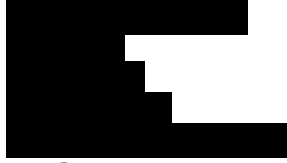


Your submission to Draft first set of National Planning Standards

Bill Woods



Reference no: 1

Clause

Overarching comment

Notes

Stormwater that enters the ground to be mixed with groundwater must still be treated as stormwater as it has effects that are different to groundwater and can create problems of flooding etc that if identified as groundwater only will be ignored. The fact that increased levels of groundwater are primarily as a result of stormwater entering the ground by a multitude of reasons are simply not a normal definition of groundwater and should not be assessed in the ground water definition.

Your submission to Draft first set of National Planning Standards

Ian Bowman, **ICOMOS New Zealand (Ian Bowman)**



Reference no: 3

Clause

Do you have any further comments you wish to make about the Government's proposal?

Notes

ICOMOS NZ wishes to comment on three topics in the area of historic heritage management and protection: Definitions Clarification and consolidation of definitions between plans will ensure consistency and transferability of ideas and processes. Criteria There are currently no national criteria for the identification and listing of historic heritage items. Each district or region has the ability to develop its own criteria, which allows for local variation but precludes any national consistency or comparison. Criteria based on overarching themes will allow local district the flexibility to tell their own local stories, while allowing a level of national consistency. Such consistency will aid local government hearings, Environment Court hearings, and consideration of applications for contestable funding, using a national platform of significance, based on nationally applied criteria. Databases There are numerous databases of historic heritage items. Some have a statutory or regulatory basis, such as district plan lists or Heritage New Zealand's List. Some have an ambiguous status such as the Landmarks Whenua Tohunga programme administered by the Ministry of Culture and Heritage (which is not to be confused with the Landmarks List established by the Heritage New Zealand Pouhere Taonga Act 2014). Other have no legal status but are used for statutory purposes, such as the NZ Archaeological Association database, ArchSite. It is not suggested that all these databases be conflated - this would create problems. However, the functions of the statutory/regulatory databases and the relationships between them could be clarified. This is actually a bigger issue than might appear - underpinning this would be the requirement to clarify relative roles and responsibilities. For example, it could be decided that Heritage New Zealand's list deals with heritage of regional and national significance, while local communities recognise their own local heritage through district plan processes and lists.

Your submission to Draft first set of National Planning Standards

Marshall Day Acoustics (James Whitlock)



Reference no: 4

Clause

Overarching comment

Notes

Making robust and consistent definitions will be key to the implementation of NPSs, as current District Plans may have differing and conflicting definitions. I have noted some inconsistencies and consider that due care and attention to this section is needed.

Clause

Individual definition

Notes

Notional boundary - This term is defined, even though it is not used in the document. It also relies on another undefined term - "activity sensitive to noise" which appears to have been copied directly from the Auckland Unitary Plan. I wonder if this has been done for other definitions also, which is dangerous.

Clause

Overarching comment

Notes

Good to see that this aspect of NPS has been advanced at this early stage.

Clause

Technical support

Notes

Purpose - 1) Both NZ and German standards are addressed in CM-2, but this section only alludes to NZ standards 2) Adopting the latest version of standards is appropriate, but there needs to be some mechanism for reviewing future updates to these standards before they are automatically rolled up into the NPS. Case in point - the 1999 versions of NZS 6801 and 6802 were rejected by the acoustical community due to technical errors and we continued using the earlier 1991 versions. Table 30 - One (and only one) standard from the 6800 series is missing from this list. NZS 6807 - Helicopters. I wonder if this was deliberately left out (in which case, why?) or simply an omission. 4. - Rating level and Lmax are not suitable assessment methods for all sources of noise i.e. Leq(24hr) is used for roads and Ldn is used for aircraft. Suggest this rule is deleted or rewritten. 5. - This rule specifies limits, which goes outside the scope of the NPS. DIN 4150-3 is an appropriate standard to reference, but only the metrics and methodologies should be referred to.



Draft first set of National Planning Standards

SUBMISSION FORM

Contact information

Name*	Stephen Chiles	
Organisation (if applicable)	Environmental Noise Analysis and Advice Service (ENAAS)	
Address	-	
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Submitter type*	Individual	☐
	NGO	☐
	Business / Industry	☐
	Local government	☐
	Central government	☐
	Iwi	☐
	Other (please specify)	☒

ENAAS is a service contracted by the Ministry of Health to advise the Ministry and Public Health Services about environmental noise. This submission is made independently by ENAAS.

Draft first set of National Planning Standards

1. Do you support the draft first set of National Planning Standards?

☒ Yes

☐ No

A consistent structure for regulation of environmental noise should improve public health outcomes as plan rules relating to noise should become more efficient, complete and robust.

2. S-RPS: Regional policy statement structure standard

-

3. S-RP: Regional plan structure standard

-

4. S-DP: District plan structure standard

The inclusion of noise as a district wide provision is supported. Noise controls generally apply at a receiver rather than the source, which is often in a different zone. In most plans the same noise limits are also applied across several different zones. Therefore, applying noise controls as a district wide matter avoids extensive cross referencing, repetition and inconsistencies.

The grouping of “Noise and light” as a single section is not supported. This arbitrary pairing is not logical as the two matters have different measurement and assessment methods. Combining these issues into one section will potentially reduce clarity/efficiency. It is submitted that “Noise” and “Light” should be separate sections.

It is noted that noise is a very common RMA issue with many Environment Court cases about the topic, whereas light as a topic is rarely mentioned in cases.

5. S-CP: Combined plan structure standard

As above, the inclusion of noise as a region wide provision is supported, but the grouping of “Noise and light” as a single section is not supported.

6. S-IGP: Introduction and general provisions standard – Part 1 of all plans and policy statements

-

7. S-TW: Tangata whenua structure standard – Part 2 of all plans and policy statements

-

8. S-SD: Strategic direction structure standard – Part 3 of District plans

-

9. S-DWM: District wide matters standard – Part 4 of District plans

-

10. S-ASM: Draft area specific matters standard – Part 5 of District plans, Part 6 – Combined plans

-

11. S-SAM: Schedules, appendices and maps standard – Part 6 – Regional policy statements, Part 7 – Regional plans, Part 6 – District plans, Part 8 – Combined plans

-

12. F-1: Electronic accessibility and functionality standard

-

13. F-2: Mapping standard

The symbol for “Noise contours (airport, port)” in Table 22 should also apply to “Noise control boundaries” and “Noise effects areas”.

Control boundaries and effects areas can define land-use controls but are often adapted from “contours”. The New Zealand Standards referenced in CM-2 recommend “control boundaries” not “contours” on planning maps. The symbol should also apply to other noise controls/control boundaries/effects areas such as from roads, rail, quarries, industrial sites, motorsport...etc.

14. F-3: Spatial planning tools (Regional) standard

-

15. F-4: Spatial planning tools (District) standard

-

16. F-5: Chapter Form standard

-

17. F-6: Status of rules and other text and numbering form standard

-

18. CM-1: Definitions standard

-

a. Individual definition

“building damage from vibration” – the definition includes the term “serviceability” which is ambiguous. The majority of vibration effects on buildings relate to cosmetic damage rather than structural damage that might affect the engineering functionality of the structure. The reference to “serviceability of a structure” by ordinary meaning would tend to exclude consideration of cosmetic damage. As noted below with respect to CM-2, the focus on structural damage from vibration may result in harmful or amenity effects on people being excluded, which occur at lower vibration levels. This definition should either be deleted or changed to include cosmetic damage and vibration effects on people.

“habitable room” – This definition is not consistent with the NZ Building Code usage of “habitable space”. The definition should be amended to exclude “any bathroom, laundry, water-closet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room, or other space of a specialised nature occupied neither frequently nor for extended periods”.

[This template submission form does not allow subscripts – all of the terms after the letter L in the following should be subscripted.]

“LAeq” – This is not consistent with the referenced standard. The time period is critical and can change the outcome (refer NZS 6801). This term should be specified

as LAeq(t). This should also be addressed by defining LAeq(15 min) and LAeq(24h).

“LA90” – This is not consistent with the referenced standard. The time period is critical and can change the outcome (refer NZS 6801). This term should be specified as LA90(t). This should also be addressed by defining LA90(10 min).

“Lpeak” – This is not consistent with the referenced standard. The frequency weighting must be stated (refer NZS 6801). This term should be written as LZpeak.

“notional boundary” – the definition references “activity sensitive to noise”. This term should be changed to “noise sensitive activity”, which should also be defined. The order of these words with the adjective (noise sensitive) before the noun (activity) is preferred in New Zealand Standards (e.g. NZS 6808:2010) and is consistent with the word order for all other definitions relating to “activity” in Table 29. There are examples in existing district plans with these words either adjective-noun or noun-adjective, and standardisation as adjective-noun would be beneficial.

“peak particle velocity” – the description is incorrect as “vibration amplitude” needs to specify “velocity” as otherwise it could mean “displacement” or “acceleration”. The definition should be changed to “the instantaneous maximum velocity reached by a vibrating surface as it oscillates about its normal position”. The end of the draft definition relating to structural damage needs to be expanded as ppv is also used for human response to construction vibration and building cosmetic damage.

“rating level” – this should be specified as being in accordance with or as defined by NZS 6802:2008

“special audible characteristic” – this should be specified as being in accordance with or as defined by NZS 6802:2008

b. Additional definitions

[This template submission form does not allow subscripts – all of the terms after the letter L in the following should be subscripted.]

“LAeq(15 min)” – means the 15 minute time average level as defined in NZS 6802:2008

“LAeq(24h)” – means the 24 hour average sound level as defined in NZS 6806:2010

“LA90(10 min)” – means the A-frequency-weighted 90% centile level over a 10 minute period as defined in NZS 6808:2010.

“noise sensitive activity” - means any residential activity including in visitor, student or retirement accommodation, educational activity including in any child care facility, healthcare activity and any congregations within places of worship/marae

19. CM-2: Draft noise and vibration metrics standard

The requirement for consistency with New Zealand Standards relating to environmental noise metrics is supported.

D.3 - There are two options in both NZS 6805 and NZS 6807 for expression of the same quantity (Ldn/Edn). One of these (Edn) is not in accordance with international standards or practice and has seldom been used in New Zealand. It should be specified that Ldn must be used.

D.3 - The referenced New Zealand Standards cover a wide range of matters in addition to metrics. Some include extensive recommendations around land-use controls and noise management. This clause should make explicit that land-use controls around airports, heliports and ports are not mandated by this National Planning Standard.

Table 30 – This list should include: “New Zealand Standard 6807:1994 Noise management and land use planning for helicopter landing areas”

D.4 - As drafted this clause directly contradicts clause D.3. The current clause D.4 only addresses general sound and is inappropriate for specific sounds from construction, transportation and wind farms. It is submitted that D.4 should be deleted and D.3 should specify “measurement and assessment methods”

D.5 – This clause should be redrafted as:

“Any plan rule to manage construction vibration levels must be in terms of the peak particle velocity (ppv) in mm/s, in accordance with ISO 4866:2010 Mechanical vibration and shock – Vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures”

This change should be made as:

- a) The clause as currently drafted specifies vibration limits (the tables in DIN 4150) rather than just specifying metrics. As such the clause as drafted is contrary to the claimed purpose of this National Planning Standard in that it does not just define metrics.
- b) Construction vibration has multiple potential adverse effects. The focus of this clause on structural damage may result in adverse effects on people being overlooked.
- c) The specified German DIN standard is out of date. Use of an International ISO standard is preferable as New Zealand experts (through MBIE/Standards New Zealand) can provide input to and vote on ISO standards.

20. Implementation

-

21. Future content for standards

In addition to specifying noise metrics, the format of noise rules in plans should be standardised nationwide. A National Planning Standard setting out a standard format for district/region wide noise rules should be developed.

Other comments

22. Do you have any further comments you wish to make about the Government’s proposal?

-

Releasing submissions

Your submission may be released under the Official Information Act 1982 and will be published on the Ministry's website. Unless you clearly specify otherwise in your submission, we will consider that you have consented to both your submission and your name being posted on the Ministry's website.

Please check this box if you would like your name, address, and any personal details withheld.

☐

DRAFT NATIONAL PLANNING STANDARDS: SUBMISSION

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Introduction

1. Waitomo District Council (WDC) thanks the Ministry for the Environment for this opportunity to provide feedback on the Draft National Planning Standards. WDC supports the development of a cohesive national direction to assist with alignment and consistency in the development of planning documents. Our submission relates to the standards within the context of District Plans.
2. This submission represents the views of the Mayor and elected members of the Waitomo District Council.

General Comments

3. While WDC supports a consistent structure for district plans and the ability for Councils to add locally derived sections as required, we request that further consideration is given as to how the Standards might better support innovation and adaptive planning practices. For example, new zones might be required to extend and operate in a three dimensional manner to accommodate and protect biodiversity. WDC believes that flexibility is required in the Standards to provide for changes that will undoubtedly offer significant environmental and societal benefit. Without the ability to adapt, the Standards could delay innovative practices which might address some of our most pressing issues.
4. WDC supports a five year mandatory timeframe.
5. WDC notes that it is unlikely that any District Council could give effect to the mandatory directions without significant consequential amendments. We note that 'consequential amendment' is not defined in the Resource Management Act 1991 (RMA), therefore it is difficult to assess what 'consequential amendments' would go beyond the scope of that authorised by section 581 (3)(d). Where RMA Schedule 1 amendments are required, this imposes a significant cost and resourcing burden on Councils. Many Councils will therefore run the risk of re-litigating matters that have already cost their ratepayers large amounts of time and money.
6. Often the wording of the mandatory directions state "*if the following matters are addressed in policy statements and plans, they must be located/included in...*". This wording does not clearly direct Councils as to whether the matter listed is optional or mandatory. Here is an example from S-TW:

6. If the following matters are addressed in policy statements and plans, they must be located in the *Consultation* chapter:

- any specific consultation processes with tangata whenua, (as required by the RMA)
- any relevant consultation processes from iwi and hapū planning documents
- a description of best practice consultation and engagement processes as agreed with specific iwi or hapū
- a flowchart of the consultation process used or supported
- a link/reference to external best practice processes documents
- an explanation of the purpose of any consultation processes
- reference to how the consultation processes are given effect to.

7. WDC suggests that the wording should be amended as follows:

6. Policy statements and plans must include a *Consultation* chapter. The items in red text are mandatory. The items in black text are optional:

- any specific consultation processes with tangata whenua, (as required by the RMA)
- any relevant consultation processes from iwi and hapū planning documents
- a description of best practice consultation and engagement processes as agreed with specific iwi or hapū
- a flowchart of the consultation process used or supported
- a link/reference to external best practice processes documents
- an explanation of the purpose of any consultation processes
- reference to how the consultation processes are given effect to.

8. As a general observation, WDC notes that the range of matters that must (?) be included in response to the National Planning Standards will significantly increase the size of District Plans. WDC understood that the intention was to make District Plans more concise and user friendly. The Standards seem cumbersome in places, and require Councils to include a lot of information that doesn't necessarily help users to interpret the Plans.
9. The following statement '*this chapter and any section in this chapter must include objectives, policies and methods including rules (if any)*' requires clarification. It appears from the wording that methods must be included, but rules are optional. Perhaps this is because the Standard is accommodating Regional Policy Statements as well as Plans. It is suggested that this is reworded as follows:

'this chapter and any section in this chapter must include objectives and policies, and where relevant, rules and methods'

It is noted that methods are optional in District Plans and are not widely used because they have no statutory enforceability.

10. WDC seeks clarification on the issue of appeals to matters covered by the National Planning Standards. Are we correct that the RMA disallows appeals where these are related to the National Planning Standards? Or could an appeal be made to the definitions (for example) set out in the Standard? If an appeal could result in a decision that materially affects a definition, what are the consequences for other local authorities?

National Planning Standards

S-DP: Draft District Plan Structure Standard

11. Introduction: In the interests of streamlining planning documents, WDC considers that the 'Introduction' and 'Purpose' could be amalgamated.
12. How the plan works: 'Legal effect of rules' – clarification is required as to whether this section can be removed once a District Plan is fully operative (i.e.: when the legal effect of rules no longer has relevance). WDC considers that once a District Plan is fully operative, the section should be able to be removed without using Schedule 1 of the RMA. Alternatively, it is suggested that this section is not mandatory.

13. Community Values: WDC supports the 'Protected Trees' chapter being optional in the community values section.
14. General District Wide Matters: WDC does not support mining activities being managed in the district-wide section. It is considered that these areas and activities are better managed in the Zone chapters. If mining activities are to be set apart, why are other major activities not provided for separately e.g.: a dairy factory section or an intensive farming chapter?
15. General District Wide Matters: WDC would prefer that temporary activities, noise/light, earthworks and signs are addressed in the Zone chapters. In our experience, this is more user-friendly for plan users.
16. Area Specific Matters – 'future urban zone': District Plans often need to have future Rural Residential, Open Space or Rural Settlement Zones. These are not necessarily urban in nature. In our view, the title should be amended to 'future zones', rather than referred to as 'urban'.

S-IGP: Draft Introduction and General Provisions Standard

17. Update Tables: The update tables (7, 8 and 9) will become very long and unwieldy over time. WDC's preference is that this is not mandatory. However, if it is to remain it is suggested that this information is located in a schedule or appendix so as not to clutter the introduction section.
18. How the Policy Statement/Plan Works Chapter (S-HPW) – 'Legal effects of rules' section: This will simply repeat what is stated in the RMA, which has little value and is unlikely to be useful to the public using the Plan. Furthermore, once a District Plan is fully operative, it becomes obsolete.
19. Table 11: states '*Abbreviations must be listed numerically (if relevant) and then alphabetically from A-Z*'. Does this mean Councils don't have to list them numerically if we don't think listing them numerically is relevant? Or is it meant that:

'If the plan or policy statement uses abbreviations they must be numbered, and then listed alphabetically from A-Z'

WDC also suggests that numbering these entries is not necessary.

20. Te Reo Terms: WDC suggests that Clauses 18 and 19 are merged so it is clear what terms belong in the definitions and what terms belong in the glossary.
21. Te Reo Terms: WDC suggests that numbering these entries is not necessary.
22. Table 13 – National Directions: it is noted that the District Plan will be required to provide a hyperlink to the national direction instrument document. This assumes that the URL addresses on the Ministry for the Environment website will remain static, or is it anticipated that changes to URLs will be able to be undertaken using clause 20A of the RMA?
23. Table 14 – National Policy Statement Table: In WDC's view, Clause 4 a) and c) require clarification as their intent is not clear. For example, in respect of 4a) if a Council is undertaking a full District Plan Review, would the table state "full District Plan Review"?

24. Table 15 – National Environment Standard Table: WDC suggests that the title '*details on which rules are more lenient or stringent than the NES*' should be amended to state 'Are there rules more lenient or stringent than the NES?' This then makes the answers 8a) 'none' and 8b) 'yes', make sense.

25. Regulations: Is this section mandatory for District Councils?

S-TW: Tangata Whenua Structure Standard

26. Where the Standards require District Plans to list Iwi and Hapu Planning Documents and participation arrangements, co-management agreements, joint management agreements etc.; does this mean that those documents become formally incorporated by reference? (i.e. Part 3 of the RMA: 'Incorporation of documents by reference in plans and proposed plans')?

27. Is it intended that 'iwi and hapū planning documents' mean Iwi Environmental Management Plans? Does this mean documents pursuant to section 74 (2)(A) of the RMA?

S-DWM: Draft District Wide Matters Standard

Natural Environment Values chapter (S-NEV)

28. Coastal Environment: WDC considers that an example of how the coastal environment might be identified by a narrative would be of assistance to Councils for drafting purposes.

