed necessary.</p> <p>Tables 7, 8 & 9. We suggest combining these tables into one table and enabling flexibility to have this type of non-statutory material included in the plan or alternatively located on Council’s website with the policy and plans. This suggestion would allow all types of plan updates to be</p>	<p>Support provided the inclusion of this content remains optional and flexible enough to contain additional material deemed necessary with the following amendments made:</p> <p>Amend Tables 7, 8 and 9 by combining them into one table and enable flexibility to have the table either included in the plan or alternatively located on our website with the plan.</p> <p>Amend the column in Tables 7, 8 and 9 “Date of update approval” to</p>

		<p>provided into a single table format to avoid duplication and ease of maintaining links to required records.</p> <p>Table 7 could be clearer by changing ‘date of update approval’ to ‘date plan updated’ which is what plan users need to know rather than the date an update was approved. This would also align with requirements in Introduction Chapters (S-INTRO) 4.b.</p> <p>Table 7 currently requires a ‘link to policy statement and/or plan change, approval or documents’. It is unclear whether the standard is seeking a link from the website to the plan change approval, or whether it is the documentation about when it was made operative. Further clarification is sought whether this requirement includes relevant section 32 and section 42A reports etc.</p> <p>Table 8: Map update table we suggest the description should include reference to the maps being changed (i.e. Map number or title of maps being changed or amended).</p>	<p>“Date plan updated”</p> <p>Amend to further clarify how guidance material must be linked to a policy statement or plan.</p> <p>Amend description applicable to map changes to require map number or map title being changed.</p>
	<p>How the Policy Statement Works Chapter S-HPW (p28, 29)</p>	<p>Bay of Plenty Regional Council recently approved a streamlined planning approach which limits regional plan content to what is required by the RMA (s.67), and some additional material if deemed necessary.</p> <p>Retaining optional content allows councils to consider where best to place material showing the connectivity of the plans (i.e. district, regional, city) and statutory requirements helps put the process into some context for laymen, either within the plan or as a supporting document.</p>	<p>Support provided the inclusion of this content remains optional.</p>
<p>Interpretation Chapter S-INTER (p29)</p>	<p>Glossary of Te reo Māori terms</p>	<p>Bay of Plenty’s regional plans and policy statement contain substantial te reo Māori text. Not all te reo Maori words used need to be defined as this could equate to a Dictionary. For example the Bay of Plenty Regional Natural Resources Plan is richer for kōrero like the following excerpt which has an explanation in English following it.</p> <p>Whatungarongaro te tangata, toitu te whenua Koia nei te pepeha e whakahuatia ake ai nga tikanga a te Maori ki ona whenua. Mai i nehe ra ano, ko te mea nui ki a ia ko te tiaki pumau i te whenua, e kore ranei e tukinotia, tae noa ki te wa e heke iho ai ki ona uri, ki nga whakatipuranga e whai ake ana, i muri iho i a ia. Ko nga whakarite o te kaitiakitanga, he taonga tuku iho. Kua korerotia te korero, kua wanangatia te wananga. Heoi ano, ko te mahi i naianei he whakararangi i aua korero, e marama ai ki a tatau katoa. He mahi uaua tonu, engari ko a koutou pononga ki te kaunihera enei e ngana nei ki te whakatutuki i te</p>	<p>Conditional support requirement for a glossary of Te reo Māori terms provided only those terms used in provisions (objectives, policies, rules) are required to be included in the glossary.</p>

		<p>kaupapa. Ko te tumanako, kei kona koutou e te iwi hei whakatikatika mai, e tau ai te puehu, e whakaae ai tatou katoa. Tihe mauri ora.</p> <p>The draft Standards require glossary definitions for te reo Māori terms used in rules, objectives and policies, which is a reasonable and practical approach. This would provide clarity to those rules and provisions.</p> <p>However, it isn't sufficiently clear whether we will be allowed to have sections of a plan in te reo and then English. It would be a step backwards in our view if there is no flexibility to have bilingual parts of a plan within its content. In these cases it isn't considered appropriate to include all Māori terms within the glossary.</p> <p>Further, some te reo Māori terms are specific to an area or localised kōrero. Such terms need to be verified by a certified translator. Issues may also arise where a term is defined under other legislation then that definition must also be included in the glossary. Using te reo terms as defined in other legislation won't allow for regional or iwi variation in meaning and /or dialect or context such as mauri.</p>	
	<p>National direction instruments S-NDI (p30, 31)</p>	<p>Inclusion of this section is mandatory, which conflicts with RMA s.67 which states only objectives, policies, and rules must be included in regional plans.</p> <p>Overall we are supportive of including this part in the standard as it is useful to plan users making NPS, NES and Regulations easy to find and reference and also to easily see whether changes have been made to plans or otherwise.</p> <p>We support the inclusion as some the changes to give effect to National Policy Statements and National Environmental Plans listed in the tables will have been made without the public process in Schedule 1, it is considered a good idea to provide a record of where these changes have occurred. Otherwise they may become invisible to both community and council.</p> <p>As the content in these tables is not required by s.67, and the changes to plan content are made without public consultation under Schedule 1, our preference would be for changes to these tables to be made without needing to go through the Schedule 1 process.</p> <p>We do however, have concern about the detail currently required to be provided. We consider there is more benefit in setting out the approach to implementing national direction, and identifying the chapters which</p>	<p>Support provided changes to table content can be made without needing to undergo a Schedule 1 process.</p> <p>Amend the standard to be clear new National Policy Statements, National Environmental Standards and Regulations not currently listed can be added without Schedule 1 or changes alternatively a statement that refers to a list updated in subsequent amendments to the National Planning Standards being required.</p> <p>Amend the standard to include all NPS, NES and Regs at the time it is gazetted – noting those currently not listed.</p> <p>Amend details requirements by Table 14 and 15. Limit these tables to identifying the chapters or section of the plan that implement a national policy statement or a national environmental standard.</p>

