

# LEGAL MATTERS WITH MARIJA BATISTICH, PARTNER AND LOUISE TREVENA-DOWNING, ASSOCIATE OF KENSINGTON SWAN

## Finally, the start of a consistent approach to planning – what this means for the wine industry

The first set of Government's National Planning Standards came into force on 3 May 2019. The Standards are required to be implemented by councils across New Zealand over the next 10 years into council plans without any public amendment. This means that the Standards will not affect new horticulture/viticulture projects or applications immediately, and it is likely to be business as usual at least for the near future. However, it is vital that those in the industry are aware of what future changes may be coming and that the viticulture sector actively engages with the government and policy makers.

### SO, WHAT ARE THE STANDARDS?

The Standards aim to create consistency in the structure and form of district and regional plans, and



regional policy statements across New Zealand in very different receiving environments. The good news is, that the Standards will create a broadly consistent approach, and will now require council plans, including regional plans, to be simple to use. Some examples of what the Standards include are: Councils must use the zone names and colourings listed within the Standards. All plans must be E-Plans and must be accessible within 3 clicks of the home page (with a strong preference for 'one click'). All plans of the same type (e.g. all district plans) must be structured/ordered in the same way. It is mandatory for councils to use the prescribed set of defined terms in the Standards. Councils however can use other defined terms not contained within the set, where relevant.

### HOW WILL IT AFFECT WINE GROWERS AND OTHER AGRICULTURAL USES?

At last, both professionals and laypeople will find it much easier to find and interpret plans. For example,

one of the key requirements in the Standards is for all council plans to be available through an e-plan, to be implemented within 12 months.

This consistency (for example, the same zone names, and same colours on the maps used) is also likely to benefit horticulture and viticulture projects and networks that span a number of districts or regions. The Standards do not determine local policy matters, nor the substantive contents of plans and policies. The Standards are set and cannot be amended by the public. This is unlikely to be a major concern at this stage due to their focus on form rather than substance. The Standards are currently referred to by Government as the 'first set.' However, if you are thinking of future development or your site, or reconsenting any current operations then we strongly recommend you keep a watching brief. We expect that in time the Government will introduce further standards which direct the detail of planning documents, however the

likely scope and timeframe for that exercise is much larger. But there is a role for the wine industry, as part of the wider horticulture sector to ensure that it has a voice here. Previously we have written about a possibly National Policy Statement for versatile land and high class soils. If that NPS were to come into effect, then the implications would immediately flow down to planning documents, as well as need to be taken into account in any future Standards. We will keep you posted on developments in this area.

### WHEN WILL THE STANDARDS BE IN PLACE?

The timeframe for implementation differs for each council and region, but can take up to 10 years. Whether or not the Standards will be implemented by councils within the timeframes prescribed, or at all is questionable. It is unclear whether there will be sufficient checks and balances to ensure that all councils have in fact implemented the standards within their timeframe. There is a risk that already overloaded councils will struggle to implement the standards, and that given the Standards focus on form over content, their incorporation may not be given immediate priority. See the MFE website for further details and helpful information for plan users.