29. Landscape, landforms and natural character: For clarification purposes, is it intended that natural character of the coastal environment is included in the 'coastal environment' chapter or the 'Landscape, landforms and natural character' chapter?

Environmental Risks chapter (S-ER)

30. Clause 12 states: '*If matters relating to natural hazards are to be addressed in the plan, they should be located in the Natural hazards section.*' WDC notes that by the use of the term 'should', it suggests that including natural hazards in the Natural Hazards section is not mandatory. Is this what is envisaged? The wording of this (if 'should' was intended to mean 'must') raises potential unintended consequences. For example, if a subdivision rule is a Restricted Discretionary Activity (RDA), and one of the matters of discretion is 'natural hazards', would referencing this in the subdivision chapter be acceptable (noting that all RDA matters must be listed in the rule or they cannot be considered). All zones are likely to have rules or RDA criteria that need to include references to natural hazards. For example, in the Residential Zone, setbacks from a flood overlay might be required.

31. WDC is also concerned that the outline and approach proposed for the Natural Hazards section has failed to adequately consider the Coastal hazards and climate change: Guidance for local government 2017. This document proposes an adaptive and multidisciplinary approach, and planning approaches developed under this guideline may be constrained by the requirement to place all hazards provisions in one chapter, and by the limited hazard symbology proposed. It is our concern that the inflexible nature of the Standards might stifle innovation.

32. 'Hazardous substances': District Councils have previously been advised by the Ministry for the Environment that hazardous substances no longer need to be

included in District Plans. WDC's view is that this should not be a mandatory section.

Community Values chapter (S-CV)

33. Archeological sites: WDC suggests clarification is required as to whether these sites are to be addressed in the historic heritage section or in the sites of significance to Māori section. WDC also seeks to understand if these are to be cross referenced to a schedule.

34. Clause 17(d) and 18(d): WDC suggest these require clarification. The wording is complicated. We suggest:

17(d) cross reference to a schedule in the schedule chapter that provides:

- a list of the specific location of historic areas and sites identified as requiring management, with a description of why or what in each area/site requires management.
- a list of the sites subject to a heritage protection order with a description of why or what in each site requires management.

18(d) cross reference to a schedule in the schedules chapter that provides:

- a list of the specific location of areas and sites of significance to Māori identified as requiring management, with a description of why or what in each area/site requires management

35. Clause 19 – S-DP: The Draft District Plan Structure Standard suggests that Protected Trees are optional – it would be helpful to make this clear in Clause 19. Leading on from our general comments, it is essential that the Standards make it very clear what is optional and what is mandatory.

Infrastructure and Energy chapter (S-IE)

36. Clause 23 states: *'If relevant to a local authority, the following matters must be addressed in the Infrastructure and energy chapter unless provided in a special purpose zone, requirement or designation'*. Does 'requirement' mean 'notice of requirement', and if so why is designation (which is also a notice of requirement) listed separately?

37. Clause 23: WDC is unsure which 'noise related metrics' are anticipated in this chapter? Does this conflict with the General District-Wide Matters chapter (Clause 31), which requires all noise matters to locate in the General District-Wide Matters chapter?

General District-Wide matters chapter (S-GDW)

38. WDC does not consider it appropriate for temporary activity provisions to be contained in this chapter. For ease of use for plan users, these provisions should be included in the zones to which they relate.

39. WDC does not consider it appropriate for noise and light provisions to be contained in this chapter. For ease of use for plan users, noise provisions should be included in the zones to which they relate.

40. WDC does not consider it appropriate for earthwork provisions to be contained in this chapter. For ease of use for plan users, these provisions should be included in the zones to which they relate.

41. WDC does not consider it appropriate for signs provisions to be contained in this chapter. For ease of use for plan users, these provisions should be included in the zones to which they relate.
42. Mining activities – the S-DP: Draft District Plan Structure Standard requires mining activities to be managed in the district-wide section. There is no provision made for this in Standard S-GDW. To reiterate, WDC considers that mining activities are better managed in the zone chapters.

S-ASM: Draft Area Specific Matters Standard

43. Rural Zone – the purpose of the zone: WDC agrees that the purpose of the Rural Zone is to provide primarily for primary production activities. WDC considers the zone should also provide for tourism activities, particularly where these rely on a rural environment or setting.
44. Rural Settlement Zone: WDC supports the approach and mix of activities provided for in this zone.
45. Future Urban Zone: District Plans often need to have future Rural Residential, Open Space or Rural Settlement Zones. These are not necessarily urban in nature. In our view, the title should be amended to 'future zones', rather than referred to as urban.
46. Precincts: Standard S-DP requires standalone sections for Precincts and Development Areas. The mandatory directions in S-ASM refer to modifying the policy approach of the underlying zone(s). Should the Precincts sit in the zones they relate to? Would these not be used in the residential zone to manage character or the rural zone to manage a site of rural industry? WDC considers that Development Areas might sit across different zones but Precincts are generally used within a zone.
47. Development Areas: WDC observes that it is difficult to remove text from plans without plan changes as required by Clause 17. WDC is concerned by the approach of this chapter – WDC has concept plans and structure plans that apply to whole towns. It may be a terminology issue but it would be useful to better understand the approach suggested in Clauses 13-17.
48. Designations: WDC seeks clarification on the difference between a unique identifier and a map identifier.
49. Designations: WDC considers that including the designation conditions in Table 16 will make this chapter unwieldy, particularly as complicated designations can have 30+ conditions. WDC therefore submits that conditions should not be included in the District Plan. Additionally, Clause 21 states that the designation conditions must be included as a schedule. WDC suggests that should the inclusion of conditions remain mandatory, this should be clarified. On balance, WDC feels that the designations in their entirety, should be in a schedule.

S-SAM: Draft Schedules, Appendices and Maps Standard

50. Table 17: WDC considers that the columns in this table are too limiting and the information needs to be unique to the schedule it is representing. For example, in a heritage schedule, Councils would need to add the HNZ category, and perhaps a description of the building and maybe a District Plan Category to cross reference to the rules. For SNAs, the significance ranking is the primary reason for listing them e.g.: is it international, national, regional or local? Also the protection status of the SNA is crucial. Despite the move to E-Plans, a map number is also useful in these tables. See also paragraph 49 above – the designations conditions schedule cannot follow the format proposed in Table 17.
51. Appendix: The requirement to only include technical and/or descriptive specifications required to be complied with to meet a rule requirement means that voluntary guidelines cannot be included. Is it the intention of the Standard to remove the ability for Councils to add guidance colour charts for heritage buildings and landscapes, design guidelines for towns and precincts, guidelines for property design to improve driveway safety etc? WDC strongly submits that this flexibility should be maintained as these guidelines greatly assist plan users.

F-1: Draft Electronic Accessibility and Functionality Standard

52. Table 18 (7): In respect of the requirement to provide a 'note' within any district plan rule (and hyperlink to relevant plan) that clarifies an activity may also require consent from another plan. WDC strongly opposes this proposal. The potential for Districts and Regions to make errors interpreting each other's plans and to fail to keep up with changes to these documents is likely to cause significant issues and overly complicate matters. In addition, this would create significant and unnecessary administrative burden for little gain.
53. Table 18 (11 and 12): WDC is unsure what will be achieved by requiring a copy of all previous plans under the RMA both at the time they first became operative and the final version before being superseded by the replacement plan on the local authority website; as well as providing all versions of the current plan since first becoming operative on the local authority website. It is our view that it is a pointless exercise to keep historical versions or superseded versions once a plan is operative. Copies of historic plans can be made available on request, and this can be noted on Council websites. WDC therefore strongly opposes this requirement. In our view this will simply confuse people, and introduce risk (and cost) should people accidentally use and refer to an incorrect version of a district plan.
54. Table 18 (13 and 14): WDC is unsure what will be achieved by requiring this digital data to be uploaded. It is unclear what this data will be used for and how it will be managed and kept up to date. WDC opposes this provision.
55. Table 19 and 20, E-Plan standards, accessibility and functionality: WDC considers that if the government wishes to achieve consistency across the whole country, then an E-plan package should be developed or commissioned by the Ministry so that all Councils use the same platform.

F-2: Draft Mapping Standard

56. Table 21 Zone colour palette table: WDC opposes the colour of the Rural Zone. It is our experience that the Rural Zone is where the majority of the overlays sit. We consider that the Rural Zone should be left white so that all overlays and features are easy to read and identify.
57. Table 21 Zone colour palette table: WDC opposes the colour of the Rural Residential and the Rural Settlement Zones. The colours are too similar and will likely be adjacent to one another in some areas of our District.
58. Table 22 Symbology table: WDC opposes the Heritage item symbol and requests it is amended to reflect Heritage items in the New Zealand context.
59. Table 22 Symbology table: WDC notes that the Standard only allows for point features in terms of sites of significance to Māori. WDC requests the ability to use a polygon for some sites rather than a point, as not all sites will logically be displayed as points.
60. Table 22 Symbology table: WDC notes that there is no symbology for gas pipelines. WDC understands that we may add additional symbols but this is a matter that could easily be consistent across the country.
61. Table 22 Symbology table: WDC notes that there is no symbology for archaeological sites. WDC understands that we may add additional symbols but this is a matter that could easily be consistent across the country.
62. Table 22 Symbology table: WDC opposes the Hazard notation – there is only one symbol for Coastal Hazard, Flood Hazard, Volcanic and Fault Hazards. This will be very complicated where there are overlapping hazards (which often occurs). WDC is also concerned that the single notation approach has failed to adequately consider the Coastal hazards and climate change: Guidance for local government 2017. This document proposes an adaptive and multidisciplinary approach, and planning approaches to address it may be constrained by the limited hazard symbology proposed.
63. Table 22 Symbology table: WDC notes that there is no hazard symbology for unstable land.
64. Table 22 Symbology table: WDC notes that the hazard notations do not allow for different hazard risks from a single hazard e.g.: Coastal Hazard A and B, Flooding Hazard A and B, Land Instability Hazard A and B. These areas have to be mapped showing the different areas so that Councils can manage the different risks and effects appropriately. WDC submits that these different hazard risks must be taken into account.
65. Table 22 Symbology table: WDC notes that the statutory acknowledgement polygon areas are too similar to the heritage polygon areas.
66. Table 22 Symbology table: WDC opposes the coastal environment symbology. The Waikato Regional Policy Statement requires a line not an area of coverage.
67. Table 22 Symbology table: WDC notes that there are no symbols for SNAs and Outstanding Natural Features and Landscapes (ONFLs); there is no notation for a

development area or a precinct; there is no notation for a designation (NoR) stage; there is no notation for District and Regional Boundaries; Urban limits; Strategic roads; formed or indicative roads; service lanes; railway line; esplanade reserves / strip requirements etc. WDC understands that we may add additional symbols but these are matters that could easily be consistent across the country.

68. WDC requests that the point symbols be provided in .svg format.

F-5: Draft Chapter Form Standard

69. Clauses 7-10: WDC opposes the separation of objectives and policies. WDC considers that it is a more coherent and disciplined planning practice to group the objective directly with the subservient policies to ensure a robust relationship exists within the policy framework.

70. Clauses 13 and 14: WDC opposes locating the anticipated environmental results and monitoring text within the chapters. WDC considers that these headings do not assist users in understanding the plan, and in fact could cause confusion. These matters are a Council function and accordingly have a place in the appendices rather than in the day to day functioning of a Plan.

71. Table 26 Rule Table: Councils would benefit from an example of a zone formatted in this manner.

F-6: Draft Status of Rules and Other Text and Numbering Form Standard

72. Numbering form: WDC observes that the numbering form is very complicated and should be simplified.

73. Table 28: WDC notes that there are no abbreviations in the 'Sections' part of Table 28 (District Plans) for the Part 2 – Tangata Whenua provisions (Recognition of iwi and hapū, Tangata whenua – local authority relationships, Iwi and hapū planning documents and Consultation). There is also no FMIHI– for Foreword/mihi for District Plans.

CM-1: Draft Definitions standard

WDC makes the following comments:

74. Accessory buildings: Are garages and carports considered to be accessory buildings? Most district plans define garages and carports as accessory buildings.

75. Dust: Amend the definition to add 'rock' to the list.

76. Home business: Consider excluding nuisance activities from the home business definition eg: panel beating, spray painting, motor vehicle repair or wrecking, fibre glassing activities, sheet metal work, wrought iron work, activities involved scrap metal or demolition materials or hazardous waste substances, activities involving processing fish or meat, boarding and/or breeding kennels or catteries, or funeral parlours etc. These activities generally create nuisance issues in our experience.

77. Industrial activity: Amend the definition to exclude mineral extraction activities/mining.

78. Intensive primary production: Amend the definition to include glasshouses/greenhouses.
79. Outdoor living space: amend as follows: "means an area of open space for the exclusive use of the occupants of the residential unit or units to which the space is allocated. This excludes outdoor service and storage areas, driveways, manoeuvring areas and parking spaces".
80. Primary production: Amend the definition to exclude 'Intensive primary production'. Is it envisaged that bee keeping will fall under this definition?

Thank you for the opportunity to make this submission. For enquiries regarding this submission please contact:



Cathy O'Callaghan
PRINCIPAL PLANNER



Submission on Draft National Planning Standards

Hauraki District Council (HDC) thanks the Ministry for the Environment (the Ministry) for the opportunity to make a submission on the draft national planning standards. We have structured our submission based on the questions posed in the Ministry's consultation booklet, as follows:

Q1: What are your thoughts on this proposed package of planning standards? If you consider changes necessary, how would these affect the anticipated outcomes?

- a) We support the draft standards however they will impose a high implementation cost to our council. We have estimated this cost at \$680,000, based on the Ministry's estimate of \$34.26 per capita. This is a large cost for our small rural council. We have high levels of deprivation within our district, a limited ratepayer base, and we have not planned for this expenditure in our Long Term Plan 2018-2028.

Q2: What topics or matters should be investigated for future planning standards?

- b) Future planning standards could include matters such as criteria for identifying nationally and regionally significant outstanding landscapes/features, significant natural areas and heritage, as these should be consistent nationally. Currently identifying these is time consuming, costly to establish and often subject to appeal. However, scope should be retained for identifying locally significant ones.

Q3: Do you agree with the level of standardisation proposed in the plan structure standards?

Q4: Are there other topics that would benefit from a chapter structure standard?

Q5: Does the tangata whenua part structure standard help meet RMA requirements for iwi authorities and tangata whenua input into RMA plans? Will this help tangata whenua and councils to work together?

Q6: Should we have a standard set of zones? Would this make plans across New Zealand easier to use?

Q7: Are some zones missing, or are some zones not needed?

Q8: Is the inclusion of purpose statements for zones useful for guiding how they may be used?

Q9: Do the purpose statements help you understand which zones you currently have in your plan, and how they fit into the planning standard's zone?

- c) We agree that standardising the structure of plans will make it easier for plan users who work across multiple plans, but it won't affect the content (e.g. rules) which will still require the plan user to analyse the plans and apply it to each different area; this is considered appropriate to reflect local circumstances.
- d) The inclusion of zone purpose statements is helpful to guide how the standard zones are to be used but there will still be variation across plans e.g. residential zones with different minimum lot sizes, different rules regarding second dwellings, minor household units etc.

- e) Standardising the tangata whenua chapter won't necessarily help tangata whenua and councils work together, there are wider issues around relationships, resourcing and capacity of both to work together. Local iwi groups may also not want a nationally imposed tangata whenua standard as they have their own local issues.
- f) HDC has a Martha Mineral Zone which covers open cast mining in Waihi. This type of zone is not provided for in the standards but could be accommodated through a special zone. Also refer to our comments on the vibration standard with regard to mining, Q20/21.
- g) We seek clarification that where we have an operative plan with zones in place, when we replace these zones with the ones in the standard, do we have to go through a Schedule 1 process? This does not seem to make sense as the community has already been consulted on these zones and we are just rolling them over into the standards – quite often without even a name change e.g. residential zone = residential zone. We consider it is costly, time consuming and repetitive to have to undertake a Schedule 1 process for this.
- h) The same goes for special zones that we create under the standards, they have already been legally established using the Schedule 1 process, and are we then required to repeat that process? The standards provide for other spatial tools such as precincts and development areas to be included in District plans without the Schedule 1 process, it is considered that these tools are not dissimilar to zones and can also have objectives, policies and rules. We suggest the zone standards could be treated the same and be able to be included without the Schedule 1 process.

Q10: Is 'Level 5' of the Electronic Accessibility and Functionality Scale an appropriate standard for council ePlans? Should it be more or less ambitious? What would you include/exclude?
Q11: For councils: what type of support would be useful to help you implement the ePlan standard?

- i) HDC currently has a PDF plan online with no online interactive planning maps. The move to an ePlan will require significant time and resources.
- j) Even the 12 month baseline accessibility and functionality requirements will require significant work to achieve. The requirement (instruction 7) to provide a link from district plan rules to regional plans where a regional consent may be needed will require all rules to be reviewed, it is suggested that a blanket statement (as we have currently) and link would suffice e.g. Note that earthworks activity may also require consent from the Regional Council (insert link).
- k) It is also considered that requiring all previous plans to be on the council's website (instruction 12) may be confusing to the public as to which plan they should use.
- l) Level five for ePlans is considered an ambitious target, especially the ability to determine specific rules that apply to a property or activity. Our District Plan is currently at level one-two. However, it is acknowledged that a level five ePlan is easier for users and represents where eplanning should be heading in the future.

- m) Support with the provision of an ePlan would be helpful; the Ministry could consider supporting and providing an ePlan platform/software. This would ensure all councils are using the same system and would go toward their end goal of being able to access regional and district plans off the same platform. This would also cut down on councils all paying to develop the software then paying ongoing maintenance and licence fees. If the Ministry does not support this idea, then it is proposed that the Ministry provide financial support to councils to develop an ePlan, particularly for councils like ours that currently have PDF plans with no GIS interactivity.

Q12: Does the mix of map colours and symbols function well for your plan(s)?

Q13: Should other symbols or mapping instructions be included in the first set or future sets of planning standards?

- n) We consider that the colour shades are too similar, which makes it difficult to determine the different zones. We suggest using hatchings or some sort of notation to differentiate zones. The symbols for hazards also need to be reviewed to allow for example for high, medium and low hazard zones.
- o) It is also considered that the planning maps should be designed so that they are able to be printed in black and white and still be understandable.

Q15: Should additional spatial planning tools be included?

- p) The provided spatial tools are sufficient to cover our current methodology in the District Plan.

Q16: Do you agree with the level of prescription in the chapter form standard?

Q17: Would the acronym and alphanumeric code approach work well for your plans? If not, what changes would work better?

- q) The standard chapter format and numbering will work to ensure plans have a consistent format and structure. We should be able to incorporate these into our District Plan.

Q18: Are these drafting principles suitable for definitions? Should they be changed or expanded?

Q19: What other definitions should be standardised in future sets of planning standards?

- r) Following a brief comparison of the standard definitions and our District Plan definitions, there are differences in basic definitions such as "building" and "site" which could have far reaching consequences for the operation of the plan. Other definitions such as "dwelling" in our plan could be substituted for "residential unit" as proposed in the standard, but key details would be lost, such as exclusions for visitor accommodation. Is the intent that we would replace "residential unit" for "dwelling" or not use "residential unit" and retain "dwelling"?