		<p>includes rules relevant to the national instrument.</p> <p>We note that Table 15 is missing the:</p> <ul style="list-style-type: none"> • Resource Management (Measuring and Reporting of Water Takes) Regulations – relevant to water takes. • Resource Management (Forms, fees and procedures) Regulations 2003 – possibly not directly relevant to the content of plans/policy statements but it does contain standard forms for consent applications etc. • Resource Management (Transitional, Fees, Rents, and Royalties) Regulations 1991 – this is relevant to coastal permits as sets royalty fees for dredging etc 	
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S-TW PART 2: Draft Tangata Whenua Structure Standard

<p>Part 2 - TANGATA WHENUA</p> <p>General S-TW Tangata Whenua (pp33,34)</p>	<p>Flexibility how to address tangata whenua matters</p>	<p>Toi Moana is concerned with the fine detail included in the Part 2 opening chapters including the headings, subheadings and content. Much of this content is not required by the RMA to be included in plan content currently. As a Council we are streamlining our regional policy and regional plan content. Toi Moana’s region contains 37 iwi and over 250 hapū. The level of detail set out in this section is sets up an expectation that this material is required in the regional plan, and will be included.</p> <p>It is unclear what the mandatory Part 2 Tangata Whenua is intended to capture. The S-RP and S-TW contain mandatory sections for what appears to be largely ‘contextual’ information. The planning standards don’t appear to be anticipating objectives, policies and rules specific to tāngata whenua interests and values. The importance of this contextual information is not in question, but whether it should all sit in a RMA plan is debateable, especially in regions where there are numerous iwi and hapū groupings.</p> <p>Consequently flexibility is required to best provide for the matters set out in the description. The RPS currently has an iwi resource management chapter but also address Māori cultural values in other chapters (e.g. Matters of National Importance, Water Quantity, and Coastal Environment) as appropriate.</p> <p>It is unclear as to whether the matters following the heading are compulsory to not. For example under point 3 page 33, it states “if the following matters are addressed in policy statements or plans, they must be located in the recognition of iwi/hapū chapter”. It is unclear whether the plan must include the matters listed under 3 or not.</p>	<p>Support tangata whenua standards but request the content remains optional and there is flexibility how Tangata Whenua policy direction is provided (i.e. to allow for incorporation within the theme and/or catchment chapters).</p> <p>Clarify whether matters listed under Mandatory directions 1-6 are compulsory.</p> <p>Clarify where policies and objectives for recognising tangata whenua relationships and aspirations are to be located. Separate chapter or within other relevant chapters?</p> <p>Delete content which is outside scope of section 67 RMA from the standard and support guidance about setting up compendiums for this type of material, if considered necessary.</p>
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S-TW	Tangata Whenua – local authority relationships (p33)	<p>Bay of Plenty Regional Council strongly recommends removal of listing and linking formal relationship agreements with tangata whenua within a regional plan.</p> <p>While we acknowledge the importance of these agreements they are</p>	Amend standards to give Councils the discretion to include tangata whenua relationship agreements in compendium document rather than require these to be listed in a regional plan.

		<p>outside of the scope of regional plan content requirements and will be problematic to maintain due to the sheer number of agreements and iwi in the region. Some iwi may support their agreements being listed while others may not. The regularity with which the material may change could require a schedule 1 process to change.</p> <p>Instead we support guidance on how councils may construct a compendium to hold material relevant to policies and plans which would achieve the intended purpose. Access is key to ensuring they are used and understood.</p>	
S-TW	Iwi and Hapū planning documents	<p>Same concerns as above. Again we would support guidance on best practise for councils on how to provide this on their websites, sitting outside of the policy and plans. We have listed on our website all hapū and iwi management plans lodged with the regional council and hyperlinked to the documents where available (https://www.boprc.govt.nz/about-council/kaupapa-maori/hapuiwi-resource-management-plans/). Access is key to ensuring they are used and understood. The web page also outlines the importance of IMP's, funding available and criteria. GIS layers also show iwi rohe, statutory acknowledgement etc.</p>	Amend standards to give Councils the discretion to include iwi and hapū resource management plans in a compendium document rather than require these to be listed in a regional plan.
S-TW	Consultation (p34)	<p>Our view is iwi consultation material outlined in 6. should not be included in plans as it could change and then the plan will be out of date or go through a schedule 1 process to change. Each iwi will have differing ways they wish to be consulted.</p> <p>Any way we can encourage better consultation is a positive. Consultation process improvement is a positive but it needs to be generic because there are differing processes and ways to undertake consultation. Mana whakahono agreements will change this in the long term.</p>	Support provided the inclusion of issues remains optional
S-RP PART 3: Issues and Objectives - Regional Plan structure only			
S-RP	Issues (p12)	<p>As outlined above the Bay of Plenty Regional Council has recently approved a streamlined planning approach which limits regional plan content to what is required by the RMA s.67, and some additional material if deemed necessary. Issues are not recommended as content in our streamlined plan. We appreciate and agree with having flexibility that has been built in to allow issues and objectives to be within their own parts or sit within the theme and / or catchment parts of regional planning documents.</p>	Support provided the inclusion of issues remains optional and it is clear that where content is not addressed in a plan irrelevant part, chapter and / or section headings are not required.

S-RP	Objectives (p12)	Our plan structure lists objectives under the relevant themes and catchments, not as a separate section. The standard as currently written doesn't appear to allow objectives to sit within subchapters this is further discussed under F-5 Draft Chapter Form Standards.	Support provided the inclusion of objectives in Part 3 remains optional and it is clear that where content is not addressed in a plan irrelevant part, chapter and / or section headings are not required.
S-RP PART 4 – Themes			
S-RP	General comments on S-RP	<p>It is appreciated that flexibility has been built into the draft regional plan structure standard to accommodate parts by theme and / or catchments or even at the freshwater management unit scale and also by allowing themes for special topics which will allow a chapter for geothermal resources as an example from our region. It is further noted and appreciated that subordinate sections can be created as needed.</p> <p>We note regional plans must contain mandatory headings in the order provided in table 4 unless otherwise stated. Flexibility as to order is in the Forms Standard point 4. for theme and catchment chapters in RPS and PR is appreciated but somewhat hidden there. We suggest bringing F-5 points 3 & 4 up into S-RPS point 3 & S-RP point 3.</p> <p>The standards currently require each chapter to have all objectives, policies, methods, rules etc grouped together in one section. We support this approach, as each theme should contain the full policy cascade from objective, to policy, to rules in one section to allow best interpretation and implementation.</p> <p>However, the theme / catchments titles are very broad, and there doesn't seem to be any allowance for sub-ordinate themes within chapters to have their own policy cascade although it is noted that both purposes of S-RPS & S-RP state subordinate sections can be created as needed. We think this means that the entire theme or catchment chapter must contain all objectives together, then policies etc. This separates relevant provisions from one another.</p> <p>For example, a special topic in our Regional Natural Resources Plan will be Geothermal Resources. We have several geothermal fields in our region which all require different management regimes. The provisions for each field are best located together in one subordinate section so those implementing the plan can see the full policy cascade from objective to policy to rules. Otherwise all objectives for all geothermal fields are located together, followed by policies, followed by rules. The plan user loses sight of the full policy suite. Another example where we</p>	<p>Seek amendment to:</p> <p>Allow for subordinate theme chapters / topics to have their own policy cascade to keep related provisions together.</p> <p>Allow for each chapter to be broken into sections, and the sections into subsections, and for each section or subsection to have its own cascade of objectives, policies, methods, rules, which keeps all related content together.</p> <p>Example: Chapter - Special topics Section - Geothermal Resources Subordinate section – General Objectives Policies Rules</p> <p>Subordinate-section – Rotorua Geothermal Field Objectives Policies Rules</p> <p>Subordinate -section – Tauranga Geothermal Field Objectives Policies Rules Etc</p> <p>Seek amendment bringing F-5 Form Standard points 3 & 4 up into S-RPS point 3 & S-RP point 3.</p> <p>Seek amendment to clarify Councils can pick and choose between theme and catchments. I.e. the whole plan doesn't need to be structured by themes or catchment but could be a combination of both including both a combined Land and Water part as Integrated Management (see points under Land & Water chapter) but also Land and Water as separate theme chapters with subordinate sections.</p>

		<p>need this level of flexibility is within the Coastal Environment theme chapter which is discussed further below.</p> <p>We acknowledge that once the plan becomes fully electronic, this type of co-location will not be necessary. However, in the interim, the paper based plan needs to remain in place and be intuitive and usable.</p>	
S-RP	Coastal Environment	<p>Our Proposed Regional Coastal Environmental Plan (PRCEP) contains policies that apply to the Coastal Environment, grouped under the following headings:</p> <ul style="list-style-type: none"> o Natural heritage o Water Quality o Iwi Resource Management o Historic Heritage o Coastal Hazards o Recreation, Public Access and Open Space. <p>Following the mandatory themes set out in Part 4 of the S-RP, all of these topics could be grouped under 'Coastal Environment' theme chapter as subordinate headings. Assuming this is permissible, this would be the most straightforward approach.</p>	Seek clarification within the standard or within guidance regarding the intended application of the Coastal Environment theme and assurance flexibility by using subordinate sections as outlined is permissible.
S-RP	Environmental Risk	<p>The term 'Environmental Risk' is not in general use. The explanation in 'Understanding the standards' relates almost exclusively to natural hazards (although a gremlin has inserted 'air quality' into the narrative). We support "Natural hazard risk" being substituted for 'Environmental Risk'. There is no benefit in having the more generic expression 'Environmental'.</p>	Seek amendment to the theme heading from 'Environmental Risk' to 'Natural Hazard Risk'