- s) We believe the standard definitions provide a “one size fits all” approach that may not suit our council, rather than an individualised approach which we favour. As the content of the plans will still be variable, definitions must also reflect this. It is a lot of work to go through our plan and match existing definitions to the standard definitions and then work out what effects this will have on the operation of subsequent rules, and where these can be changed by consequential amendment and where they will require a Schedule 1 process.
- t) Other definitions in our District Plan such as “comprehensive residential development” and “healthcare facilities” are not defined in the standards. We support being able to add additional definitions as proposed in the standards.

Q20: Is it appropriate to use NZ Standards as the basis for noise metric and vibration standards?

Q21: Should the planning standards set noise limits for certain zones?

- u) It is considered appropriate to use NZ Standards as the basis for noise standards. Whether noise limits should be set for certain zones should be considered in future standards where more content may be provided for.
- v) We consider that the current NZ and Australian national standard for vibration is not suitable to consider all the effects of mining; as it only considers the vibration effects on the structures of buildings. Our District Plan has specialised standards to ensure that the vibration effects of mining on amenity are also addressed, due to the Martha Mine opencast and underground operations in Waihi. We think it is important that we can continue to use these standards. We attach the relevant extract from Chapter 8.3 Amenity Matters of our District Plan.

Q22: How will these implementation timeframes affect your council?

Q23: What sort of guidance and support would be useful to plan users and councils? What guidance should we prioritise?

Q24: Should MfE target its implementation support to smaller councils with fewer resources?

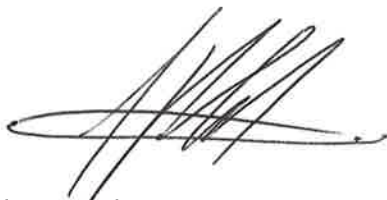
- w) The implementation timeframes mean that if we want to incorporate the standards in our district plan through our 10-yearly district plan review (which is the most cost effective way of implementation), then we will have to bring forward our plan review. Currently it is scheduled to begin in 2024, but under the standards we will be required to have notified the changes by 2024. This will put pressure on our staff to bring forward the review and will bring forward the costs associated with the review. It also means the cost of the last District Plan cannot be spread over 10 years as anticipated.
- x) We do not have the resources to implement the standards within five years. Our district has a high level of deprivation, with our two main towns (Paeroa and Waihi) having the highest possible level of deprivation (10). We cannot pass these implementation costs onto our ratepayers. We suggest that the timeframe for implementation be increased to 7-10 years, or that HDC (and other rural councils) be added to the list of councils given 7 years to implement the changes, or that the Ministry provide us (and other rural councils) with financial support to undertake these changes.

- y) We are also concerned at the practical application of the standards when we are undertaking plan changes before our district plan review. We appreciate that where plan changes are notified after the planning standards are gazetted, they can be put into the new standard format, however this may not fit with current district plan format and layout and when the changes involve mapping it would be confusing to use the new standards. So we may choose to notify them in the current District plan format and then likely change to the standards at the next plan review, however we would not want to go through the Schedule 1 process (e.g. for zones or more than consequential amendments) if we had just made these plan changes operative.
- z) Another issue raised by the standards is how to deal with consequential amendments resulting from definitions changes. Where a definition change causes a change to the effect of a rule, can the change still be made without the Schedule 1 process? Or where the definition change requires a change to the rule to bring it in line with the new definition, can this be made without a Schedule 1 process. Guidance on this from the Ministry would be very helpful.

Our final recommendations are:

- i. It would also be helpful to limit last minute changes/additions to the standards. The standards have been signalled for a long time and these drafts have now been considered by councils, any signalled changes will go straight into the standards to be gazetted so councils will not have long to consider them and will have to implement them as is.
- ii. Because rural councils like HDC, face a much higher implementation cost per capita than urban councils, it is considered that the Ministry should direct its implementation support to these councils. They have fewer staff and less ratepayers to recoup implementation costs from. Financial support, staff resourcing and technical expertise (including the provision of ePlan platform/software) are all considered appropriate forms of support.

Thank you for the opportunity to make this submission.



John Tregidga MNZM JP
MAYOR

8.3.2 VIBRATION IN THE GROUND

8.3.2.1 DISCUSSION, PURPOSE AND REASONS

(1) INTRODUCTION

- (a) Ground vibration from land use activities can range in effect from structural damage to buildings (relatively extreme level of vibration) to disturbance of sleep and reduction of amenity as a result of people being able to perceive vibration. It is considered that ground vibration standards should be set in terms of human perception rather than in relation to the structural implications for buildings, thus ensuring that the amenity values of any area are not unreasonably compromised.
- (b) Measurement of vibration is taken in the ground rather than in affected buildings, as buildings respond differently and thus the vibration response in the building may amplify ground vibration. It is beyond the scope of this standard to define that response.

(2) TYPES OF GROUND VIBRATION

- (a) Ground vibration may be continuous or transient, with transient vibration being either impulsive or intermittent vibration.
- (b) Continuous vibration is vibration that remains uninterrupted over a given time period, typically a period of several minutes or more (eg vibration generated by construction equipment such as impact and vibratory rollers).
- (c) Impulsive vibration is a short duration isolated event, that involves the rapid build up of vibration then decay, that may comprise a single pulse or a number of pulses (eg vibration generated by blasting).
- (d) Intermittent vibration is a string of vibration incidents, each of short duration and separated by intervals of a much lower vibration magnitude (eg vibration generated by pile driving and traffic).
- (e) Acceptable levels for continuous vibration are considerably less than those for transient vibration.

(3) CONTINUOUS VIBRATION

- (a) In setting standards for ground vibration, it is accepted that a certain amount of continuous background vibration occurs as a result of existing activities (eg industry, traffic). Accordingly, continuous vibration levels are set in relation to background or ambient levels ($V_{\text{background}}$). The ground vibration levels from a particular activity will have to exceed the background level by a generally perceptible amount (deemed to be 0.5mm/s) not to meet this standard. It will be up to persons who wish to undertake any particular activity to demonstrate to Council's satisfaction that the standard is being met. This will include providing the Council with information regarding background vibration levels.

- (b) Continuous ground vibration levels are measured in terms of the 99 percentile value. This means that for one per cent of any nominal 60 minute period, $V_{\text{background}}$ plus 0.5mm/s could be exceeded.
- (c) Ground vibration levels are set in terms of $V_{\text{background}}$. Hence it is not necessary to:
 - (i) provide different standards for day and night occurrences; and/or
 - (ii) provide different standards for different zones.

(4) TRANSIENT VIBRATION

- (a) Isolated vibration events that occur infrequently and/or irregularly, eg only a few times a day, present special concerns to residents and accordingly must also be addressed and managed. This will be done by setting an appropriate standard for transient vibration, to ensure that amenity values are maintained at a reasonable level. Any transient vibration in excess of the standards set may be considered through the resource consent process and the standards set out in this rule will be used as a guideline in setting conditions.
- (b) Vibrations from blasting are impulsive, of short duration and superimposed on background vibration levels.
- (c) Human response to transient vibration can be wide ranging, with the same event being imperceptible to some persons, while causing nuisance to others.
- (d) The standards set to control transient vibration are based on international standards, and monitoring and experience, developed to protect and preserve amenity values.
- (e) In considering transient vibration from the perspective of human perception the following levels have been adopted:

Transient Vibration Level	
less than 0.5mm/s	imperceptible (threshold of perception)
0.5mm/s – 2.0mm/s	slightly perceptible (barely noticeable)
greater than 2.0mm/s	distinctly perceptible (noticeable)

- (f) Transient vibration levels in excess of 5mm/s have the potential to compromise amenity values.
- (g) As the vibrations are of relatively short duration where V_{max} is controlled to avoid nuisance the statistical analysis to obtain 99 percentile vibration levels is of little meaning, as the results depend on the length of vibration record. Accordingly, when monitoring vibrations, the control will be in terms of V_{max} .
- (h) Blasting events should be designed in such a way as to comply with the standards set. However, the Council recognises that the prediction of the maximum ground vibration experienced from any particular blast event is dependent upon distance from source, ground conditions, and design of the blasting pattern. A complex relationship exists between these factors and therefore occasional exceedances of V_{max} may occur.

(5) VIBRATION FROM HEAVY VEHICLES

- (a) Ground vibration generated by heavy traffic on roads is a difficult matter to manage. Where a road surface is not in sufficiently smooth condition, vibration from heavy trucks measured at the road boundary may well exceed the $V_{\max}$ level set. To enforce compliance may require road closure, which is not a practical option. Immediate upgrading of the road surface is also not a solution.
- (b) As ground vibration normally dissipates relatively quickly with distance it is proposed that $V_{\max}$ levels arising from vehicle induced vibration be measured inside the property at the front yard boundary within any lot. Thus in the Residential Zone, a $V_{\max}$ will still apply and this is appropriate as it will discourage heavy vehicles from using residential streets.
- (c) However, in the Town Centre and Industrial Zones no front yards are required and buildings may be erected on the road boundary. As the state highway is routed through the town centres of Paeroa, Waihi and Ngatea (and several townships as well), it is considered impractical to set a $V_{\max}$ in these areas.

8.3.2.2 ENVIRONMENTAL RESULTS

- (1) To ensure that vibration levels generated by land use activities do not adversely affect the amenity values enjoyed by other land users.

8.3.2.3 STANDARDS**(1) CONTINUOUS VIBRATION**

The 99 percentile ground vibration levels ($V_{\max}$) resulting from any land use activity (V_{activity}) shall not exceed the background vibration level ($V_{\text{background}}$) by more than 0.5mm/second.

(2) TRANSIENT VIBRATION

- (a) The maximum limits and parameters for ground vibration exposure resulting from activities other than those using explosives or similar impulsive and energetic material are:

Parameter	Standard
Monday to Saturday 0700 – 1800	5mm/second peak amplitude ($V_{\max}$)
All other times and on Sundays and public holidays	1mm/second peak amplitude ($V_{\max}$)

- (b) The maximum limits and parameters for ground vibration and overpressure exposure resulting from activities using explosives or similar impulsive and energetic materials are:

Parameter	Standard
(1) Blast Event ¹ Duration as defined by the delay timing (ie the difference in time between the first and last charge detonation)	1 second
(2) Number of Blast Events ¹ per <i>holding</i> , or, for <i>exploration</i> activities, per <i>exploration</i> or <i>mining</i> permit area	3 per day, separated by an interval of not less than 10 minutes between blast events ¹ , and no more than 21 within a calendar year
(3) Overpressure (P_{max})	120dB
(4) Peak Amplitude (V_{max})	5.0 mm/second
(5) Time of Day	0700 – 1800
(6) Days	Monday to Saturday (excluding public holidays)

¹For the purpose of the above standard a 'blast event' means an individual or number of linked individual blasts of not more than the total duration period specified in (1) above.

(3) MEASUREMENT OF OVERPRESSURE, AND OF CONTINUOUS AND TRANSIENT GROUND VIBRATION

- (a) All measurements shall be taken at or within the boundary of any *allotment* not owned by the agency responsible for creating the vibration.
- (b) For the Rural, Coastal and Karangahake Gorge Zones only, measurements shall be taken within the *notional boundary*.
- (c) Vibration measurements are to be taken in the ground not within *buildings*.

(4) VIBRATION FROM HEAVY VEHICLES ON PUBLIC ROADS

Within the Residential Zone only, the 99 percentile ground vibration levels (V_{max}) resulting from *heavy vehicles* ($V_{activity}$) shall not exceed the background vibration level ($V_{background}$) by more than 0.5 mm/sec, when measured at the *front yard* boundary within any residential *lot*.

8.3.2.4 EXPLANATION OF STANDARDS

- (1) Ground vibration levels referred to in this Standard for $V_{Activity}$ and $V_{Background}$ are 99 percentile values of instantaneous Peak Particle Velocities calculated from the vector sum of the three orthogonal components of vibration occurring within the frequency range of 2Hz - 200Hz.

- (2) The velocities must refer to a specific time, ie:
- $$V_{(t)} \text{ TOTAL} = (V_{(t)} \text{ Radial}^2 + V_{(t)} \text{ Transverse}^2 + V_{(t)} \text{ Vertical}^2)^{1/2}$$
- The 99 percentile of a set of vibration events is the vibration value which is exceeded by 1 per cent of the events recorded over the period of time measured.
- (3) The $V_{\max}$ level referred to in this Standard is the maximum value of instantaneous peak Particle Velocities calculated from the vector sum of the three orthogonal components of vibration occurring within the frequency range of 2Hz – 200Hz ($V_{\max} = V_{\text{activity}} + V_{\text{background}}$).
- (4) Measurement periods to establish background ground vibration levels ($V_{\text{background}}$) shall, as a minimum, consist of a continuous interval which is of at least 60 minutes duration during a typical day. It is not feasible to measure V_{activity} directly. It is determined by comparing $V_{\text{background}}$ with $V_{\text{background}}$ plus V_{activity} . Consequently, where V_{activity} is being considered, the measurement period selected to determine combined ground vibration levels ($V_{\text{background}} + V_{\text{activity}}$) will relate directly to the period during which the activity is occurring.
- (5) The discrete sampling interval employed during each measuring period shall be selected to avoid distortion or bias to recorded vibration values due to activities not directly associated with the activity under consideration. (Normally the discrete sampling interval will be 1 second). The resulting combined vibration levels ($V_{\text{background}} + V_{\text{activity}}$) shall then be statistically analysed and compared with $V_{\text{background}}$ to determine compliance with the standard.
- (6) The vibration frequency band width which is to be monitored is nominally 2Hz - 200Hz but this may be varied by *Council* (particularly at the low frequency end of the range) on a case by case basis to reflect the capability of commercially available vibration monitoring systems.
- (7) For resource consents, transient ground vibration is typically set in terms of a 95 percentile, and may include a maximum limit. The percentile limit will generally be applied to the design of each and every blast so that induced disturbances will not exceed the 95 percentile limit on more than 5 per cent of occasions (and will never exceed the maximum limit where set). The 95 percentile limit has little meaning for the activities that are permitted under the transient ground vibration limits set in this standard as the derivation of the relationship between explosive charge, distance and ground response required to undertake such a design can only be achieved through a series of trial blasts. Accordingly, it is the $V_{\max}$ level as referred to and defined in this standard that is the performance standard for transient ground vibration.

8.3.2.5 RESTRICTED DISCRETIONARY ACTIVITY MATTERS

- (1) The *Council* will restrict the exercise of its discretion to the ability of the activity or development to achieve the particular environmental result in Section 8.3.2.2 of the Standards in Rule 8.3.2.3 for which compliance is not met and the following relevant matters:
- (a) Whether the vibration adversely affects the *amenity values* of the area, especially residential *amenity values*, taking into account (but not limited to) the following factors:
- (i) the total project duration
 - (ii) the duration of each blast
 - (iii) the time at which blasting occurs
 - (iv) the number of blasts per day

- (v) the amount by which the standard has been exceeded
- (vi) the cumulative impact where more than one of the standards are exceeded.
- (b) Whether the vibration is intermittent or of a temporary nature.
- (c) Whether the vibration specific to the activity has an effect above the existing background level.
- (d) Whether the best practicable option has been adopted to control vibration.
- (e) Where one or more of the standards in 8.3.2.3 is exceeded, the *Council* will assess the need to reduce any of the other standards to ensure an appropriate level of vibration effect to maintain the *amenity values* of the locality.

Note: The “*Excessive Noise*” provisions of the Resource Management Act 1991 (Sections 326 – 328) apply in addition to the Standards above.

Draft first set of National Planning Standards

Submission Reference no: 13

Brett Rodgers, **Sunshine Homes & Cabins Limited (Brett Rodgers)**



Source: Ema
Overall Position: Oppose in Part

Clause

Overarching comment

Notes

We do not support the National Planning Standards definitions (CM-1) unless a definition of "Reocatable Buildings" that excludes "New, Prefabricated Housing" is provided. We do not support the National Planning Standards definitions (CM-1) unless a definition of 'reocatable buildings' that excludes "New, Prefabricated" housing is provided

Clause

Additions definitions

Notes

We require a definition of 'reocatable building' to be included in the •National Planning Standards, that states: Any previously used building transported in whole or in part from its original site to its destination site; but excluding any new prefabricated building delivered either in whole or in part to its destination site. The Government's KiwiBuild programme aims to deliver 100,000 quality, affordable houses over the next decade in an effort to alleviate New Zealand's housing crisis. The Minister of Housing and Urban Development, Honourable Phil Twyford, stated publicly that he hopes that more than half of these KiwiBuild homes will be prefabricated. This recognises that the use of prefabricated construction methods can increase the supply of quality housing over a short period of time, while reducing waste, energy and greenhouse gas emissions compared to housing provided via traditional on-site construction methods. 2. For clarity, a 'prefabricated' building is one that is either assembled on its destination site from pre-built parts (components, panels and/or volumes), or manufactured in a yard or factory as a complete building and transported in its finished form to its destination site ('transportable buildings'). PrefabNZ's Glossary of relevant terms is provided as Attachment 2 to this submission. 3. Although District and City Plans do not typically refer to construction methods (being primarily concerned with adverse effects of development), some plans trigger the need for Resource Consent for prefabricated housing (particular transportable buildings) due to the way that definitions regarding 'reocatable buildings' are drafted and interpreted. 4. For example, some District Plans require Resource Consent for new prefabricated buildings as Plan definitions either do not exist, or are unclear about whether new prefabricated buildings (particular transportable buildings) are included within the definition of 'reocatable buildings'. 5. Please refer to Attachment 1 for three examples of how prefabricated housing is addressed across the country, with rules and definitions for 'reocatable buildings'. This ranges from: Resource Consent being required for new transportable housing in •residential zones under 'reocatable building' rules; with no definition of 'reocatable building' (Pāmerston North). No additional Resource Consent being required due to the exclusion of new •prefabricated buildings in the definition of 'reocatable buildings' (Central Hawke's Bay). No rules or definitions regarding 'reocatable buildings' in residential •zones, meaning that housing is not differentiated by construction method (prefabricated vs. non-prefabricated) (Auckland). 6. We believe that new, prefabricated housing (including transportable housing) should be subject to the same rules as housing built on-site (i.e. maximum height, site coverage and boundary setbacks etc). New prefabricated housing should not be subject to additional rules, over and above those applicable to housing built via traditional on-site construction methods; such as those rules regarding 'reocated buildings'. There are arguably far fewer adverse effects on the environment from a new, prefabricated house placed on a site than a house constructed via traditional methods, which can create noise and visual effects over a period of time. 7. It is therefore critical that a standard definition of 'reocatable building' is included in the National Planning Standards to exclude new prefabricated housing and thereby ensure a fair and consistent approach across New Zealand. This will remove any unintended planning barriers to prefabricated housing and better enable the Government to achieve its KiwiBuild targets. We require a definition of 'reocatable building' to be included in the •National Planning Standards, that states: Any previously used building transported in whole or in part from its original site to its destination site; but excluding any new prefabricated building delivered either in whole or in part to its destination site

Clause

building

Notes

We support the definition of 'building', which does not discriminate •against prefabricated construction methods

Clause

res dent a act vty

Notes

We support the defn t on of ‘res dent a act vty’, wh ch does not • d scr m nate aga nst prefabr cated construct on methods

Clause

res dent a un t

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Clause

Do you have any further comments you w sh to make about the Government’s proposa ?

Notes

We we come the opportun ty to co aborate w th MFE n the draft ng of any other defn t ons that may mpact prefabr cated bu d ngs

Contact information

Name*	Brett Rodgers
Organisation (if applicable)	Sunshine Homes & Cabins Limited
Address	
Phone	
Email*	

Submitter type*	Individual	☐	
	NGO	☐	
	Business / Industry	☒	
	Local government	☐	
	Central government	☐	
	Iwi	☐	
	Other (please specify)	☐	Click here to enter text.