<p>S-RP</p>	<p>Land Water</p>	<p>The Land and Water sections are too broad to be useful for plan users. We are considering the need for a combined Land and Water Part rather than teasing out the part which we currently call IM Integrated Management but would need assurance the standard allows combining Land and Water as provided for and then splitting into logical subordinate sections based on RMA functions.</p> <p>We seek flexibility to accommodate the following if need be:</p> <ul style="list-style-type: none"> • Land – provisions to control section 9 activities in relation to s30(1)(c)(i) RMA. • Freshwater – provisions for integrated management of land and water, Water quantity • Discharges – provisions to manage all s15 RMA activities (discharges to land or water). • Activities in beds of waterbodies and wetlands - provisions to manage all s13 RMA activities. • Natural Hazards – for any controls made under s30(1)(c)(iv) RMA. <p>As well as having catchment specific provisions to accommodate the implementation of the NPSFM at a catchment and / or freshwater management unit scale.</p>	<p>Seek amendment to the standard to call the Land and Water themes ‘Integrated Management’ if choosing to combine them.</p> <p>Seek assurance there is sufficient flexibility as sought.</p>
<p>S-RP</p>	<p>Special Topics Geothermal</p>	<p>Currently the our regional policy RPS deals with water quality, water quantity, the coastal environment and geothermal resources in separate chapters. There are clearly defined reasons for these separations including the requirement to give effect to the New Zealand Coastal Policy Statement and the NPS for Freshwater Management.</p> <p>It is unclear from the RPS and RP structure standards and guidance whether ‘Geothermal Resources’ can be considered a special topic or whether it is required to be addressed in the Water chapter in regional planning documents.</p> <p>The Bay of Plenty Regional Policy Statement and the Regional Natural Resources Plan currently treat geothermal as a separate theme and chapter, recognising that the issues for geothermal management are related to, but not limited to water management. They also include sustainable management of heat and energy as a resource, which in some cases does not involve taking and discharge of water. Together the BOPRC and WRC manage 95% of New Zealand geothermal resource, making this a unique regional issue. These resources also contribute substantially to the regional economy through industrial direct heat use, electricity generation and tourism, reinforcing the importance of a</p>	<p>Seek amendment to allow for special topics and subordinate sections to have their own policy cascade to keep related provisions together as outlined under theme and catchment themes above.</p> <p>Seek amendment to ensure the standard is clear there is the flexibility for Geothermal Resources to be either part of the Water chapter or alternatively a Special topic in both RPS and RP Structures</p>

		<p>separate and focussed management approach in planning documents.</p> <p>Retrofitting the geothermal resources chapter, the water quality, water quantity and coastal environment chapters to fit within the same water chapter will prove highly challenging and go against the intent of the National Planning Standards to simplify their content and usability.</p> <p>As fresh water cuts across the intent of the RMA that resource management issues specific to a region should be dealt with by that region. Geothermal water (and coastal water) are recognised by the RMA as having different management issues from fresh water and need to be treated differently.</p> <p>Because of the different issues that geothermal water and land uses face, and because of the integrated nature of the effects of use of geothermal water and land, the council prefers its current structure of dealing with these resource issues together in a separate chapter. The issues regarding the management of geothermal water are different from those for freshwater and both councils have in their RPS and Regional Plan separate chapters for the management of this regional geothermal resource, containing specific objectives, policies.</p>	
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S-RP PART 5 – Catchments (in the Draft Regional Plan Structure Standard (p13))

<p>S-RP</p>	<p>Name of catchment or freshwater management unit</p>	<p>It is appreciated that flexibility has been built into the draft regional plan structure standard to accommodate parts by theme and / or catchments or even at the freshwater management unit scale and also allowing further subordinate sections within these.</p> <p>We consider there maybe merit in standardising how issues and objectives are to be worked into subordinate sections within theme and / or catchment parts if this is the route taken.</p>	<p>Seek amendment to:</p> <p>Allow for subordinate sections / topics to have their own policy cascade to keep related provisions together within the catchment.</p> <p>Allow for each chapter to be broken into sections, and the sections into subsections, and for each section or subsection to have its own cascade of objectives, policies, methods, rules, which keeps all related content together.</p> <p>Example:</p> <p>Catchment or Freshwater Management Unit – Rotorua Lakes Subordinate section – General Objectives Policies Rules</p> <p>Subordinate section – Lake Rotorua Nutrient Management Objectives</p>
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			<p>Policies Rules</p> <p>Subordinate section – Tarawera Lakes Objectives Policies Rules</p> <p>Etc</p>
S-RP PART 6 – Evaluation and Monitoring			
S-RP	Evaluation and Monitoring	<p>Whilst monitoring and evaluation is a mandatory requirement under s35 RMA, it is not mandatory content for a regional policy or plan s62 & 67.</p> <p>As an example, our PRCEP does not contain information on evaluation and monitoring as the decision was made to develop a monitoring and review programme outside the Schedule 1 process. This means that the programme can be adapted to suit changing circumstances. Part 6 should only be mandatory if a regional plan already contains text relating to evaluation and monitoring.</p>	<p>Support provided the inclusion of this content remains optional and the standard is clear that where content is not addressed in a plan irrelevant part, chapter and / or section headings are not required.</p>
S-SAM PART 7 - Schedules/ Appendices/ Maps (pp 47 – 48)			
S-SAM	Schedules (p 48)	<p>Our regional plan currently has ‘schedules’ 1 – 14 which contain information which may be more suited as being Appendices.</p> <p>Schedules are usually used for ‘spot zoning’ type scenarios in district plans which looks to be what is intended by the standard given the content of Table 17 and point 6., however point 5. clouds this by mentioning ONFL’s which would appear to be better listed in an Appendix.</p> <p>Table 17: Schedule Table: Often the same study/material will be used to identify all (or nearly all) the sites in a Schedule. Rather than add another column (which increases the size of the table) it would be preferable to reference this study/material once at the start (or end) of the table.</p>	<p>Seek amendment to clarify the difference or provide further guidance about what material should be in schedules vs appendices so these can be dealt with consistently.</p> <p>Seek amendment to clarify whether schedules are available to regional planning documents or just district plans.</p> <p>Seek amendment to Table 17 to be able to reference study/material once at the start (or end) of the table.</p>
S-SAM	Appendices (p 48)	<p>Appendices are defined by the standard as having to address a ‘topic’ and ‘may only include technical and / or descriptive specifications required to be complied with to meet a rule...’</p> <p>Based on this definition material our regional plan has in schedules</p>	<p>Seek amendment to clarify the difference or provide further guidance about what material should be in schedules vs appendices so these can be dealt with consistently.</p> <p>Seek the interim flexibility to be able to ‘store’ material outside of the s67</p>

		maybe appendices. Currently our regional plan appendices contain material stored there which in time will be removed or moved into supporting documents once progressed through a schedule 1 process.	content requirements of regional plans within a Schedule or Appendix until such time as it can be deleted or moved to supporting documents.
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Standard	Issue	Submission Point	Relief sought (support/ oppose/ seek amendment)
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Submission points on Form Standards (including E Plan, Spatial, Formatting etc) Definitions and implementation

F-1: Electronic Accessibility and Functionality Standard (pp49 – 52)

F-1	Table 18: point 1 Timeframes (p50)	<p>We support the intent of electronic accessibility and functionality which will result in improvements for plan users.</p> <p>12 month timeframe</p> <p>Baseline accessibility and functionality within 12 months of the standards being gazetted are achievable subject to amendments to the requirements recommendation below. It will need a dedicated resource allocated to make it happen. The benefit of providing the baseline information needs to be balanced against the cost of diverting resource from the longer term 5 year end point and only actions going in the right direction pursued within the 12 month timeframe.</p> <p>5 year timeframe</p> <p>It is acknowledged that more time has been provided for full implementation of the standard. Implementing the standards to level 5 Electronic Accessibility and Functionality within 5 years of the standards being gazetted (by April 2024) will, however, be a significant undertaking alongside our already full policy work programme. We have multiple plan changes to the regional plan being worked on in the next 5 years including region wide and catchment based changes to implement the NPSFM, geothermal, on site effluent treatment plan review as well as a rolling review of the whole regional plan alongside these. Working in the standards will involve rethinking of our policy work program to avoid unnecessary rework and / or opening up the regional planning documents to re-litigation due to the likely need to rewrite much of the plan to accommodate standardising of definitions.</p>	Support baseline accessibly subject to amending requirements as outlined below
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F-1	<p>Table 18: Plan accessibility and functionality points 2 to 7</p>	<p>Baseline accessibility and functionality requirements</p> <p>We support in principle the intent of providing a baseline for planning documents and links as these enable easy use of planning documents. The easier they are to find and use the better. We are, however, concerned with the risk of providing and maintaining links from regional planning documents at a rules level to all relevant district and city plan documents which appears to be what is required as the standards are currently written.</p> <p>We request 2 be further clarified to ensure it is clear whether the requirement is to have ALL prepared since 1991 accessible or only those relevant to the current regional policy and plans. Ie. going back 26 years to 1991 or just the history relevant to the operative RM plans?</p> <p>We request requirement 5 be deleted. If 2 is complied with there shouldn't be a need to notify MfE of hyperlinks to the pages.</p> <p>Table 18, point 7 requires a 'note' and hyperlink to other relevant rules in other plans. Regional policy and plans may have to link to 4, 5 or 6 city/district plans (and potentially to other regional plans). It's going to be extremely hard and risky to co-ordinate this cross-referencing whilst all councils are updating their plans and changing the order and possibly location on the website. This is especially true if some councils are reformatting plans (or parts of their plans) to implement the planning standards within the first 12 months.</p> <p>We request requirement 7 be deleted or alternatively changing it to be suggested good practice for district plans to have notes about regional plans rather than a mandatory requirement within 12 months. Having notes in regional plans to each district and city plans is strongly opposed. As an alternative we suggest a note with hyperlink from the webpage rather than within the plan is sufficient within the 12 month period that there may be other rules in other plans that may apply.</p>	<p>Support with amendment to 2 to clarify the requirement is to access only relevant policy statements and plans not all back to 1991.</p> <p>Support with amendment by deleting point 5.</p> <p>Support with amendment by deleting point 7 or alternatively moving it to suggested good practise for regional plans and amending 7. To only apply the specific listed rules such as those where there is an overlap in functions in district plans such as earthworks, links to check whether there are rules for things like forestry and farming to be cognisant of in regional plans rules rather than a mandatory requirement for both regional and district planning documents within 12 months.</p>
F-1	<p>Table 18:</p>	<p>Further clarification about extent of links required by point 8 is needed.</p>	<p>Support with amendment to delete 8 or alternatively clarify intent and</p>

	<p>Plan accessibility and functionally 8, 9</p>	<p>As currently written seeks links to be provided <u>between</u> significant planning provisions. Is this between planning documents (i.e. regional and district plans?) or between significant planning provisions within the one document?</p> <p>We request this be deleted or alternatively clarified and moved to Table 12 to be done at the same time as the eplan rather than retrospectively. If links are required between regional and district plans and depending on what 'significant planning provisions' are this could be a significant job to be completed in 12 months across the regional policy statement, and all 6 regional plans and more than 6 district /city plans if that is what is required?</p> <p>We currently have searchable pdf's on our web so we presume point 9 is met?</p>	<p>move to Table 19.</p>
F-1	<p>Plan accessibility and functionally 10 to 12</p>	<p>We request the requirements in point 11 be changed to require it going forward but not retrospectively (i.e. from the date the baseline has been provided). If considered necessary as part of the baseline, amend to only require access to the changed pages and update list (required by 6).</p> <p>To retrospectively provide full rolled back versions of each iteration of the regional policy statement and all 6 regional plans would take a considerable amount of work in a counter-productive direction when resources need to be focussed on providing an eplan within 5 years.</p> <p>Clarification or guidance is needed as to what 'all versions' means is considered necessary. All operative versions is one thing while all versions – draft, proposed, decisions versions, appeals marked up versions, operative versions is a considerable amount of work.</p>	<p>Support point 11. with amendment and clarification or guidance to require all versions of a plan going forward from implementation of the baseline but not retrospectively.</p> <p>Clarification or guidance is also sought about what 'all versions' means.</p>
F-1	<p>Table 18: Plan accessibility and functionally 8, 9</p>	<p>Further clarification about extent of links required by point 8. Is needed. As currently written seeks links to be provided <u>between</u> significant planning provisions. Is this between planning documents (ie regional nd district plans?) or between significant planning provisions within the one document?</p> <p>We request this be deleted or alternatively clarified and moved to Table 12 to be done at the same time as the eplan rather than retrospectively. If links are required between regional and district plans and depending on what 'significant planning provisions' are this could be a significant</p>	<p>Support with amendment to delete 8. or alternatively clarify intent and moved to Table 19.</p>