* Questions marked with an asterisk are mandatory.

Draft first set of National Planning Standards

1. Do you support the draft first set of National Planning Standards?

☐	Yes
☒	No

We do not support the National Planning Standards definitions (CM-1) unless a definition of ‘relocatable buildings’ that excludes “New, Prefabricated” housing is provided.

2. CM-1: Definitions standard

1. The Government's KiwiBuild programme aims to deliver 100,000 quality, affordable houses over the next decade in an effort to alleviate New Zealand's housing crisis. The Minister of Housing and Urban Development, Honourable Phil Twyford, stated publicly that he hopes that more than half of these KiwiBuild homes will be prefabricated. This recognises that the use of prefabricated construction methods can increase the supply of quality housing over a short period of time, while reducing waste, energy and greenhouse gas emissions compared to housing provided via traditional onsite construction methods.
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3. Although District and City Plans do not typically refer to construction methods (being primarily concerned with adverse effects of development), some plans trigger the need for Resource Consent for prefabricated housing (particularly transportable buildings) due to the way that definitions regarding 'relocatable buildings' are drafted and interpreted.
4. For example, some District Plans require Resource Consent for new prefabricated buildings as Plan definitions either do not exist, or are unclear about whether new prefabricated buildings (particularly transportable buildings) are included within the definition of 'relocatable buildings'.
5. Please refer to Attachment 1 for three examples of how prefabricated housing is addressed across the country, within rules and definitions for

‘relocatable buildings’. This ranges from:

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7. It is therefore critical that a standard definition of ‘relocatable building’ is included in the National Planning Standards to exclude new prefabricated housing and thereby ensure a fair and consistent approach across New Zealand. This will remove any unintended planning barriers to prefabricated housing and better enable the Government to achieve its KiwiBuild targets.

Individual definitions

- We **support** the definition of ‘**building**’, which does not discriminate against prefabricated construction methods.
- We **support** the definition of ‘**residential activity**’, which does not discriminate against prefabricated construction methods.
- We **support** the definition of ‘**residential unit**’, which does not discriminate against prefabricated construction methods.

Additional definition

- We **require** a definition of ‘**relocatable building**’ to be included in the National Planning Standards, that states: *Any previously used building transported in whole or in part from its original site to its destination site; but excluding any new prefabricated building delivered either in whole or in part to its destination site.*

Other comments

1. Do you have any further comments you wish to make about the Government’s proposal?

We welcome the opportunity to collaborate with MFE in the drafting of any other definitions that may impact prefabricated buildings.

Releasing submissions

Your submission may be released under the Official Information Act 1982 and will be published on the Ministry’s website. Unless you clearly specify otherwise in your submission, we will consider that you have consented to both your submission and your name being posted on the Ministry’s website.

Please check this box if you would like your name, address, and any personal details withheld.	☐
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When your submission is complete

If you are emailing your submission, send it to PlanningStandards@mfe.govt.nz as a:

- If you are posting your submission, send it to National Planning Standards, Ministry for the Environment, PO Box 10362, Wellington 6143.

Submissions close at 5:00 pm on Friday 17 August 2018.

Resource Consent Barriers for Prefabricated Housing



So what's the problem?

Some district and city plans require additional resource consent for prefab housing, for example where transportable prefab housing is considered as a 'relocated building'

Plan	Rule	Definition	Outcome
Palmerston North District Plan	Rule 10.6.2.1 – relocated houses (which comply with specified performance conditions), are controlled activities in respect of external appearance	No definition of 'relocated houses'	Resource consent for transportable prefab housing is required, even if all other rules are met. Controlled activities must be granted by councils & conditions can be imposed (including a bond). The lack of a definition for 'relocated houses' creates uncertainty
Central Hawkes Bay District Plan	Rule 12.3.1(a) – relocation of building(s) for an activity shall be a discretionary activity	Relocation in relation to a building, means the removal and re-siting of any building from any site to another site. <u>This definition does not apply to a new building that is being built off-site for the express purpose of being located to the subject site.</u>	Resource consent for prefab housing is not required due to the exclusion in the definition (subject to all other rules being met)
Auckland Unitary Plan	No specific rules for relocated buildings in the residential zones – considered as 'dwellings'	No definition for relocated/ relocatable/ relocation	Resource consent for prefab housing is not required in residential zones (subject to all other rules being met). Note resource consent may be required in heritage zones



Ministry for the
Environment
Manatū Mo Te Taiao

Draft first set of National Planning Standards

SUBMISSION FORM

The Government is seeking views on the draft first set of National Planning Standards.

For more information about the Government's proposals read our National planning standards consultation document available at <http://www.mfe.govt.nz/consultation/draft-national-planning-standards>.

Submissions close at 5:00 pm on Friday 17 August 2018.

Making a submission

You can provide feedback in three ways:

1. Use the online submission form available at <http://www.mfe.govt.nz/consultation/draft-national-planning-standards>. This is our preferred way to receive submissions.
2. Complete this submission form and send it to us by email or post.
3. Write your own submission and send it to us by email or post.

Publishing and releasing submissions

All or part of any written submission (including names of submitters) will be published on the Ministry for the Environment's website www.mfe.govt.nz. Unless you clearly specify otherwise in your submission, we will consider that you have consented both your submission and your name being posted to the Ministry's website.

Contents of submissions may be released to the public under the Official Information Act 1982 following requests to the Ministry for the Environment. Please advise if you have any objection to the release of any information contained in a submission and, in particular, which part(s) you consider should be withheld, together with the reason(s) for withholding the information. We will take into account all such objections when responding to requests for copies of, and information on, submissions under the Official Information Act.

The Privacy Act 1993 applies certain principles about the collection, use and disclosure of information about individuals by various agencies, including the Ministry for the Environment. It governs access by individuals to information about themselves held by agencies. Any personal information you supply to the Ministry in the course of making a submission will be used by the Ministry only in relation to the matters covered by this consultation. Please clearly indicate in your submission if you do not wish your name to be included in any summary of submissions that the Ministry may publish.

Submission form

The questions below are a guide only and all comments are welcome. You do not have to answer all of the questions. To ensure your point of view is clearly understood, please explain your rationale and provide supporting evidence where appropriate. The structure of this form is in line with the draft first set of national planning standards as shown in the overview section tables 1 and 2.

Contact information

Name*	Pamela Bell
Organisation (if applicable)	PrefabNZ
Address	
Phone	
Email*	

Submitter type*	Individual	☐
	NGO	☐
	Business / Industry	☒
	Local government	☐
	Central government	☐
	Iwi	☐
	Other (please specify)	☐

[Click here to enter text.](#)

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Draft first set of National Planning Standards

1. Do you support the draft first set of National Planning Standards?

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- ☒ No

We do not support the National Planning Standards definitions (CM-1) unless a definition of 'relocatable buildings' that excludes new, prefabricated housing is provided.

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The Government's KiwiBuild programme aims to deliver 100,000 quality, affordable houses over the next decade in an effort to alleviate New Zealand's housing crisis. The Minister of Housing and Urban Development, Honourable Phil Twyford, stated publicly that he hopes that more than half of these KiwiBuild homes will be prefabricated¹. This recognises that the use of prefabricated construction methods can increase the supply of quality housing over a short period of time, while reducing waste, energy and greenhouse gas emissions compared to housing provided via traditional onsite construction methods².

For clarity, a 'prefabricated' building is one that is either assembled on its destination site from pre-built parts (components, panels and/or volumes), or manufactured in a yard or factory as a complete building and transported in its finished form to its destination site ('transportable buildings'). PrefabNZ's Glossary of relevant terms is provided as Attachment 2 to this submission.

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¹ <https://www.stuff.co.nz/national/politics/104973164/NZ-and-overseas-companies-asked-to-ramp-up-prefab-ops-for-Kiwibuild?cid=app-iPhone>

² Burgess J, Buckett N, Page I (2013) *Prefabrication impacts in the New Zealand construction industry*. Study Report No.279, BRANZ.

³ with the exception of heritage zones rules

environment from a new, prefabricated house placed on a site than a house constructed via traditional methods, which can create noise and visual effects over a period of time.

It is therefore critical that a standard definition of 'relocatable building' is included in the National Planning Standards to exclude new prefabricated housing and thereby ensure a fair and consistent approach across New Zealand. This will remove any unintended planning barriers to prefabricated housing and better enable the Government to achieve its KiwiBuild targets.

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THE BASIC GLOSSARY

Prefab^{NZ} OF PREFABRICATION

Call it prefab, offsite, modular or...

Here we make a start at demystifying the innovative design and construction world of the future.
Join us at PrefabNZ, the hub for innovative construction in New Zealand

A
B



block

Another term for a volume, module, pod or unit. It is a three-dimensional room-sized prebuilt piece.

C



cartridge

Closed panel containing services, ducts, electrical conduits etc.



cassette

A structural floor panel usually of steel or timber that may or may not contain services.



chunk

A grouping of pre-formed materials into a complex component or module, prior to assembly at the construction site.



CLT - Cross Laminated Timber

A generic name given to large structural building panels made from solid wood boards glued together in layers. Like plywood, CLT panels are very strong because the layers of boards run in opposing directions.



closed panel

A panelised element that consists of framing with cladding or lining, or both. It may also include integrated services such as plumbing ducts and electrical conduits. See also open panel.



complete buildings

or complete building prefabrication

Fully-finished volumetric construction. It is typically yard or factory finished internally (and possibly also externally), to make a single building or parts of a multi-unit building. In New Zealand, complete building prefabrication includes the traditional transportable housing industry.



component-based or componentised

Components are relatively small scale items that are invariably assembled offsite, such as light fittings, windows, and door furniture. It includes structural members (trusses and frames), fittings, fixtures, and joinery that is cut, sized or shaped away from the site for assembly on site.



custom building

Custom designed buildings, or custom-built on-site from "standard" materials with on-site labour-intensive processes.

D
E
F



flat-pack

This is a collection of panels transported in one package to site. Refer to panelised prefabrication.

G
H



hybrid-based or hybridised prefabrication

Hybrid-based prefabrication is also referred to as semi-volumetric prefabrication. It consists of a mixture of volumetric or modular units and non-volumetric or panelised units (module plus panel). It may also include component and site-built elements.

I
J
K



kit, kit-of-parts, or kitset

This is the set of components prepared away from the construction site which are then assembled on site. Refer to component-based prefabrication.

L
M



mobile home

This is an obsolete term for manufactured housing in the United States. Mobile or manufactured buildings incorporate their own chassis for transportation by road. A mobile home is manufactured away from site, and transported to the site in a largely completed state with minimal on-site labour. The mobile term is sometimes used incorrectly in New Zealand to refer to transportable dwellings that do not have a chassis.



mod-lines

After a modular home has been set in place, or assembled on site, the joints between the modular volumes are finished. This is referred to as finishing the mod-lines. This work includes exterior cladding, interior linings and any joining of wiring, plumbing or mechanical systems.

N
O



modular building

This is usually a building designed using three-dimensional volumes, units or pods. Sometimes it also refers to a building that is made up of standard materials in set sizes or 'modules'. A modular building meets local building codes and is permanently fixed to a foundation on site.



open panel

An open panel is a panelised element that consists of framing without cladding or lining. See also closed panel.

P



panel-based or panelised

These are planar units that do not enclose usable space, such as panel systems and cladding panels. They may include windows, doors or integrated services, and are either open-framing or closed-in with cladding and/or lining. They are transported to site as flat-packs.



pod

A pod is a non-structural volume. A utility pod contains bathroom, kitchen or laundry functions. The open-source UNIpod includes all three functions. Refer to volumetric prefabrication.



portable building

Portable buildings are generally those intended for short-term temporary applications such as utilities at events or site offices. Portable housing infers a small dwelling such as a cabin, studio or sleep-out. It is a commonly misused term, and the term transportable is more applicable to permanent housing. Both portable and mobile terms infer a temporary lifespan and lower quality.



pre-

This prefix indicates any work that is carried out away from site. The specific type of work follows the prefix. For example, "pre-engineered" or "pre-assembled".



pre-cut, pre-sized or pre-shaped

This refers to materials that are cut, sized or shaped away from site for assembly at the site. Refer to component-based prefabrication.



prefab, prefabricated or offsite

This term is wide open to interpretation but generally refers to on-site assembly from pre-built components. The components are either generally available when the structure is designed or they are created specifically for the project or designed for reproduction.



pre-nailed

This refers to complex components of materials that are cut, sized or shaped and joined together using nail-plate technology. Nail-plate technology comprises engineering software, computer-controlled cutting machinery, and steel plate fasteners. It is a technique commonly used for roof trusses and wall framing in traditional New Zealand housing construction.



PMC - Permanent Modular Construction

This is a North American term for a building made up of three-dimensional structural volumes or modules fixed to a foundation for long-term use.

Q
R
S



semi-volumetric prefabrication

This is an interchangeable term with hybrid prefabrication. Refer to hybrid prefabrication.



setting

The process of setting a prefabricated house is the assembly at site of modular volumes transported by truck and positioned by crane. The final site-based work is construction to exposed joints between modules, or mod-lines. Refer to mod-lines.



SIPs - Structurally Insulated Panels

Panels are typically made using expanded polystyrene (EPS), or polyisocyanurate rigid foam insulation sandwiched between two structural skins of metal or oriented strand board (OSB). SIPs are used as building panels for floors, walls and roofs in residential and commercial buildings.



stick-based prefabrication

Stick prefabrication refers to lengths of timber which are pre-cut, pre-sized or pre-shaped puzzle-type pieces brought to site for assembly. Refer to componentised or pre-cut prefabrication.

T



transportable building

Transportable buildings are newly built to order from a yard or factory in order to be moved to another location. Existing older buildings that are moved to a new location are known as relocatable. Refer to complete building.

U
V

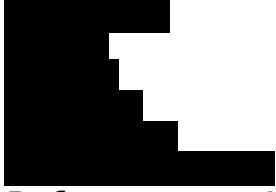


volumetric

Volumetric prefabricated units enclose usable space and are then installed within or onto a building or structure. They are typically fully finished internally, such as toilet/bathroom pods or plant-rooms. Refer to pod.

Your submission to Draft first set of National Planning Standards

resources consulting (Norbert Schaffoener)



Reference no: 15

Clause

Overarching comment

Notes

These submissions are based on extensive professional experience in environmental planning and risk management, and made independently of any client, organisation, industry sector or interest group.

Clause

Overarching comment

Notes

Table 5, Part 4: It is supported that a stand-alone chapter on 'environmental risks' is included in district-wide matters in District Plans. That is the most appropriate place as risks can be present in any part of a district and is not entirely dependent on land use. It is supported that hazardous substances and contaminated sites are specifically included as sections in this chapter. They are relevant matters appropriately controlled through district plan provisions. It is submitted that hazardous substances (HS) and contaminated sites (CS) are presented in separate sections in the standard rather than combined. Current and past practices show that combining both matters can lead to confusion about what specific environmental effect is meant to be controlled. Separation provides more clarity and does not add any costs to preparation or use of the District Plan provisions. On balance this would therefore be a beneficial change.

Clause

Overarching comment

Notes

Table 6, Part 4: It is supported that a stand-alone chapter on 'environmental risks' is included in region-wide or district-wide matters (as applicable) in Combined Plans. That is the most appropriate place as risks can be present in any part of a region or district, not just in association with industrial land use. It is supported that hazardous substances and contaminated sites are specifically included as sections in this chapter. It is submitted that hazardous substances (HS) and contaminated sites (CS) are presented in separate sections rather than combined. Current and past practices show that combining both matters can lead to confusion about what specific environmental effect is meant to be controlled. Separation provides more clarity and does not add any costs to preparation or use of the Combined Plan provisions. On balance this would be a beneficial change.

Clause

Environmental risks chapter

Notes

S-ER: item 13: In accordance with requested changes to S-DP and S-CP, reference should be made to hazardous substances and contaminated land as separate sections to avoid confusion. It is also noted that this the management of hazardous substances would benefit from up-to-date and appropriate guidance by MfE as often voiced opinions by numerous sector and interest groups add to confusion in local government in the plan making process. Detailed guidance documents MfE has published in the past have not been updated and available guidance, such as the note on the QP website on this matter, is incomplete, confusing, and inconsistent, if not contradictory. It requires an urgent replacement. item 13a. It is unclear on what basis any provision would be 'required' as there is no valid national guidance on this matter. The applicable wording in the past (based on HSNO s. 142) was that it is 'considered necessary'. That is different and more consistent with the intent of the RMA enabling local authorities to determine the necessity. Guidance would certainly be beneficial in this matter but such guidance must be provided by MfE, based on relevant professional advice. It is submitted that the term 'required' be replaced with 'considered necessary by the local authority'. item 13b.: It is unclear what a 'specific' risk is meant to be in this context as there is no valid national guidance on this matter. It is submitted that the undefined term 'specific' be deleted or replaced with a more meaningful term such as 'identified'. item 13b.: Reference is only made to human 'health' but not 'safety'. As the RMA deals with both it is submitted that specific reference to human safety be included here. item 13c.: There is continuing uncertainty on how the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 are to be reflected in district plans. The Regulations are widely understood to require implementation through district plan provisions rather than being stand-alone. On that basis the current wording in the standard does not alleviate such confusion and should be clearer. However, if it is intended to amend the wording of the Regulations to clarify this matter, this submission may be obsolete. item 14: It is submitted that it would be useful to provide some scope or at least examples of what other environmental risk matters could be included here - see also submission on definition of 'environmental risks'. As a general comment, it is noted that some standards are more detailed than those for environmental risk. While reverse sensitivity effects, for example, are specifically included elsewhere in the standards, no

mention is made with regard to hazardous facilities. Considering that this has been widely identified in the last two decades as a (resource-management-specific) issue and reflected in a number of current district plan, it is submitted that some more detail here would be beneficial to provide consistency, clarity and guidance to local government.

Clause

Overarching comment

Notes

Table 28: Sections: Separate abbreviations should be used for hazardous substances (HS) and contaminated sites (CS) to reflect appropriate separation of these matters in the environmental Risk Chapter, rather than the combined abbreviation HSCS. This adds to clarity without any costs (there is no other four-letter abbreviation proposed in the standard combining two different matters).

Clause

Additional definitions

Notes

Table 29, Definitions Table: The term 'Environmental risk' is widely used in the standard and prescribed to be used by local authorities in plans but it is not defined. While reference to natural hazards, hazardous substances and contaminated sites are made, it is unclear whether biological hazards (such as GMOs), physical hazards (for example some (electromagnetic) radiation or the risk of dust explosions from non-hazardous substances) and other man-made hazards could be addressed under this heading or not. As consistency is one of the primary objectives it is submitted that a definition of the term 'environmental risks' should be included in the definition section (or at least somewhere in the Standard) such as : " Environmental Risks includes the risks from natural events or originating from man-made hazards (or a combination thereof) which can adversely affect the natural environment, human health and safety, and property.'