		<p>job to be completed in 12mths across the regional policy statement, and all 6 regional plans and more than 6 district /city plans if that is what is required?</p> <p>We currently have searchable pdf's on our web so we presume point 9 is met?</p>	
F-1	Plan accessibility and functionally 10 to 12	<p>We request the requirements in point 11. be changed to require it going forward but not retrospectively. Ie. from the date the baseline has been provided. If considered necessary as part of the baseline, amend to only require access to the changed pages and update list (required by 6.).</p> <p>To retrospectively provide full rolled back versions of each iteration of the regional policy statement and all 6 regional plans would take a considerable amount of work in a counter-productive direction when resources need to be focussed on providing an eplan within 5 years.</p> <p>Clarification or guidance is needed as to what 'all versions' means is considered necessary. All operative versions is one thing while all versions – draft, proposed, decisions versions, appeals marked up versions, operative versions is quite another beast.</p>	<p>Support point 11. with amendment and clarification or guidance to require all versions of a plan going forward from implementation of the baseline but not retrospectively.</p> <p>Clarification or guidance is also sought about what 'all versions' means.</p>
F-1	Table 18 points 13, 14 Data Standards (p51)	<p>We support having plan access improved and data standardised across our region which will improve policy analysis.</p>	
F-1	Table 18 points 15, 16 Plan Text (p51)	<p>Further guidance is required about point 15. and its relationship with points 10 & 11. For the baseline, we are not envisaging there would be proposed, decisions made, appealed and operative provisions shown <u>within</u> the plan rather the web or eplan would show both the operative and proposed changes at various stages in their process as we currently do. In the baseline 12mth period we think this should be sufficient. See also comment about 11.</p> <p>Presumably point 16 only applies to combined plans.</p>	<p>Support in principle standards which simplify and improves how people use the plans and consider the rules.</p> <p>Support clarification being provided as to how point 15 relates to points 10 & 11 and confirmation our approach will comply.</p>
F-1	Table 19 Standard for ePlan Requirements Accessibility and functionality 1. To 3. (p51)	<p>'In addition to requirements in the baseline accessibility and functionality standard...' in 3. We are taking to mean going forward rather than requiring council's to turn all baseline information into ePlans.</p> <p>We request it be made clearer within Table 19 that ePlan requirements apply to operative policy and plans and changes going forward (not</p>	

		retrospectively as appears to be required by the baseline list).	
F-2: Draft Mapping Standard (pp53 –56)			
F-2	Table 22: Symbology	<p>Hazard map colours and range</p> <p>There doesn't appear to be a logical reason behind some of the colours. Example spatial representation of hazards is shown as only one colour and blue. Bay of Plenty region have multi hazards occurring sometimes in the same location which will require more than one colour. Flexibility or a more extensive list of hazard colours may be required to cover section 2 RMA definition of hazard.</p> <p>Heritage area and statutory acknowledgement areas look to be too closely the same colour 'brown' for the difference between the two to be distinguishable.</p> <p>Site of significance to Maori is used in the symbology which may not work with the proposed definition of site. A geometric point for sites needs to be broadened to allow for geometric polygons as the extent of site can not be easily shown with a point.</p> <p>Overlays or symbology for matters not covered such as section 6 matters like ONFL, SNA and also potentially Outstanding Freshwater Bodies & wetlands which are likely to be needed for implementing the NPS-FM.</p>	<p>Support reconsideration of / additions to colours and symbology as outlined for hazards, heritage areas and statutory acknowledgement areas, sites of significance to Maori, and suggestions for additional symbology / overlays for section 6 matters and outstanding freshwater bodies.</p>
F-3: Draft Spatial Planning Tools Regional Standard (pp 57– 58)			
F-3	General	<p>Flexibility to include other categories of spatial planning tools in regional plans where appropriate provided they do not overlap with the tools specified is noted and acknowledged.</p> <p>We suggest standardising further overlays &/or symbology for matters not covered such as section 6 matters – ONFL, SNA and also potentially Outstanding Freshwater Bodies & wetlands which are likely to be needed for implementing the NPSFM.</p> <p>Use of other colours / symbology for different map purposes</p> <p>This part of the standard could be made clearer that other map colours and /or symbology can be used so long as they are not easily confused with the standardised ones. For example, going forward there may be a need for new maps as part of implementing the NPSFM to identify</p>	<p>Support with clarification that other map colours and /or symbology can be used.</p> <p>Support additional standardisation for overlays &/or symbology as outlined.</p>