CLUTHA DISTRICT COUNCIL

Address all correspondence to:
The Chief Executive

Our Reference
196321

7 August 2018

Ministry for the Environment
Via email

Dear Sir/Madam

Submission to Draft National Planning Standards Consultation Document

1. In general, the Clutha District Council (CDC) is in support of the initiative to move to an electronic plan format with some consistency around plan contents.
2. The CDC's district plan is part way through a rolling review, largely to manage the workload and financial constraints. In addition, there has not been the pressure from growth and development to implement a full review and the rolling review has enabled us to be more flexible to respond to pressure points. Our proposed approach to implement the first set of planning standards is to use a mix of internal and external resources. This would be attempted within the timeframes set out, however may not be achieved if consultant availability is limited.
3. CDC supports the proposed structure of a district plan, which largely reflects our current plan structure.
4. The Draft Electronic Accessibility and Functionality Standard requires (under Table 18, number 7) that a note and hyperlink are contained within a district plan rule to a relevant regional plan rule. The CDC considers that this is onerous and also creates an expectation that all rules are identified, which may not be the case. Furthermore, it will also require a huge undertaking of work to go through all district and regional plans to carry out this cross referencing exercise. If provisions then change later, there is no guarantee that they will be updated through the notes or hyperlinks in other documents.
5. The CDC District Plan does not have a commercial zone, rather it uses a Service Retail Frontage along the edge of the Urban Resource Area to indicate more relaxed rules for non-residential activities. The proposed commercial zones in the DNPS will require a significant change from this approach, however there appears to be a Mixed-use and/or Town Centre zone that can provide some options for us.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



6. The Draft Mapping Standard has merits, however we wonder how other zones or layers are to be represented. For example:
 - The CDC district plan includes a Transitional Zone that defaults to rural unless it is serviced.
 - The plan identifies rivers where esplanade strips/reserves currently exist as well as where public access is required. In terms of the mapping symbology description, there needs to be identifier fields for the point location features, such as heritage items, so that the item can be found in the plan, or at least provide for a description of what it is.
 - The flood hazard layer in the CDC district plan contains further refinement based on the type of flood risk, with associated rules for each risk area. Only having one hazard layer will limit our ability to do this, unless other layers can be superimposed over it.
7. The Draft Spatial Planning Tools provide a good range of tools to use, however there is no corresponding mapping standard for these. It would be useful if national consistency is applied to these if that is the overall desired outcome of the NPS.
8. Further guidance will be needed on how to implement the mandatory provisions compared to provisions that are subject to the Schedule 1 process. Is it anticipated that there could be a 'test' plan prior to the changes being made? Guidance will also be needed for councillors and commissioners making decisions on submissions as well as submitters so that they understand what can and can't be changed.
9. CDC, as a small, rural council, has limited resources and the cost per ratepayer to implement is disproportionate to the benefits of the NPS. The economic analysis carried out for the DNPS showed that rural councils would be facing a \$34 per capita cost, compared to \$12 for provincial and \$5 for metro councils. CDC seeks support to implement these changes as it is an unfair burden on an already stretched ratepayer base. Support could be in the form of financial or expertise.

We welcome further discussion on any of the above matters.

Yours faithfully



David Campbell
Group Manager – Planning and Regulatory

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].nz

Draft first set of National Planning Standards

SUBMISSION FORM

The Government is seeking views on the draft first set of National Planning Standards.

For more information about the Government's proposals read our National planning standards consultation document available at <http://www.mfe.govt.nz/consultation/draft-national-planning-standards>.

Submissions close at 5:00 pm on Friday 17 August 2018.

Making a submission

You can provide feedback in three ways:

1. Use the online submission form available at <http://www.mfe.govt.nz/consultation/draft-national-planning-standards>. This is our preferred way to receive submissions.
2. Complete this submission form and send it to us by email or post.
3. Write your own submission and send it to us by email or post.

Publishing and releasing submissions

All or part of any written submission (including names of submitters) will be published on the Ministry for the Environment's website www.mfe.govt.nz. Unless you clearly specify otherwise in your submission, we will consider that you have consented both your submission and your name being posted to the Ministry's website.

Contents of submissions may be released to the public under the Official Information Act 1982 following requests to the Ministry for the Environment. Please advise if you have any objection to the release of any information contained in a submission and, in particular, which part(s) you consider should be withheld, together with the reason(s) for withholding the information. We will take into account all such objections when responding to requests for copies of, and information on, submissions under the Official Information Act.

The Privacy Act 1993 applies certain principles about the collection, use and disclosure of information about individuals by various agencies, including the Ministry for the Environment. It governs access by individuals to information about themselves held by agencies. Any personal information you supply to the Ministry in the course of making a submission will be used by the Ministry only in relation to the matters covered by this consultation. Please clearly indicate in your submission if you do not wish your name to be included in any summary of submissions that the Ministry may publish.

Submission form

The questions below are a guide only and all comments are welcome. You do not have to answer all of the questions. To ensure your point of view is clearly understood, please explain your rationale and provide supporting evidence where appropriate. The structure of this form is in line with the draft first set of national planning standards as shown in the overview section tables 1 and 2.

Contact information

Name*	John Roil
Organisation (if applicable)	Cottages NZ
Address	
Phone	
Email*	

Submitter type*	Individual	☐
	NGO	☐
	Business / Industry	☒
	Local government	☐
	Central government	☐
	Iwi	☐
	Other (please specify)	☐

[Click here to enter text.](#)

* Questions marked with an asterisk are mandatory.

Draft first set of National Planning Standards

1. Do you support the draft first set of National Planning Standards?

- ☐ Yes
- ☒ No

We do not support the National Planning Standards definitions (CM-1) unless a definition of 'relocatable buildings' that excludes new, prefabricated housing is provided.

2. CM-1: Definitions standard

The Government's KiwiBuild programme aims to deliver 100,000 quality, affordable houses over the next decade in an effort to alleviate New Zealand's housing crisis. The Minister of Housing and Urban Development, Honourable Phil Twyford, stated publicly that he hopes that more than half of these KiwiBuild homes will be prefabricated¹. This recognises that the use of prefabricated construction methods can increase the supply of quality housing over a short period of time, while reducing waste, energy and greenhouse gas emissions compared to housing provided via traditional onsite construction methods².

For clarity, a 'prefabricated' building is one that is either assembled on its destination site from pre-built parts (components, panels and/or volumes), or manufactured in a yard or factory as a complete building and transported in its finished form to its destination site ('transportable buildings'). PrefabNZ's Glossary of relevant terms is provided as Attachment 2 to this submission.

Although District and City Plans do not typically refer to construction methods (being primarily concerned with adverse effects of development), some plans trigger the need for Resource Consent for prefabricated housing (particularly transportable buildings) due to the way that definitions regarding 'relocatable buildings' are drafted and interpreted.

For example, some District Plans require Resource Consent for new prefabricated buildings as Plan definitions either do not exist, or are unclear about whether new prefabricated buildings (particularly transportable buildings) are included within the definition of 'relocatable buildings'.

Please refer to Attachment 1 for three examples of how prefabricated housing is addressed across the country, within rules and definitions for 'relocatable buildings'. This ranges from:

- Resource Consent being required for new transportable housing in residential zones under 'relocatable building' rules; with no definition of 'relocatable building' (Palmerston North).
- No additional Resource Consent being required due to the exclusion of new prefabricated buildings in the definition of 'relocatable buildings' (Central Hawkes Bay).
- No rules or definitions regarding 'relocatable buildings' in residential zones, meaning that housing is not differentiated by construction method (prefabricated vs. non-prefabricated) (Auckland³).

We believe that new, prefabricated housing (including transportable housing) should be subject to the same rules as housing built on-site (i.e. maximum height, site coverage and boundary setbacks etc). New prefabricated housing should *not* be subject to additional rules, over and above those applicable to housing built via traditional, onsite construction methods; such as those rules regarding 'relocated building'. There are arguably far fewer adverse effects on the

¹ <https://www.stuff.co.nz/national/politics/104973164/NZ-and-overseas-companies-asked-to-ramp-up-prefab-ops-for-Kiwibuild?cid=app-iPhone>

² Burgess J, Buckett N, Page I (2013) *Prefabrication impacts in the New Zealand construction industry*. Study Report No.279, BRANZ.

³ with the exception of heritage zones rules

environment from a new, prefabricated house placed on a site than a house constructed via traditional methods, which can create noise and visual effects over a period of time.

It is therefore critical that a standard definition of 'relocatable building' is included in the National Planning Standards to exclude new prefabricated housing and thereby ensure a fair and consistent approach across New Zealand. This will remove any unintended planning barriers to prefabricated housing and better enable the Government to achieve its KiwiBuild targets.

Individual definitions

- We **support** the definition of '**building**', which does not discriminate against prefabricated construction methods.
- We **support** the definition of '**residential activity**', which does not discriminate against prefabricated construction methods.
- We **support** the definition of '**residential unit**', which does not discriminate against prefabricated construction methods.

Additional definition

- We **require** a definition of '**relocatable building**' to be included in the National Planning Standards, that states: *Any previously used building transported in whole or in part from its original site to its destination site; but excluding any new prefabricated building delivered either in whole or in part to its destination site.*

Other comments

3. Do you have any further comments you wish to make about the Government's proposal?

We welcome the opportunity to collaborate with MFE in the drafting of any other definitions that may impact prefabricated buildings.

Releasing submissions

Your submission may be released under the Official Information Act 1982 and will be published on the Ministry's website. Unless you clearly specify otherwise in your submission, we will consider that you have consented to both your submission and your name being posted on the Ministry's website.

Please check this box if you would like your name, address, and any personal details withheld. ☐

When your submission is complete

If you are emailing your submission, send it to PlanningStandards@mfe.govt.nz as a:

If you are posting your submission, send it to National Planning Standards, Ministry for the Environment, PO Box 10362, Wellington 6143. **Submissions close at 5:00 pm on Friday 17 August 2018.**

Resource Consent Barriers for Prefabricated Housing



So what's the problem?

Some district and city plans require additional resource consent for prefab housing, for example where transportable prefab housing is considered as a 'relocated building'

Plan	Rule	Definition	Outcome
Palmerston North District Plan	Rule 10.6.2.1 – relocated houses (which comply with specified performance conditions), are controlled activities in respect of external appearance	No definition of 'relocated houses'	Resource consent for transportable prefab housing is required, even if all other rules are met. Controlled activities must be granted by councils & conditions can be imposed (including a bond). The lack of a definition for 'relocated houses' creates uncertainty
Central Hawkes Bay District Plan	Rule 12.3.1(a) – relocation of building(s) for an activity shall be a discretionary activity	Relocation in relation to a building, means the removal and re-siting of any building from any site to another site. <u>This definition does not apply to a new building that is being built off-site for the express purpose of being located to the subject site.</u>	Resource consent for prefab housing is not required due to the exclusion in the definition (subject to all other rules being met)
Auckland Unitary Plan	No specific rules for relocated buildings in the residential zones – considered as 'dwellings'	No definition for relocated/ relocatable/ relocation	Resource consent for prefab housing is not required in residential zones (subject to all other rules being met). Note resource consent may be required in heritage zones

THE BASIC GLOSSARY

Prefab^{NZ} OF PREFABRICATION

Call it prefab, offsite, modular or...

Here we make a start at demystifying the innovative design and construction world of the future.
Join us at PrefabNZ, the hub for innovative construction in New Zealand

A
B



block

Another term for a volume, module, pod or unit. It is a three-dimensional room-sized prebuilt piece.

C



cartridge

Closed panel containing services, ducts, electrical conduits etc.



cassette

A structural floor panel usually of steel or timber that may or may not contain services.



chunk

A grouping of pre-formed materials into a complex component or module, prior to assembly at the construction site.



CLT - Cross Laminated Timber

A generic name given to large structural building panels made from solid wood boards glued together in layers. Like plywood, CLT panels are very strong because the layers of boards run in opposing directions.



closed panel

A panelised element that consists of framing with cladding or lining, or both. It may also include integrated services such as plumbing ducts and electrical conduits. See also open panel.



complete buildings

or complete building prefabrication

Fully-finished volumetric construction. It is typically yard or factory finished internally (and possibly also externally), to make a single building or parts of a multi-unit building. In New Zealand, complete building prefabrication includes the traditional transportable housing industry.



component-based or componentised

Components are relatively small scale items that are invariably assembled offsite, such as light fittings, windows, and door furniture. It includes structural members (trusses and frames), fittings, fixtures, and joinery that is cut, sized or shaped away from the site for assembly on site.



custom building

Custom designed buildings, or custom-built on-site from "standard" materials with on-site labour-intensive processes.

D
E
F



flat-pack

This is a collection of panels transported in one package to site. Refer to panelised prefabrication.

G
H



hybrid-based or hybridised prefabrication

Hybrid-based prefabrication is also referred to as semi-volumetric prefabrication. It consists of a mixture of volumetric or modular units and non-volumetric or panelised units (module plus panel). It may also include component and site-built elements.

I
J
K



kit, kit-of-parts, or kitset

This is the set of components prepared away from the construction site which are then assembled on site. Refer to component-based prefabrication.

L
M



mobile home

This is an obsolete term for manufactured housing in the United States. Mobile or manufactured buildings incorporate their own chassis for transportation by road. A mobile home is manufactured away from site, and transported to the site in a largely completed state with minimal on-site labour. The mobile term is sometimes used incorrectly in New Zealand to refer to transportable dwellings that do not have a chassis.



mod-lines

After a modular home has been set in place, or assembled on site, the joints between the modular volumes are finished. This is referred to as finishing the mod-lines. This work includes exterior cladding, interior linings and any joining of wiring, plumbing or mechanical systems.

N
O



modular building

This is usually a building designed using three-dimensional volumes, units or pods. Sometimes it also refers to a building that is made up of standard materials in set sizes or 'modules'. A modular building meets local building codes and is permanently fixed to a foundation on site.

P



open panel

An open panel is a panelised element that consists of framing without cladding or lining. See also closed panel.



panel-based or panelised

These are planar units that do not enclose usable space, such as panel systems and cladding panels. They may include windows, doors or integrated services, and are either open-framing or closed-in with cladding and/or lining. They are transported to site as flat-packs.



pod

A pod is a non-structural volume. A utility pod contains bathroom, kitchen or laundry functions. The open-source UNIpod includes all three functions. Refer to volumetric prefabrication.



portable building

Portable buildings are generally those intended for short-term temporary applications such as utilities at events or site offices. Portable housing infers a small dwelling such as a cabin, studio or sleep-out. It is a commonly misused term, and the term transportable is more applicable to permanent housing. Both portable and mobile terms infer a temporary lifespan and lower quality.



pre-

This prefix indicates any work that is carried out away from site. The specific type of work follows the prefix. For example, "pre-engineered" or "pre-assembled".



pre-cut, pre-sized or pre-shaped

This refers to materials that are cut, sized or shaped away from site for assembly at the site. Refer to component-based prefabrication.



prefab, prefabricated or offsite

This term is wide open to interpretation but generally refers to on-site assembly from pre-built components. The components are either generally available when the structure is designed or they are created specifically for the project or designed for reproduction.



pre-nailed

This refers to complex components of materials that are cut, sized or shaped and joined together using nail-plate technology. Nail-plate technology comprises engineering software, computer-controlled cutting machinery, and steel plate fasteners. It is a technique commonly used for roof trusses and wall framing in traditional New Zealand housing construction.



PMC - Permanent Modular Construction

This is a North American term for a building made up of three-dimensional structural volumes or modules fixed to a foundation for long-term use.

Q
R
S



semi-volumetric prefabrication

This is an interchangeable term with hybrid prefabrication. Refer to hybrid prefabrication.



setting

The process of setting a prefabricated house is the assembly at site of modular volumes transported by truck and positioned by crane. The final site-based work is construction to exposed joints between modules, or mod-lines. Refer to mod-lines.



SIPS - Structurally Insulated Panels

Panels are typically made using expanded polystyrene (EPS), or polyisocyanurate rigid foam insulation sandwiched between two structural skins of metal or oriented strand board (OSB). SIPs are used as building panels for floors, walls and roofs in residential and commercial buildings.



stick-based prefabrication

Stick prefabrication refers to lengths of timber which are pre-cut, pre-sized or pre-shaped puzzle-type pieces brought to site for assembly. Refer to componentised or pre-cut prefabrication.

T



transportable building

Transportable buildings are newly built to order from a yard or factory in order to be moved to another location. Existing older buildings that are moved to a new location are known as relocatable. Refer to complete building.

U
V



volumetric

Volumetric prefabricated units enclose usable space and are then installed within or onto a building or structure. They are typically fully finished internally, such as toilet/bathroom pods or plant-rooms. Refer to pod.

[REDACTED]

[REDACTED]

[REDACTED]

SUBMISSION ON DRAFT NATIONAL PLANNING STANDARDS

To: Ministry for the Environment
PO Box 10362
Wellington 6143
planningstandards@mfe.govt.nz

Details of Submitter: The Southern District Health Board

Address for Service:

[REDACTED]

Contact Person:

[REDACTED]

Our Reference: 18Jun09

Date: 13/7/2018

Introduction

Southern District Health Board (Southern DHB) presents this submission through its public health service, Public Health South. This Service is the principal source of expert advice within Southern DHB regarding matters concerning Public Health. Southern DHB has responsibility under the New Zealand Public Health and Disability Act 2000 to improve, promote and protect the health of people and communities. Additionally there is a responsibility to promote the reduction of adverse social and environmental effects on the health of people and communities. With 4,250 staff, we are located in the lower South Island (South of the Waitaki River) and deliver health services to a population of 319,200.

Public health services are offered to populations rather than individuals and are considered a "public good". They fall into two broad categories – health protection and health promotion. They aim to create or advocate for healthy social, physical and cultural environments.

This submission is on the proposed draft first set of National Planning Standards and has been based on the consultation document and the draft standards.

General Comments

We are in agreement with the principles to create National Planning Standards with more consistent and concise plans that are easily accessible will make it easier for users. As the users include the general public, consultants and professional planners in local and regional government as well as the health sector (including DHBs) these changes are welcome.

The easier and more consistent these plans are to follow then the less opportunity there will be for misinterpretation. For those in the more remote parts of our district, having plans available in the ePlan format (for RMA Plans and policy statements) will assist in reducing any inequalities created through geographic isolation.

While we understand that this first phase of the review is only covering the plan structure, format, definitions and metrics (including mapping and e-delivery), it also provides an opportunity to develop a sense of national direction. Plans currently have significant duplication in parts across the country, and consistent approaches will reduce any misunderstandings that take place (e.g. standardising the approach to identifying natural features and landscapes) as well as reducing the administration resources required to produce the plans.

Consistency with reference to noise and vibration standards is also very welcome and will reduce the work of public health and the Ministry of Health's acoustics advisors in planning work.

We particularly interested in the area of developing a consistent approach towards utilities provisions in plans (we understand that this is under development) as this will fit in well with meeting the needs for future development.

In relation to zone purpose statements we support the inclusion of a Hospital zone but recommend that the purpose of this definition be altered slightly to the following:

"The purpose of the Hospital zone is to provide primarily for the ongoing operation of a locally or regionally important primary-medical, surgical or psychiatric care facility, and associated health care services and healthcare facilities".

The term *primary* in this sentence refers to the hospital being the main medical facility. However, within the health sector, the term *primary* is used to describe health services that occur in the community outside of the hospital setting (e.g. general practice). Therefore we submit that it is appropriate to remove the word *primary* from the sentence to avoid any potential confusion. In addition, the term medical can be seen to be exclusive of surgical procedures or psychiatric care within the health sector.

In any case the definition of hospital or healthcare facilities is missing, and should in our view include a purpose and be broad enough to encompass all likely activities that may take place on a hospital site.

Summary

We support the development of National Planning Standards that will create the ability to navigate through plans in a more effective way. We are supportive of the ability to incorporate consistent national direction in plans and for them to follow a similar format. The development of ePlans will increase the accessibility for most people and in particular those who are more geographically isolated.

The development of a consistent approach towards utilities in planning documents will be of assistance to us for planning purposes and to determine if future needs will be met.

Finally, we recommend changes to the zone purpose definition for the Hospital zone to broaden the purpose to include all likely services that are part of, or closely associated with hospital services and healthcare facilities.



Andrew Shand
For Public Health South
Southern District Health Board



GREAT LAKE TAUPŌ
Taupō District Council

09 August 2018

Planning standards

c/- Ministry for the Environment

P O Box 10-362

WELLINGTON 6143

To whom it may concern

TAUPŌ DISTRICT COUNCIL SUBMISSION ON THE DRAFT NATIONAL PLANNING STANDARDS

General Points

Taupō District Council appreciates the opportunity to make comment on the Draft National Planning Standards. The standards have the potential to make plan development simpler in the long term and may remove some of the contention during plan development around simple matters such as definitions.

For Taupō District Council, implementing the standards is a relatively straight forward process. The District Plan Review is currently in its early planning phase so we will pick up the standards and use the new structure as we develop the plan. For this reason we are supportive of the proposed five year implementation timeframe.

We note that it will not be so simple for many councils who will be trying to reformat their existing plans to be consistent with the Standards. The consequential amendments will be a significant issue for many councils, especially those who are smaller and less well resourced. The financial implications on these councils who do not have a review planned within the next 5 years are likely to be significant and should not be underestimated.

The standards seem to be a strongly driven from plan users who work nation-wide, and a desire that there is some consistency across all plans for these users. It should be noted that these users are usually subject matter experts such as planning consultants, developers and lawyers. It is their job to be able to understand and interpret plans. On the other hand, local plan users, such as the local community who want to protect a certain character in their area for example, are unlikely to require any understanding of how plans outside their local district or city work. The point being that the local functionality of plans should not be compromised for the sake of cross-council plan users who are often subject experts in their field, and are required to understand how plans work.

This submission focuses on parts of the standards where we see difficulties with implementation or where we require clarification. Where possible we have provided examples to give context to these potential issues.

Examples are shown in *italics*. Where Taupō District Council seeks a change or clarification to the standards this is indicated by a text box.

Structure Standards – District Plan, Introduction and General Provisions, Tangata Whenua, Strategic Direction

Taupō District Council supports the Structure Standards that set up the introductory chapters of the District Plan. It makes sense that these chapters are consistent across Plans and the proposed structure seems to make logical sense.

Structure Standards – District Wide Matters

Taupō District Council supports the district wide matters chapter. The Taupō District Plan currently has a district wide chapter and this works well for matters which cut across different zones/environments.

Eplans need to be able to filter correctly to ensure district wide matters are captured. *For example, someone living in the rural zone, with a significant natural area overlay needs to be able to select their property and view both sets of provisions.* Otherwise there is the potential that district wide matters are missed and cause confusion for applicants.

Structure Standard – District Wide Matters

Zone Chapters

Taupō District Council supports the proposed 27 zones, although we do have some questions around the precincts and whether these will be used to create defacto zones (see next section). The purpose statements for the zones should not become so specific that it becomes a problem to have activities in that zone that do not fit neatly within the purpose description. This is especially relevant in the rural zone.

Currently in the Taupō District rural environment there are recreational, industrial and other activities that are difficult to categorise. Examples include a motor sport park, pony clubs, tourist activities and power stations. Although there is the potential that at least some of these activities may be rezoned through the review, new activities will often start operating under a consent and then continue to operate within the rural environment. There is the potential that the purpose statements are used by appellants to prevent activities that do not fit neatly within the description from occurring. This is especially relevant in Taupō where, due to poor soils, primary production is low relative to other areas. In Taupō, alternative uses in the rural environment often need to be found in order to make a living.

It may be helpful to expand the rural zone description beyond primary production to recognise the wide range of activities that occur in the rural environment. Given there is also the Rural Production Zone it seems that the Rural Zone purpose description could be more general.

Taupō District Council submits that the rural zone purpose description be expanded to recognise the wide range of activities that occur in the rural environment;
--

Precincts

Our key concern with this standard is the precincts. There is the potential for these to become defacto zones and the limitation of plans to fit within the 27 zones becomes irrelevant because plans address variation with a multitude of precincts. The difficulty with precincts is there is the potential for confusion over whether the zone or precinct rules preside.

Currently within the Taupō District Plan we have areas which vary from the zone by only one policy provision. *An example of this is the Height Restricted Area in the Taupō District Plan. These areas have been established through previous planning processes and aim to reduce bulky or visually obtrusive development and protect the interface between land and water, to preserve the natural character of the district's lakes and rivers and their margins.* We are unclear how this type of situation would be addressed under the standards as proposed.

Taupō District Council submits that further thought be given to the role of the precincts and whether they will become defacto zones and make plans more complicated to use.

We seek clarification on how it will be possible to address scenarios where only one provision differs from the standard underlying zoning.

Development Areas

Development areas are supported and make sense. The Taupō District Plan currently has growth areas which are identified to undergo a structure planning process, or have undergone the structure plan process which is then incorporated into the District Plan Once a development area has been fully subdivided the intention seems to be to uplift the development area status. It is unclear what zoning the land would revert to and how any planning provisions specific to that area might be retained.

An example of this would be the Kinloch structure plan in Taupō, where there are 5 different sets of provisions which affect provisions such as height, density and setbacks. If the development area/structure plan was to be removed, these areas would all need to become separate precincts. As submitted above multiple precincts have the potential to make plans more confusing and complicated than they currently are, as at least with zones there is clarity over which rules preside where.

Taupō District Council seeks clarification on how provisions developed through the Structure Plan process will be implemented once the development area is removed.

F1 Electronic Accessibility and Functionality

Taupō District Council has recently converted its District Plan to Eplan format, which would meet the current standards as they are proposed. The requirements for electronic accessibility may place a significant burden on smaller Councils who have not budgeted for this conversion.

Clauses 11 and 12 on Table 18 of the draft standards are cause for concern. Clause 11 states that all versions of the current operative and proposed plan must be available on the website. This is a huge amount of work

for very little gain. *Taupō District Council has approximately 45 versions of the current plan (variations, plan changes, clause 20a changes and a reformat). These versions are all broken into 50 separate PDFs with one for each chapter. To meet the requirements we would need to stitch 50 different documents together for each of the 45 versions. We have concerns over the size of the documents this would result in. The same would then need to be done for 120 maps. In order to have documents of a manageable downloadable size, we estimate it would result in approximately 420 documents on the website for the current plan only (not counting transitional RMA plans).*

Aside from the sheer volume of work to do this, this proposal has the potential to create significant confusion for the (small number of) users who would like to access older versions of the plan. Also little value is seen in providing the entire plan. Usually if an applicant requires a previous version of the plan they only want one or two sections. This request comes through to our planners as a service request and the correct section/s is supplied to them. This is likely to be a much quicker and simpler process for the applicant than them trying to wade through 420 documents on our website.

We also note that the provisions of the Local Government Official Information and Meetings Act provide a mechanism, process and set timeframes for councils to provide information.

Taupō District Council strongly submits clause 11 and 12 of Table 18 are removed from the proposed standard and a requirement be inserted which simply states the previous versions of the plan must be made available to members of the public who request them. A timeframe for supplying the information could be inserted if this is a concern.

F2 Draft Mapping Standard

Taupō District Council has concerns over the similarity of the colours proposed by the draft mapping standard. The proposed colours that seem too similar are:

- Low density residential and medium density residential
- Rural residential, rural settlement and local commercial
- Open space, sport and active recreation and conservation

It is unclear why sites of significance to Maori has been included within the symbology table, given that this will vary between districts as a result of consultation with iwi.

Within the symbology table there are some symbols which only give one symbol or colour when there can be multiple categories of that item. *For example:*

- *Protected tree – Taupō District Council has notable and amenity trees within the protected tree category. Only having one symbol would mean plan users would need to reference the Plan Schedule to find out if it was Notable or Amenity.*
- *Hazards – Taupō District Council has 3 levels of flood risk (a methodology set out by the Regional Policy Statement) which are currently shown as three colours on the planning maps. The planning standards propose one colour for all Hazards represented by a polygon (flood, volcanic, coastal and*

fault). Once again this means the plan user will need to refer to a schedule to find out the hazard type. This does not seem helpful or intuitive for a plan user.

Taupō District Council submits that advice be sought from experts, for example graphic designers, to establish a palette of colours which ensures enough variation between zone map colours, and

Further work be done on the symbology table to give additional options where there are multiple categories required.

F5 Chapter Form Standard

Advice from our Eplan providers has been that filtering from tables is more difficult than from free text. This needs to be clarified to ensure there is not difficulties filtering rules from rule tables. *For example, if an applicant searches the residential environment there may be issues bringing through all the rules from the rule table.* Tables provided an easier format for users of a paper based plan, however with the move to Eplans and their ability to filter provisions it may make more sense to utilise free text.

Taupō District Council submits that clarification be sought from Eplan providers as to whether filtering is easier via provisions in a text format or a table format.

F7 Definitions

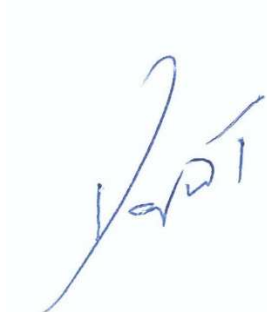
Please refer to the specific submissions on definitions below:

Definition	Comment	Submission
Visitor Accommodation	Currently the Taupō District Plan corresponding definition includes associated functions (such as restaurants and conference facilities) within this definition. The proposed National Planning Standard definition and the use of “primarily” does not provide clarity on this.	Clarity be provided within this definition as to whether associated functions are included.
Building	This definition could currently exclude a carport but include a gazebo or tent. Also the definitions for building and structure are cyclical i.e. a building is a structure and a structure is a building.	Further work be done to refine this definition. Could this definition be aligned with the Building Act?
Setback	The Taupō District Plan currently also defines the front boundary setback.	Consideration be given to also defining the front boundary setback or clarification that a separate definition for this would be permitted.
Educational facility	The inclusion of the term pre-set syllabus within the definition may exclude some educational facilities which do not have a pre-set syllabus for example after school care or holiday facilities.	Consideration be given to whether the use of the term “pre-set syllabus” is necessary within this definition.
Gross floor area	We interpret this definition to include areas which don't have floor space, for example a high studded building with half a mezzanine floor would be calculated to have double the actual ground floor. This seems to be more about building bulk than ground floor area.	Consider removing void areas from the definition.

Height	The Taupo District Plan excludes structures from this definition, so that chimneys, masts or antenna (less than 0.6m) do not impact on overall building height.	Consideration be given to exclude chimneys, masts or antenna from this definition.
Height in relation to boundary	The Taupō District Plan definition excludes chimney, mast or antenna from this definition so that these factors do not influence where a building can be positioned. This reflects the primary concern for the related provisions which tends to be building bulk.	Consideration be given to exclude chimneys, masts or antenna from this definition.
Industrial activity	The Taupō District Plan includes office activities associated with the industrial activity and many will include offices within the facility.	Consideration be given to include the offices associated with industrial activities within the definition.
Signs	The Taupō District Plan excludes election signage from the definition of signs, as otherwise all election signage would require a consent.	Consideration be given to exclude election signage from the definition of signage.
Stormwater	In Taupō most stormwater does not make it to a water body, instead going to ground soakage. Also Taupō does not have a Coastal Marine Area.	Add ground soakage to the definition as follows " <i>a waterbody, ground soakage or the coastal marine area</i> ". Also, to save confusion, local authority areas without a Coastal Marine Area should be able to exclude this term.

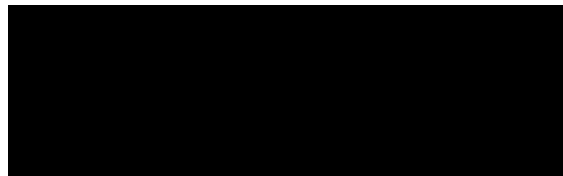
Thank you for the opportunity to submit on the draft National Planning Standards. If you require any clarification on our submission please contact [REDACTED] or [REDACTED]

Yours sincerely



David J Trewavas JP

MAYOR



4 September 2018

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Re: Draft National Planning Standards

1. INTRODUCTION

- 1.1. The New Zealand Law Society welcomes the opportunity to comment on the draft National Planning Standards (draft standards).
- 1.2. This submission identifies issues in the practical application of the draft standards and suggests further consideration of some provisions. The Law Society's recommendations focus on ensuring the draft standards are clear and workable in practice. (For ease of reference all recommendations are listed in Appendix A.)
- 1.3. The submission only addresses the parts of the draft standards on which the Law Society has a specific comment or recommendation; however, it should be noted that some of the comments regarding ordering and formatting may also have wider application.

2. OVERVIEW OF DRAFT STANDARDS

- 2.1. The *Draft National Planning Standards* consultation document (consultation document) gives an overview of the draft standards, what they aim to achieve and considerations for implementation.
- 2.2. The draft standards are broken down into the following individual planning standards:
 - a) structure standards (S-);
 - b) form standards (F-); and
 - c) content and metric standards (CM-).
- 2.3. For example, the draft plan structure standards (S-) "set a common framework for plan provisions that all plans must use. The structure is made up of parts, then chapter, then sections."¹
- 2.4. The draft standards are required to be consistent with the Resource Management Act 1991 (RMA), including section 58B which sets out the purpose of the planning standards:

¹ *Draft National Planning Standards* consultation document, at p 15.

- (1) The purposes of national planning standards are—
 - (a) to assist in achieving the purpose of this Act.
 - (b) to set out requirements or other provisions relating to any aspect of the structure, format, or content of regional policy statements and plans to address any matter that the Minister considers—
 - (i) requires national consistency:
 - (ii) is required to support the implementation of a national environmental standard, a national policy statement, a New Zealand coastal policy statement, or regulations made under this Act:
 - (iii) is required to assist people to comply with the procedural principles set out in section 18A.
- (2) In this section and sections 58C to 58K, references to the Minister are to be read as references to the Minister of Conservation if, and to the extent that, a matter relates to the coastal marine area.

2.5. As outlined in the consultation document the “planning standards direct a standard structure and form and some standard content for RMA plans and policy statements in New Zealand.”² The intention of the draft standards is to reduce variation that currently exists between RMA planning documents, with the aim of achieving plans that are easier to make and use.

3. DRAFT STRUCTURE STANDARDS (S-)

Draft Regional Policy Statement Structure Standard (draft S-RPS)

Part 4 – Themes

- 3.1. Part 4 of the draft S-RPS sets out relevant themes and matters that may be included in different chapters of the policy statement. However, there are obvious overlaps between the various themes. For example:
 - The *Coastal Environment* theme includes Landscapes, Landforms, Natural Character, Ecosystems, Indigenous Biodiversity, Environmental Risks, Infrastructure, Land and Water. It may also include items of Historic Heritage.
 - Landscapes and Landforms are by definition “*Land*”.
 - Infrastructure and Energy will be located in, on, over or under Land or Water, or both.
 - Ecosystems (and Indigenous Biodiversity) similarly occur on Land, or in Water, or both.
- 3.2. In each case the mandatory instruction is that if matters falling under the relevant theme are addressed in the Regional Policy Statement, they must be included in the relevant chapter.³ The overlap between different themes means that compliance with this mandatory instruction could produce a potentially significant degree of duplication of provisions within each theme. It would be more efficient, and would assist the readability of regional policy

² Ibid at p 10.

³ Draft National Planning standards, draft S-RPS, at pp 8-9.

statements (which are already inaccessible to the general public because of their length and complexity), if the themes were redefined to minimise overlaps.

- 3.3. In comparison, Part 4 of the draft District Plan Structure Standard (S-DP) uses a slightly different structure which better addresses these areas of overlap. However, that standard only applies, by definition, to district-wide matters and so, to the extent that there is ambiguity in the regional context, this is left unresolved. The Law Society suggests that Part 4 of the draft S-RPS could be amended (where applicable) to better address potential areas of overlap, as discussed further below.
- 3.4. Part 4 of the draft S-RPS also states that local authorities must consider whether to combine the *Land* and *Water* chapters. While there is an obvious requirement to integrate land use activities with management of water quantity and quality, it is not clear why this is the only area where a combination of chapters is foreshadowed (and impliedly encouraged), and it may be helpful to adopt this approach in other chapters given the extent of overlaps between other themes.
- 3.5. It may be that the Ministry took the approach discussed at [3.4] as it intends that management of other overlaps between themes will be addressed in guidance documentation yet to be drafted. However, such guidance instruction could not contradict the clear instruction contained in the draft S-RPS.
- 3.6. A useful way of addressing this overlap may be to make the *Coastal Environment* theme a code which includes all relevant provisions that might otherwise fall within other themes. Other themes could then be expressed to relate to matters outside the *Coastal Environment*. The draft S-RPS should similarly clarify whether elements of natural character associated with ecosystems and indigenous biodiversity are addressed under that theme or under the *Landscape, Landforms and Natural Character* theme (but not both). It might similarly be desirable if it is made clear that the *Land* and *Water* chapters apply to land and water matters respectively, to the extent that they are not addressed under other themes.
- 3.7. In addition to the overlaps already noted, the requirement that all water matters be addressed in the water chapter of a regional policy statement appears to preclude separate consideration of geothermal resources - given that “*water*” is defined by the RMA to include geothermal water. The two regions best known for the quantity and quality of their geothermal resources (Waikato and Bay of Plenty) both treat the management of these resources as a separate issue from management of freshwater quantity and quality. Given most other regions do not have significant geothermal resources this might be appropriate to address as a “*special topic*” in those two regions. However, a precondition for the use of the special topic chapter in the draft S-RPS is that the topic “*cannot*” be addressed under other chapters. That would not be the case for geothermal resources. This poses too high a standard, and it may be more appropriate to allow regions the discretion to carve out resource issues of particular importance to them, for separate treatment.
- 3.8. Lastly, the order of the themes in Part 4 (assuming local authorities are required to strictly follow that order of themes) could be reconsidered. Starting with *Air Quality* implies an alphabetical approach. However, if that were the objective then the *Landscape, Landforms and Natural Character* theme is out of place. By the same token, if the objective is to allow local authorities to order themes according to their significance to regions (which would seem appropriate), then the draft S-RPS should specifically state this (given *Air Quality* would not be the issue of greatest importance for all regions).

Minor observations

- 3.9. In relation to Part 1 – Introduction and General Provisions, reference could usefully be made to Water Conservation Orders since such orders are a national instrument, and regional policy statements must not be inconsistent with them (see RMA section 62(3)).

Recommendations:

- 3.10. To address the issues identified in the draft S-RPS, the Law Society recommends the following:
- (a) Redefine the themes to minimise overlaps between them and clarify how any residual overlaps should be addressed.
 - (b) Amend the description of special topics to provide that this applies where a local authority determines that other matters or topics are more appropriately dealt with separately by reason of the particular characteristics of their region.
 - (c) Reorder the draft themes in Part 4 to aid navigability (e.g. by placing them in alphabetic order), or make it clear that local authorities are able to order these themes as appropriate for their region.
 - (d) Add a reference to Water Conservation Orders under the heading of National Direction Instruments.

Draft Regional Plan Structure Standard (draft S-RP)

Part 1 – Introduction and General Provisions

- 3.11. Part 1 of the draft S-RP requires an overview of national instruments but not of the Regional Policy Statement, which provides direction at a regional level. Where regional plans are promulgated as separate documents to the Regional Policy Statement, this would appear to be a useful potential addition. As discussed above at [3.9], reference might also be made to Water Conservation Orders as a relevant form of national instrument in many regions.