		freshwater values such as places where people wish to swim, mahinga kai areas etc.	
F-3	Freshwater Management unit	We acknowledge changes made to this section to standardise the way freshwater management units are identified and further acknowledge these overlays seem very broad as outline in the initial guidance.	Support changes to spatial planning tools and symbology standard to further standardise the way freshwater features are mapped or identified. Some which maybe considered for standarising could include showing location and extent of freshwater bodies and over those which are considered outstanding, surface water catchments, groundwater catchments, freshwater management units, wetlands which are likely to be needed for implementing the NPSFM.
F-5 Draft Chapter Form Standard (pp62 – 66)			
Mandatory Directions (p63 - 66)	Issues, objectives and policies are currently required to be grouped together. As outlined under Objectives and Policies we request flexibility to be able to group issues, objectives and policies together at a subordinate level if used rather than at the higher part level. See comment made about allowing for subordinate theme and catchment chapters to have their own policy cascade to keep related provisions together under Part 4 Themes General comment and Part 5 Catchments.		Support being able order heading cover by F-5 point 4 in any order for regional policy and plans. Seek amendment altering mandatory direction 8 & 9 to allow for subordinate sections / topics to have their own policy cascade to keep related provisions together within the theme or catchment rather than stating they 'must be grouped together.
Rule Tables 25 & 26 (p64 - 66)	<p>Bay of Plenty Regional Council support:</p> <ul style="list-style-type: none"> • making plans easier to navigate and understand rules and how they apply • optional inclusion of a rule overview table • the use of common abbreviations for activity status • MfE testing the national planning standards for regional policy and regional plans with both themes and catchment provisions before finalising the standards. This testing should include the usability of F-6 status of rules and other text 1 - 5. 		<p>Support making plans easier to navigate and understand rules and how they apply.</p> <p>Support optional inclusion of a rule overview table.</p> <p>Support use of common abbreviations for activity status.</p> <p>Support MfE testing the national planning standards for regional policy and regional plans with both themes and catchment provisions before finalising the standards. This testing should include the usability of F-6 status of rules and other text 1 - 5.</p>
F-6 Draft Status of Rules and Other Text and Numbering Form Standard (pp67 – 75)			
Status of Rules and other Text, numbering form (p68 - 75)	Without the benefit of guidance, we think highlighting of policy statement / plan text with potentially six different shading boxes or similar could be quite unwieldy.		Support MfE testing the national planning standards for regional policy and regional plans with both themes and catchment provisions before finalising the standards. This testing should include the usability of F-6 status of rules and other text 1 - 5.
CM – 1: Draft DEFINITIONS Standard (pp76 to 90)			
CM-1	Definitions general	There are 109 mandatory terms defined in the draft NPS – 61 new with the rest coming from the RMA, New Zealand Standards (NZS) or other	Support standardisation by using terms defined in the RMA, NZS or other Acts.

	<p>Acts. This standard is different to the other standards as it specifies content for the plan.</p> <p>We are supportive of standardisation using terms already defined by the RMA, NZS or other Acts being included in the standards as these provides greater certainty as to the meaning of terms consistency throughout the country. Some terms outside of these will have a significant impact on our regional policy statement, regional plan and regional coastal plan.</p> <p>The definitions standard will lead to re-writing provisions of policy and plans resulting in repetition within policy and plans as exceptions applying to a region will need to be repeated within the provisions.</p> <p>Our council is concerned that much of the re-writing to incorporate definitions will fall outside the scope of consequential amendments allowable without a schedule 1 process and will open up content of the plan to further risk and cost.</p> <p><i>Standardising definitions may not result in any greater certainty if plan provisions are redrafted to work around them</i></p> <p>We are concerned that standardising definitions as proposed in the draft may not result in any greater certainty for plan users if the result is re-writing to work around definitions by working exceptions in to the rules. The cost of plan changes to implement this part of the standard will be substantial and will detract and or slow down progress on other priorities such as implementing the NPSFM and NPSUDC and such like.</p> <p>We can see benefit in standardising terms more relevant to district plans as these the where the bulk to the plan user interface with resource management plans.</p> <p><i>Key definitions which are likely to cause concern for regional policy and plans</i></p> <p>While having a consistent set of definitions across local authority policy statements and plans to improve plan consistency is a commendable objective, departure or further refinement of RMA defined terms has proved necessary for a number of terms especially in a region policy and plan context as terms defined too broadly by the Act to be useful in a regional plan context. A number of terms included cleanfill, coastal marine area, earthworks, and landfill, wetland, as currently defined by the draft National Policy Statement cause us concern. We suggest new</p>	<p>Request further review of new definitions before inclusion in the standards and / or amendment to the Standards to make new terms non-mandatory for regional planning documents.</p> <p>Request new terms be tested for regional planning documents before inclusion in the standards.</p> <p>Request more direction and guidance on the threshold for consequential amendments under a non-Schedule 1 process including what is beyond the scope of a consequential amendment.</p>
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		terms be tested thoroughly in regional planning document context before inclusion in the standard and / or amendment to the standard so new terms are non-mandatory for regional planning documents.	
CM-1	Cleanfill	Cleanfill – is defined by the standard as <i>meaning an area used for the disposal of exclusively inert, non-decomposing material</i> . I.e. the land use activity rather than the definition of what type of material is considered to be cleanfill or cleanfill material. Our regional plan instead defines the nature of the material considered to be ‘clean’ fill rather than the location of the placement of such materials. Clarity about what is considered ‘cleanfill’ is likely to have been the subject of many enforcement cases for both district and regional council’s over the years.	Recommend amending the definition to define the type of material considered ‘cleanfill’, alternatively clarification is sought that the related term ‘cleanfill material’ can be used and not considered a synonym of ‘cleanfill’.
CM-1	Coastal Marine Area	The definition doesn’t include or reference the definition of “mouth” which is also included in the RMA and is important to correctly applying the coastal marine area definition - especially where the mouth has been set and agreed with territorial authorities and the Minister of Conservation in accordance with the RMA definition of ‘mouth’. See also comment under ‘additional definitions – mouth’	Request amendment to the definition of Coastal Marine Area to include or reference ‘mouth’. See also request under additional definitions below to add ‘mouth’
CM-1	Earthwork	Earthworks – is defined very broadly by the standards focussing on the end result being land disturbance that changes the existing ground contour or ground level rather than the processes and activities involved. As is the case with most district and regional plans, our regional plan lists types of land disturbance and also excludes many types of earthworks so as to avoid them getting caught by consenting requirements. Earthworks/land disturbance terms as currently defined in the standard would trigger resource consent requirements for many activities that are currently excluded under our plan definitions and potentially include some that aren't without significant re-writing of plan provisions. For example, as currently worded even really minor earthworks such as levelling out your vegetable garden may get ‘caught’. Each of the ‘exceptions’ will need to be built into the plan provisions, (some likely to be need in multiple places) which we consider to be cumbersome and costly with little overall benefit for the plan user. It is also not clear what the underlying intention of this definition is. If the intention is to look at the change in the character of an area for district plan rule relevant to height in relation to boundary provisions for example rather than the effects caused by land disturbance then this should be explicitly stated, otherwise it should be deleted and	Recommend refining and amendment to both definitions of earthworks and land disturbance to address concerns raised.