Part 4 – Themes

- 3.12. The issues identified above at [3.1] – [3.8], regarding the ordering and content of Part 4, similarly arise in the draft S-RP. In addition, Part 4 creates uncertainty as to whether the structure of the themes set out in that part is a mandatory direction or not. Section C of the draft S-RP states that this structure is “mandatory”,⁴ but then Part 4 suggests that Councils have the option of whether they choose to address matters on a “Theme” basis or not.⁵ It is not clear why Part 4 provides this “option”, and it appears inconsistent with the direction given in Part 4 of the draft S-RPS, which regional plans must give effect to. (The same issue also arises with respect to Part 5 – Catchments of the draft S-RP.)

Minor observations

- 3.13. The draft S-DP includes a “strategic direction” chapter. However, there is no parallel provision for strategic direction in the draft S-RP for regional plans. The Law Society suggests

⁴ Draft National Planning standards, draft S-RP, at p 10.

⁵ Ibid, at p 12.

that some consideration be given as to whether strategic direction is equally applicable in a regional context.

Recommendations:

- 3.14. To address the issues identified above at [3.11] – [3.13], the Law Society recommends the following:
- (a) The draft S-RP incorporate provision for a discussion of regional direction in Part 1.
 - (b) Parts 1 and 4 are clarified consistently with any changes to S-RPS, following from the recommendations as above at [3.10].
 - (c) Provision be made for a strategic direction chapter, as an option available to regional councils.

Draft District Plan Structure Standard – (draft S-DPS)

Part 1 – Introduction and General Provisions

- 3.15. The Law Society considers the same issues identified above at [3.9] and [3.11], in relation to the absence of any reference to national direction via water conservation orders, and regional direction via the Regional Policy Statement, also exist in the draft S-DPS.

Part 3 – Strategic Direction

- 3.16. In relation to Part 3, it is suggested that the description of when a strategic direction chapter is required might usefully be amended to make it clear that a strategic direction chapter is required when the local authority is including “*separate*” provisions on significant resource management matters relevant to the district. If this is not made clear, every District Plan will need to have such a chapter because the District Plan will necessarily include provisions of greater significance to the district, along with provisions of lesser significance. The utility of a strategic direction chapter is to collect together the more significant matters in order to provide higher level direction.

Part 4 – District Wide Matters

- 3.17. Some consideration might appropriately be given to the order in which matters under this Part are addressed. While this might involve alphabetical ordering (for consistency in approach with other provisions), there may also be logic in linking *natural environmental values* and *community values* as communities may (and often are) concerned with the matters listed as *natural environmental values* (for example, coastal environment, landscape/landform, ecosystems/indigenous biodiversity).
- 3.18. Further, the specific reference to hazardous substances as an aspect of *environmental risk* appears inconsistent with the deletion of the specific reference to the “prevention or mitigation of adverse effects of the storage, use, disposal or transportation of hazardous substances” as a function of territorial authorities in section 31(1)(b)(ii) of the RMA (following enactment of the Resource Legislation Amendment Act 2017).
- 3.19. It is also unclear why *Infrastructure and Energy* and *Subdivision* are listed separately from *General District-Wide Matters* since they also apply to matters throughout the district.

Part 5 – Area-Specific Matters

- 3.20. Part 5 sets out the area-specific matters that local authorities must implement. It is not helpful to have a specific zone that is the same as the general description in the area-specific matter (for example, there is a separate “*Residential Zone*” under the area-specific heading “*Residential Zones*” and a “*Rural Zone*” under the area-specific heading “*Rural Zones*”). This may be problematic, particularly where, as in the residential case, it has quite a specific role and does not (unlike the “*Rural Zone*”) operate as the default zone. The duplication of language may confuse plan users.
- 3.21. As a final observation, some consideration might be given to how the different provisions are ordered. While there is a logic to the ordering of the more specific provisions, it is suggested that the special purpose zones might more appropriately be listed in alphabetical order.

Recommendations:

- 3.22. To address the issues identified above at [3.15] – [3.21], the Law Society recommends the following:
- (a) Clarify Parts 1 and 4 consistently with any changes to S-RPS, following from the recommendations above at [3.10].
 - (b) Amend the description of when a *Strategic Direction* chapter is required in Part 3 of the draft S-DPS to include a reference to separate provisions on significant resource management matters to the district i.e. “*Local authorities must consider whether separate sections on significant resource management matters to the district should be included in this chapter and include them if required*”.
 - (c) Consider whether it is appropriate to require plans to address hazardous substances as an issue, given the deletion of that as a District Council function.⁶
 - (d) Reconfigure the list of chapters in Part 4 to make *Infrastructure and Energy*, and *Subdivision* District-Wide chapters.
 - (e) Rename those zones in Part 5 with labels that currently do not distinguish them from the general zone headings.

Draft Combined Plan Structure Standard – (draft S-CP)

- 3.23. The issues and recommendations identified above in relation to the draft S-RPS and draft S-RP, similarly apply to the draft S-CP.

Draft Introduction and General Provision Standard – (draft S-IGP)

- 3.24. Direction 9 of the draft S-IGP discusses cross-boundary issues.⁷ The Law Society considers that it would also be useful to make reference to the cross-boundary issues that arise for regional councils dealing with activities crossing their boundary with the Exclusive Economic Zone (EEZ).
- 3.25. In relation to directions 17 and 18, a distinction appears to be drawn between the use of te reo Māori terms in rules on the one hand, and in objectives, policies and other text on the

⁶ Following the Resource Legislation Amendment Act 2017, section 13.

⁷ Draft National Planning standards, draft S-IGP, at p 29.

other. (Direction 17 states that “if a te reo Māori term is used in a rule it must be defined in the definitions section”;⁸ by contrast, direction 18 states that “the glossary of te reo Māori terms must be used when terms are used in or relevant to the interpretation of objectives, policies and other text...”.⁹) It would be helpful to consider whether te reo Māori terms used in rules need to be treated differently to terms used elsewhere in Plans.

Recommendations:

- 3.26. To address the issues identified in relation to the draft S-IGP, the Law Society recommends the following:
- (a) Consider including a reference in direction 9 to cross-boundary issues arising at the boundary with the EEZ.
 - (b) Consider whether te reo Māori terms used in rules need to be treated differently to terms used elsewhere in Plans.

Draft Strategic Direction Structure Standard – (draft S-SD)

- 3.27. Direction 3 of the draft S-SD identifies matters to be located in the *Strategic Direction* chapter of a district plan. For the same reasons as discussed above at [3.16], the Law Society suggests the focus should be on the situation where the listed matters are to be addressed “*separately*” in District Plans.
- 3.28. As a minor observation, the final point under direction 3 (re consultation with tangata whenua) appears to be a duplication of the fifth point under direction 3 of the draft Tangata Whenua Structure Standard. It would be helpful if this was clarified.

Recommendations:

- 3.29. To address the issues identified in relation to the draft S-SD, the Law Society recommends the following:
- (a) Amend direction 3 to refer to “*separate*” treatment of issues.
 - (b) Clarify the apparent duplication with the tangata whenua standard regarding consultation with tangata whenua.

Draft District Wide Matters Standard – (draft S-DWM)

Natural Environmental Values chapter (draft S-NEV)

- 3.30. Directions 6(c) and 7(b) of the draft S-NEV use identical language, referring to objectives, policies and methods, including rules (if any) “*that will ensure the life-supporting capacity of these systems are safeguarded*”. These directions raise both a drafting and a substantive issue.
- 3.31. In respect of the drafting of these directions, the use of the word “systems” to describe the coastal environment, landscape, landforms and natural character may be problematic, as such elements would not normally be categorised in that way.
- 3.32. A substantive issue then arises from the selected use of only one element from the purpose of the RMA (section 5), namely “safeguarding the life-supporting capacity of air, water, soil,

⁸ Ibid.

⁹ Ibid.

and ecosystems”, to the apparent exclusion of other aspects of the purpose section (such as meeting the “foreseeable needs of future generations” through objectives, policies and methods relating to the coastal environment/landforms – see section 5(2)(a)).

- 3.33. Singling out one element from the RMA purpose section, through these provisions, may have unintended results which might be considered contrary to the purpose of the RMA.

Infrastructure and Energy chapter (draft S-IE)

- 3.34. Direction 23(c) in the draft S-IE directs that provisions governing reverse sensitivity effects on infrastructure should be contained in the *Infrastructure and Energy* chapter. While it will be more convenient to approach the issue of reverse sensitivity as it relates to infrastructure in one location, there may be potential for lay plan users to overlook the potential restrictions on their actions contained in the *Infrastructure and Energy* chapter in the draft S-DWM, focusing solely on the zone provisions applying to their properties in the draft Area-Specific Matters Standard (S-ASM). While it involves duplication of plan provisions, embedding such provisions in each zone would reduce that risk.

Recommendations:

- 3.35. To address the issues identified above at [3.30] – [3.34], the Law Society recommends the following:
- (a) Consider whether directions 6(c) and 7(b) of the draft S-NEV are required, and if so, whether they should be amended and/or augmented by directions related to other aspects of the purpose section, in section 5 of the RMA.
 - (b) Consider whether reference in direction 23(c) of the draft S-IE to reverse sensitivity might be better addressed in the draft Area Specific Matters Standard (instead or in addition to the infrastructure and energy chapter).

Draft Area Specific Matters Standard – (draft S-ASM)

Zone Chapters (draft S-ZONES)

- 3.36. The intention expressed in directions 6 and 7 of the draft S-ZONES is that the number and nature of zones is to be tightly controlled. It also assumes that the purpose of zones is to *enable* activities, whereas, in many cases, activities are enabled at best on a qualified basis. The Law Society queries whether the preconditions for additional zones being specified in a plan might be better expressed in a slightly less constraining manner (for example, where the Local Authority determines it is both necessary and appropriate to do so). This will still achieve the objective of standardising zone provisions. The Law Society suggests the Ministry give consideration to substituting the words “*provided for*” for “*enabled*” in directions 7(b) and (c).

Direction 8 – Purpose Statements

- 3.37. Direction 8 of the draft S-ASM states that local authorities must choose at least one of the listed zones to use in their Plans. Establishing universal purpose statements, while potentially helpful for plan users, raises issues, particularly if provision for additional zones remains tightly constrained as currently proposed. There is also the issue noted earlier in the

draft S-DP section of having a specific zone (such as residential or rural) that is the same as the general description.¹⁰

3.38. Further comments on the purpose statements of particular zones, as outlined in direction 8 of the draft S-ASM, are addressed below:

- *Low-Density Residential Zone*

The language used in the purpose statement “*where there may be constraints on urban density*” means that the purpose is effectively circular. Zone provisions will be the source of constraints, by definition. It is suggested that the purpose might be framed as providing for residential activities “*where there is reason for urban density to be constrained*”. That formulation would leave it open as to whether the constraints are the result of external considerations (e.g. topographical constraints or natural hazard issues) or alternatively, through a desire to provide for an enhanced level of urban amenity.

- *Residential Zone*

The stated purpose of the residential zone refers to residential activities “*in areas of suburban character*”. This purpose assumes there is an existing character, which will not be the case in greenfield areas. It is suggested that the closing words might be reframed to read “*... in areas where it is desired that a suburban character be established or maintained*”.

- *Medium-Density Residential Zone*

The stated purpose of the medium-density residential zone has the same issue identified above for the Residential Zone purpose, because it assumes there is an existing urban character. In addition, it fails to take account of the fact that areas of suburban character necessarily also have an urban character. There is accordingly a significant overlap between the purpose for this zone and that for the Residential Zone. It is suggested that this might be addressed by amending the final words of the purpose to read:

“... in areas where a higher density, more urbanised character is desired than that provided for in the Residential Zone.”

- *High-Density Residential Zone*

For similar reasons, it is suggested that the purpose of the high-density residential zone be reframed to refer to residential areas “*in areas where a high-density-urban character is desired*”.

- *Rural Zone*

Reference to the rural zone also providing for a limited range of activities supporting rural production implies that it does not provide for any other activities. Typically, tourism activities, for instance, are located in the Rural Zone. In addition, there is an increasing demand for Rural Residential/Rural Living type developments in rural areas. It is suggested that the second sentence of the rural zone purpose might simply be

¹⁰

As discussed at [3.20] above.

deleted. Alternatively, the purpose could be amended to read “... *primarily for primary production activities and activities which support rural production*”.

- *Rural Production Zone*

A minor change to the wording from “*providing for associated rural industry*” to “*provide for associated rural industry*” is suggested.

- *Rural Residential Zone*

Stating that the purpose of the rural residential zone is to provide primarily “*for a residential lifestyle within a rural environment*” implies that rural residential living (i.e. houses) will be appropriate at all locations within the zone. (It also suggests that people do not live (and have a rural lifestyle) in Rural Zoned land.) The rural residential zone purpose might appropriately be amended to read “... *to provide greater opportunities for a residential lifestyle within a rural environment than within the Rural Zone, while still enabling ...*”.

- *Rural Settlement Zone*

The intention of the rural settlement zone purpose might be better captured if it read: “... *located within small rural settlements that support the surrounding rural area*”.

- *Neighbourhood Commercial Zone*

This purpose may read more clearly if the words “*within which the Neighbourhood Commercial Zone is located*” were added at the end.

- *Local Commercial Zone*

As with the previous neighbourhood commercial zone purpose, this purpose might read more clearly if the words “*within which the Local Commercial Zone is located*” were added.

- *Mixed-Use Zone*

The way in which the mixed-use zone purpose is framed would require the zone to provide for all of the listed activities, which may not always be desirable. The concept stated in the Commercial Zone purpose, of activities not being sensitive to other activities, is also a key consideration. The wording of the mixed-zone purpose would be clearer if it read, “... *provide primarily for a mix of activities including potentially residential, commercial, light industrial, recreational and/or community activities not sensitive to the effects generated within the zone*”.

- 3.39. In addition to the specified zones identified above, it may be appropriate to provide a separate Transport Zone to cover the locations of train and bus stations and ferry terminals.

Minor Observations

- 3.40. The implication of direction 9, of the Precincts chapter, is that a precinct prevails over underlying zones.¹¹ It would be helpful if this was clarified.

¹¹ Draft National Planning standards, draft S-ASM, at p 45.

- 3.41. Direction 17 of the Development Areas chapter requires that when developments are completed, development plan sections must be removed from the Plan.¹² The Law Society queries whether this is always going to be desirable. In cases where structure plans and the like identify areas within which development is constrained, the structure plan may have ongoing relevance to the development area.
- 3.42. In direction 18, reference in the table is made to “*designation hierarchy (primary or secondary)*”.¹³ It is assumed that this relates to situations where there are overlapping designations and it is necessary to specify which designation was first in time. However, further clarification would be desirable.

Recommendations:

- 3.43. To address the issues identified in relation to the draft S-ASM, the Law Society recommends the following:
- (a) Consider whether the degree of direction in directions 6 and 7 is desirable, or whether Local Authorities might be allowed greater discretion in the formulation of additional zones.
 - (b) Amend directions 7(b) and 7(c) to substitute “*provided for*” for “*enabled*”.
 - (c) Consider amendments to the purpose of each zone in direction 8 in the manner discussed above at [3.38].
 - (d) Consider including a “Transport” zone provision.
 - (e) Make clear the priority as between precincts and underlying zones in direction 9.
 - (f) Consider whether it is desirable in all cases that Development Plans be removed from Plans when the development is ‘completed’ in direction 17.
 - (g) Clarify the reference to “*designation hierarchy*” in Table 16, direction 18.

4. DRAFT FORM STANDARDS

Draft Electronic Accessibility and Functionality Standard – (draft F-1)

- 4.1. Table 18 of draft F-1 sets out the standard for baseline electronic accessibility and functionality requirements.
- 4.2. In regard to plan accessibility and functionality, instruction 2 requires a maximum of three clicks between a local authority home page and all policy statements and plans. Instruction 3 then directs the labelling of the final landing page as ‘District Plan’ or ‘Regional Policy Statements and Plans’. The draft F-1 makes no reference to the labelling of any intermediate steps (such as council documents or plan and policy document links) that would assist plan accessibility (or otherwise).
- 4.3. Instruction 7, while highly desirable, involves a substantial amount of work and considerable potential for relevant connections to be omitted, meaning that the assistance sought to be provided by the standard may not assist plan users. A less onerous requirement might be

¹² Ibid.

¹³ Ibid, at p 46.

more practicable, particularly given the timeframes required for implementation of the standard.

- 4.4. Instruction 10 requires the legal status of provisions to be displayed electronically. The Law Society supports this requirement and notes the Environment Court recently commented on the need for the legal status of provisions at each stage of the process and the legitimacy and certification of the provisions to be made clear.¹⁴ This includes noting where provisions are made 'operative', 'treated as operative', or of 'legal effect'.¹⁵
- 4.5. Instruction 11 should also require local authorities to make copies of all plan changes to their current (operative) plan available on their website.
- 4.6. Under instruction 12, for plans that have been the subject of amendment, it may also be critical to know when the Plan was amended after it became operative since that may determine the lawfulness of an existing activity and/or the extent of any existing use rights. It is suggested that the historical record note the dates on which amendments to previous plans became legally effective.

Recommendations:

- 4.7. The Law Society makes the following recommendations to draft F-1:
 - (a) Provide direction to ensure website labelling assists accessibility of policy statements and plans at each step.
 - (b) Consider whether the work directed at instruction 7 is practicable given the time within which it has to be completed, particularly for regions with different regional and district councils.
 - (c) Consider requiring local authorities to maintain an electronic record of all plan changes to the current (operative) plan and amendments to superseded plans.

Draft Chapter Form Standard – (draft F-5)

- 4.8. Instruction 3 of draft F-5 states “chapters within *Part 2 – Tangata Whenua*, *Part 3 – District-Wide Matters* and *Part 4 – Area-Specific Matters* must use the order of headings below.”¹⁶ At present, this cross-referencing is not correct (or does not make sense in respect of) any of the main structure standards (S-RPS, S-RP, S-DP or S-CP).
- 4.9. Instructions 7 and 8 relate to objectives, where required for chapters or sections, and could be read to require that objectives for the relevant chapter or section be grouped together (impliedly separated from the objectives in other chapters or sections). This appears inconsistent with Table 4 of the draft S-RP,¹⁷ which appears to require that all objectives should be grouped together, at least for regional planning documents

Recommendations:

- 4.10. To address the issues identified in relation to draft F-5, the Law Society recommends that:
 - (a) The instruction 3 cross referencing is corrected or clarified.

¹⁴ *Cabra Rural Developments Limited v Auckland Council* [2018] NZEnvC 90.

¹⁵ Ibid at paragraphs [11], [76] to [78], and [82] to [83].

¹⁶ Draft National Planning Standards, draft F-5, at p 63.

¹⁷ Ibid, at pp 11-13.

- (b) The extent to which it is intended that objectives be grouped together is clarified as between draft S-RP and draft F-5.

5. DRAFT CONTENT AND METRIC STANDARDS

Draft Definitions Standard – (draft CM-1)

5.1. The purpose of draft CM-1 is to “provide mandatory definitions across local authority policy statements and plans to improve plan consistency and enable greater certainty around the meaning of terms across the country.”¹⁸ The definitions table (29) contains a number of terms defined in the RMA. In each case it is stated that the defined term has the same meaning as in section 2 of the RMA, and that meaning is then set out. While this provides clarity for the plan user, that approach means that both the standard and the relevant plan have to be amended in the event of a change to the statutory definition. Consideration could be given to the standard merely stating as a general rule that all terms defined in the draft CM-1 have the same meaning as that set out in the RMA.

5.2. Turning to the specific terms defined, the Law Society makes the following comments:

- *Aquifer*

The way in which this term is defined in draft CM-1 would anticipate an enquiry as to whether subsurface geological formations “*are capable of*” receiving, storing, transmitting and yielding water irrespective of whether they actually do so, either continuously or intermittently. The Law Society queries whether that is the intention of the definition, given that it might have significant implications for general rules seeking to manage contamination of aquifers.