		concentrate on refinements to the land disturbance definition.	
CM-1	Land disturbance	See earthworks for detail	
CM-1	Landfill	<p>Landfill is defined by the standard as meaning <i>the use, or the previous use, of land for the primary purpose of the disposal of waste.</i></p> <p>Landfill is not defined in our regional plan, however, this definition does not appear to take into account the contaminated land process for remediation as it effectively means land that was once a landfill will always be one due to reference of 'or the previous use' in this definition even if it has been successfully remediated under the NES for Assessing and Managing Contaminants in Soil to Protect Human Health used for a completely different use into the future.</p>	Recommend reviewing the term landfill in light of implications for remediate
CM-1	Site	<p>Our regional policy and plans do not currently define site. It is a term used in many contexts throughout our regional planning documents using the plan and ordinary meaning of site relevant to its context. Examples of where site is used are within terms including : freshwater bathing sites, on-site effluent, contaminated sites, rules about construction sites, archaeological site, sites of traditional cultural activities , cultural sites, heritage sites, bathing sites, baptism sites, significant sites (in the context of recognising Kaitiakitanga for the protection of...), sites of spiritual, cultural and historical significance</p> <p>While we see merit in standardising the term site for use in district plans we see no benefit with having to define 'site' and rewrite regional planning documents to effectively avoid the term when plan uses understand the way the plain and ordinary meaning in the context regional policy and plans use the word.</p>	Request the definition of site only apply to district plans or alternatively redefine site as property which is predominately a district plan / plan user terms and thus allow site to be undefined allowing its continued use in regional planning contexts.
CM-1	Stormwater	<p>The definition as currently worded may mean that stormwater is not stormwater until it is discharged into a waterbody or the coastal marine area? It also looks to exclude rain or stormwater which enters stormwater management devices such as soakage pits or stormwater detention areas which are not necessarily water bodies.</p> <p>The definition as currently defined will change the application of many existing regional provisions. Particularly those seeking to address management of stormwater before it enters receiving waters.</p>	Recommend that the definition of stormwater be reworded to include diversion and discharge and to widen the receiving environments to land and water.
CM-1	Structure	The proposed definition goes beyond the RMA definition of a structure, which means equipment such as kayaks, rowing boats and surf-life saving towers may now be captured by coastal plan rules and lake structure rules and require a resource consent to be temporarily	Recommend the implications of this term be considered when new terms are tested for regional planning documents before inclusion in the standards.

		located on the foreshore, seabed or lakebed.	
CM-1	Wetland	<p>Wetland is defined in the draft standards with the same meaning as in s2 RMA which is very broad. Our regional plan has the same meaning with the addition of an extensive ‘for the avoidance of doubt statement’ to further clarify how the term wetland is to apply in our regional plan and then lists what is excluded. The RMA definition is very broad and it could be argued that many areas currently not considered wetlands (i.e. wet pasture) in our region plan could be considered wetland as our definition provides more certainty.</p> <p>Reverting to the definition of wetland in the RMA will require careful consideration and extensive re-writing of plan provisions in various places throughout the regional plan to exclude activities listed from triggering consents where that isn’t the intention of the plan.</p> <p>Our regional plan definition currently includes a diagram that can be incorporated under the standard and also includes photo examples of wetlands which may not be able to be accommodated as the standard is currently drafted.</p>	<p>Recommend amendment to the definition of wetland to make it non-mandatory for regional planning documents or consider amending the definition to exclude the matters listed in the Bay of Plenty Regional Natural Resources Plan for example wetted pasture, artificial water bodies used for wastewater and stormwater treatment etc.</p> <p>Recommend amendment to CM-1 D Provisions 3. g. to allow for photographs to be included alongside diagrams to aid in the interpretation of the definitions.</p>
CM-1	Additional definitions Mouth	See comment under Coastal Marine Area above.	<p>Request ‘mouth’ be added to the list of definitions with the following meaning:</p> <p>‘mouth, for the purpose of defining the landward boundary of the coastal marine area, means the mouth of the river either—</p> <p>(a) as agreed and set between the Minister of Conservation, the regional council, and the appropriate territorial authority in the period between consultation on, and notification of, the proposed regional coastal plan; or</p> <p>(b) as declared by the Environment Court under section 310 upon application made by the Minister of Conservation, the regional council, or the territorial authority prior to the plan becoming operative,—</p> <p>and once so agreed and set or declared shall not be changed in accordance with Schedule 1 or otherwise varied, altered, questioned, or reviewed in any way until the next review of the regional coastal plan, unless the Minister of Conservation, the regional council, and the appropriate territorial authority agree.’</p>