- *Community Facility*

The Law Society queries whether the term “*non-profit*” is sufficiently clear to convey that facilities which on occasion hire out their facilities (for example, for fundraising) still fall within this definition (as appears to be the intention from the section 32 assessment).¹⁹

- *Coverage*

The Law Society queries whether the cross-reference to identification in a relevant rule is useful given that the defined term might well be used in District Plan objectives and policies. In addition, it is reasonably foreseeable that the term might be used with reference to actual coverage already on the ground, as opposed to what might or might not be provided for in a relevant rule.

- *Drain*

The definition of drains might usefully be distinguished from modified natural water courses, since this is a common source of contention.

¹⁸ Ibid at p 76.

¹⁹ Proposed National Planning Standards evaluation report 2018: Part 2C Definitions, at p 78,

- *Footprint*
This definition requires clarification in two respects. First, the word “and” in the first line might better be framed as “together with” in order to capture the concept that it is the total area of all of the matters listed. Second, the concept of structures that “protrudes directly” does not clearly capture cantilevered buildings, which is understood to be the intended meaning. The Law Society recommends the definition should be amended to read “... and any section of those structures that extends horizontally beyond the structure limits at ground level (e.g., any cantilevered section of a building)”.
- *Functional Need*
The final words of this definition (“because the activity can only occur in that environment”) are problematic because they exclude networks that operate across a number of environments. A local electricity (or telecommunication) network, for instance, needs to be and is located both in rural and urban environments. It is suggested that the definition is amended to include provision for operational characteristics by stating “the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical or operational characteristics or constraints.”
- *Ground level*
The definition of ‘ground level’ might appropriately incorporate a precondition that whatever level is adopted, recent changes to the ground level must have been accomplished lawfully, to avoid any unlawful manipulation of height level restrictions and the like. For instance, point (a) of the definition should refer to the actual finished surface level complying with the terms of both the most recent subdivision and any separate resource consent for earthworks (not just “after” it). Point (b) should similarly refer to the existing ground level unless it has been altered unlawfully within some nominal period (for example, the previous five years).
- *Height [in relation to a regional plan etc]*
The reference point for height outside the coastal marine area might be stated in provisions of a Plan other than rules – a policy perhaps, or the definition section. The Law Society suggests that the cross-reference should be to ground level unless otherwise stated “in a Plan”.
- *Intensive Primary Production*
Several regional plans categorise primary production occurring outside buildings as being “intensive” by reference to standards such as nutrient production and/or stocking levels. Commercial vegetable or fruit production within a glasshouse or crop shelter might similarly be regarded as an intensive primary production activity. The Ministry may wish to consider permitting relevant plans to have a broader definition than that provided.
- *Residential Activity*
Typically, District Plans distinguish residential activity from visitor accommodation. However, the current definition of ‘residential activity’ would not do so. It is suggested

that the definition could be amended by adding “...(excluding visitor accommodation)”.

- *Site*

Point (b) of the definition of ‘site’ refers to allotments that cannot be ‘*administered*’ separately. ‘*Administration*’ connotes the actions of utilities or governmental authorities. The intention underlying this provision is presumably to capture the actions of the landowner. The Law Society recommends the definition should refer to allotments that cannot be “*dealt with*” separately. Further, point (d) refers to “*the cross-lease system*” suggesting that there is a single system in existence, however this is not accurate, and it would be clearer to refer to “*by a cross-lease*”.

- *Stormwater*

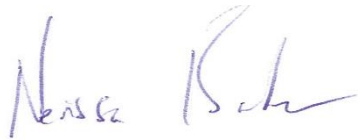
The reference to water from natural precipitation (including any contaminants it contains) implies that the focus of the definition is on contaminants contained in the natural precipitation. If the intention is to capture added contaminants, the definition should be clarified to include the word ‘*originating*’ added after ‘*water*’.

6. CONCLUSION

- 6.1. This submission has been prepared with assistance from the Law Society’s Environmental Law Committee. If you wish to discuss the submission, please contact the committee convenor, Bronwyn Carruthers, via the committee secretary Amanda Frank at

[REDACTED]

Yours faithfully



Nerissa Barber
Vice President

Appendix A: Recommendations on draft standards

Appendix A

Draft National Planning Standards – NZLS recommendations

Rec #	Submission: paragraph #	Topic (draft standards page #)	Recommendation
Draft Structure Standards			
Draft Regional Policy Statement Structure Standard (S-RPS)			
1	3.10 (a)	Part 4 – Themes (p8)	Redefine the themes to minimise overlaps between them and clarify how any residual overlaps should be addressed.
2	3.10 (b)	As above	Amend the description of special topics to provide that this applies where a local authority determines that other matters or topics are more appropriately dealt with separately by reason of the particular characteristics of their region.
3	3.10 (c)	As above	Reorder the draft themes in Part 4 to aid navigability (e.g. by placing them in alphabetic order) or make it clear that local authorities are able to order these themes as appropriate for their region.
4	3.10 (d)	Part 1 – Introduction and General Provisions (p7)	Add a reference to Water Conservation Orders under the head of National Direction Instruments.
Draft Regional Plan Structure Standard (S-RP)			
5	3.14(a)	Part 1 – Introduction and General Provisions (p11)	The draft S-RP incorporate provision for a discussion of regional direction in Part 1.
6	3.14(b)	Part 1 – Introduction and General Provisions and Part 4 – Themes (pp11-13)	Parts 1 and 4 are clarified consistently with any changes to S-RPS, following from the recommendations as above at [3.10].
7	3.14(c)	Other	Provisions be made for a Strategic Direction chapter, as an option available to regional councils.

Draft District Plan Structure Standard – S-DPS			
8	3.22(a)	Part 1 – Introduction and General Provisions and Part 4 – District Wide Matters (pp15-17)	Clarify Parts 1 and 4 consistently with any changes to S-RPS, following from the recommendations as above at [3.10].
9	3.22(b)	Part 3 – Strategic Direction (p16)	Amend the description of when a <i>Strategic Direction</i> chapter is required in Part 3 of the draft S-DPS to include a reference to separate provisions on significant resource management matters to the district i.e. <i>“Local authorities must consider whether separate sections on significant resource management matters to the district should be included in this chapter and include them if required”</i> .
10	3.22(c)	Part 4 – District Wide Matters (p16)	Consider whether it is appropriate to require plans to address hazardous substances as an issue, given the deletion of that as a District Council function.
11	3.22(d)	As above	Reconfigure the list of chapters in Part 4 to make <i>Infrastructure and Energy</i> , and <i>Subdivision</i> District-Wide chapters.
12	3.22(e)	Part 5 – Area-Specific Matters (p17)	Rename those zones in Part 5 with labels that currently do not distinguish them from the general zone headings.
Draft Combined Plan Structure Standard (S-CP)			
13	3.23	As above for S-RPS and S-RP (pp21-25)	The issues and recommendations identified in the table at 1-7 are also applicable to the draft S-CP.
Draft Introduction and General Provision Standard (S-IGP)			
14	3.26(a)	Direction 9 – cross-boundary issues (p29)	Consider including a reference in direction 9 to cross-boundary issues arising at the boundary with the EEZ.
15	3.26(b)	Directions 17 and 18 – te reo Māori terms (p29)	Consider whether te reo Māori terms used in rules need to be treated differently to terms used elsewhere in Plans.

Draft Strategic Direction Structure Standard (S-SD)			
16	3.29(a)	Direction 3 – strategic direction (p36)	Amend direction 3 to refer to “ <i>separate</i> ” treatment of issues.
17	3.29(b)	As above and also Direction 3 draft Tangata Whenua Structure Standard (p33 and 36)	Clarify the apparent duplication with the tangata whenua standard regarding consultation with tangata whenua.
Draft District Wide Matters Standard – S-DWM			
18	3.35(a)	Natural Environmental Values Chapter – S-NEV (p38)	Consider whether directions 6(c) and 7(b) of the draft S-NEV are required, and if so, whether they should be amended and/or augmented by directions related to other aspects of the purpose section, in section 5 of the RMA.
19	3.35(b)	Infrastructure and Energy Chapter – S-IE (p40)	Consider whether reference in direction 23(c) of the draft S-IE to reverse sensitivity might be better addressed in the draft Area Specific Matters Standard (instead or in addition to the infrastructure and energy chapter.
Draft Area-Specific Matters Standard – S-ASM			
20	3.43(a)	Zone Chapters – directions 6 and 7 (S-ZONES) (p43)	Consider whether the degree of direction in directions 6 and 7 is desirable, or whether Local Authorities might be allowed greater discretion in the formulation of additional zones.
21	3.43(b)	As above	Amend directions 7(b) and 7(c) to substitute “ <i>provided for</i> ” for “ <i>enabled</i> ”.
22	3.43(c)	Direction 8 – Purpose Statements (p43-45)	Consider amendments to the purpose of each zone in direction 8 in the manner discussed above at [3.38].

23	3.43(d)	As above	Consider including a “Transport” zone provision.
24	3.43(e)	Precincts Chapter – direction 9 (p45)	Make clear the priority as between precincts and underlying zones in direction 9.
25	3.43(f)	Development Areas Chapter – direction 17 (p45)	Consider whether it is desirable in all cases that Development Plans be removed from Plans when the development is ‘completed’ in direction 17.
26	3.43(g)	Direction 18 (p46)	Clarify the reference to “ <i>designation hierarchy</i> ” in Table 16, direction 18.
Draft Form Standards			
Draft Electronic Accessibility and Functionality Standard – F-1			
27	4.7(a)	Instruction 2 (p50)	Provide direction to ensure website labelling assists accessibility of policy statements and plans at each step.
28	4.7(b)	Instruction 7 (p50)	Consider whether the work directed at instruction 7 is practicable given the time within which it has to be completed, particularly for regions with different regional and district councils.
29	4.7(c)	Instructions 11 and 12 (p50)	Consider requiring local authorities to maintain an electronic record of all plan changes to the current (operative) plan and amendments to superseded plans.
Draft Chapter Form Standard – F-5			
30	4.10(a)	Instruction 3 (p63)	The instruction 3 cross referencing is corrected or clarified.
31	4.10(b)	Instructions 7 and 8 (p63)	The extent to which it is intended that objectives be grouped together is clarified as between draft S-RP and draft F-5.

Draft Content and Metric Standards			
Draft Definitions Standard – CM-1			
32	5.1	Terms defined in draft Definitions Standard (draft CM-1)	Consider stating as a general rule that all terms defined in the draft CM-1 have the same meaning as in the RMA.
33	5.2	Definitions Table (29) (pp78-90)	Consider the suggestions provided for each of the specific terms outlined at para 5.2.

7 August 2018

Ministry for the Environment
PO Box 10362
Wellington 6143
Attention: Draft National Planning Standards



Tena koutou

Waikato Regional Council submission on the Draft National Planning Standards

Thank you for the opportunity to make a submission on the Draft National Planning Standards. Please find attached Waikato Regional Council's (the council's) submission regarding this document. The submission was formally endorsed by the council's Strategy and Policy committee under delegated authority on 7 August 2018.

Should you have any queries regarding the content of this document please contact Lisette Balsom directly on [REDACTED] or by email at [REDACTED].

Regards,

A handwritten signature in black ink, appearing to read 'Tracey May'.

Tracey May
Director Science and Strategy

Submission from Waikato Regional Council on the Draft National Planning Standards

1 Introduction

- 1.1 Waikato Regional Council (the council) appreciates the opportunity to make a submission on the Draft National Planning Standards (the standards).
- 1.3 The council supports the intention of the standards which aim to make Resource Management Act (RMA) plans simpler to prepare, and easier for users to understand, compare and comply with.
- 1.4 We welcome acknowledgement of implementation costs and timing implications for councils. There is a requirement to amend plans to fit the framework of the standards within a five year timeframe and to do so without any undue delay or Schedule 1 process.
- 1.5 However, existing provisions may not cleanly transfer to the framework proposed by the standards, creating a risk that the intent or meaning of provisions may change. Clarifying the intent or meaning of provisions may require the need for consequential amendment. These consequential amendments can create timeframe and cost uncertainties for implementing the standards and increase the risk for legal challenge for local authorities.
- 1.6 We acknowledge the intention to provide guidance on the scope of consequential amendments required by implementing the standards, and whether a Schedule 1 process would be required to make these changes. However, the timing of this guidance is not clear. We are firmly of the view that this guidance is needed prior to the standards taking effect so that the effect of these can be assessed and incorporated into timeframes and budgets for planning processes.
- 1.7 Attachment 1 of this submission provides feedback to specific proposals contained in the standards that the council either supports, opposes or seeks amendment to.
- 1.8 Our contact details are:
- [REDACTED]
- 1.9 We look forward to release of the final standards and are available to provide input to any remaining issues and solutions to be explored.

Attachment 1: Comment on specific proposals contained in the standards

Standard	Issue	Submission Point	Relief sought
S-RPS	Geothermal	Page 9 of the standards states that “If water matters are addressed in the regional policy statement (RPS) they must be included in the water chapter. Local authorities must consider whether to combine this chapter with the land chapter.” A similar provision is provided for on page 13 for regional plans. Requiring geothermal water to be dealt with in the same chapter 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. 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. Waikato and Bay of Plenty regions between them are responsible for sustainable management of 90 percent of the nation’s geothermal resource. 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, rules, other implementation methods and environmental results anticipated.	Provide clarification in the standards that geothermal water can be considered separately as a special topic.
S-RPS	Integrated Management	The purpose of a RPS is to provide an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region (s59 RMA). Several existing RPSs, including the Waikato RPS, have ‘Integrated Management’ as a significant matter addressed through objectives and policies.	Include Integrated Management as a theme for a RPS.

Standard	Issue	Submission Point	Relief sought
		The only place for this matter to be addressed by the standards is in Special Topics. This is not considered appropriate for a regionally significant matter addressing the main purpose of an RPS.	
S-RPS	Growth management	RPSs have a significant role to play in directing not only the approach to managing natural resources, but also in directing matters of land use and urban form, including but not limited to how urban growth is managed. This role is confirmed by the National Policy Statement Urban Development Capacity which requires some councils to set development capacity targets and include these as objectives in their RPSs. Given the importance of RPSs in this area we suggest a specific theme on urban form, growth management or similar is appropriate.	Include in the standard for RPSs, a specific theme that provides for urban form / growth management or similar.
S-RPS; S-RP	Themes – coastal environment v Coastal Marine Area	Regional councils grant consents for activities in the coastal marine area (CMA) and have a reduced statutory role on the landward side of Mean High Water Spring (MHWS) within the coastal environment. It is difficult under the draft standards to provide clear guidance on these different statutory roles within the same theme. In many cases there may be confusion over the correct theme in which to address activities related to several themes. For example, provisions on electricity transmission activities affecting indigenous vegetation in the CMA could be contained in either the Coastal Environment, Ecosystems and Indigenous Biodiversity or Infrastructure and Energy themes, and could result in confusion for users of different regional plans.	Provide for RPSs and regional plans to contain a CMA theme if they address issues differently across MHWS. Provide direction on provisions that could potentially be contained in a number of themes.
S-RPS, S-RP	Environmental Risk theme	Clarification of the topics that must be included in this theme is required. Examples and discussions with MfE confirm that natural hazards are appropriate here, but no others. It appears this theme is based on the Auckland Unitary Plan approach. Note the topics contained with the Environmental Risk Section of the Auckland Unitary Plan are not considered appropriate for a regional council, as contaminated land and the	Clarify the matters to be included in 'environmental risk'. If it is intended to cover natural hazards only, then rename it 'natural hazards' to avoid complicating plans.

Standard	Issue	Submission Point	Relief sought
		discharge of pesticides are appropriately addressed in other sections of the regional plan.	
S-IGP 7. b		The standard requires “a list of all RMA planning documents relevant to the region/district/city, and how they relate to each other and to the policy statement/plan. This includes a discussion around their hierarchy.” (emphasis added). The term “discussion” potentially provides scope for ambiguity, where technically there is an established clear hierarchy of planning documents that should be represented.	Amend to read: “This includes a clear statement as to their hierarchy.”
S-IGP 10. b		The standard requires a description of “how, as rules in proposed plans move towards becoming operative, their relative status [and thus weighting] is presented in the plan”. It is unclear what “is presented” means in this context. Clarification is sought as to whether as the Schedule 1 process progresses, councils are required to provide real time status update of the weighting that should be applied to the rules. If this is the intention, the council opposes this standard because the weighting to be given to a rule is a matter of fact and degree to be determined in the particular circumstances (and potentially determinable by the Court from time to time) rather than a matter to be pre-determined by the Plan.	Clarify the intent of the standard, and if the intended meaning of this standard is as assumed in the submission point, delete this standard.
S-SD		Section 75 of the RMA states that a district plan must give effect to any National Policy Statement, the New Zealand Coastal Policy Statement, any National Planning Standard and any RPS. The standard goes into great detail about how plans and policies need to show how they give effect to the national level documents. However it is silent on how district plans need to give effect to an RPS. This omission needs to be addressed. One possible way to address this is in the Strategic Direction Standard. Also, a number of regions now have regional or sub-regional spatial plans. It is important that the standards recognise such documents as important strategic guidance for RMA plans.	Provide in the standard a place in district plans where there is a description of how the district plan gives effect to the relevant RPS. Amend the first bullet point under section 3 of the Strategic Direction Standard to read: “an identification and outline of the key strategic or significant resource management matters of importance to the district, including relevant matters in a RPS or regional or sub-regional spatial plan, that need to be given effect to”.

Standard	Issue	Submission Point	Relief sought
F-1		There is a requirement that all versions of the current plan since first becoming operative must be available on the local authority website, and that a copy of all previous plans under the RMA, both at the time they first became operative, and the final version before being superseded by the replacement plan, must be available from the local authority website. This would be a major exercise for councils and risks confusing users with links to versions of plans that are likely of little relevance.	Amend these points to account for only operative versions of plans once the standard is adopted.
F-2	Zones	There is no Coastal Environment Zone or similar identified in the zone colour palette table (Table 21). As a Coastal Environment Topic is identified for district plans that have a coastline, the ability to have a Coastal Environment Zone or similar to give effect to the New Zealand Coastal Policy Statement is important.	Include a Coastal Environment Zone option.
F-5: Rule Table (Table 26)		The rule format for each type of rule includes the following for each - “Activity status when compliance not achieved”. This requirement is opposed for two reasons: (1) The relationship between rules is not necessarily straightforward in that the rule which applies when compliance is not achieved with a particular rule, will vary subject to the reason for the non-compliance. For example, the council’s rule 4.2.9.1 regulates the construction and use of culverts in waterways. There are various reasons why a particular culvert proposal may not comply. If the catchment size is above 100 ha, then it will default to controlled activity rule 4.2.9.3. If the culvert does not provide fish passage then it will default to discretionary activity rule 4.2.4.2. If the culvert relates to a waterway that is identified as a Significant Geothermal feature, then the activity will default to discretionary activity rule 7.6.6.3 which has a specific set of assessment criteria. (2) Where the status is controlled or restricted discretionary activity, it requires specification of the matters over which control/discretion is reserved, and other details such as any notification provisions that apply. These information requirements can be extensive – for example, the matters of control for some rules in the Waikato Regional Plan run to the best part of a full A4 page.	Delete the requirement “Activity status when compliance not achieved” and replace with “Where compliance not achieved, the relevant rule is... or... or...” OR Remove the requirement for regional rules to use this table where it is inefficient or confusing, and allow the use of free text.

Standard	Issue	Submission Point	Relief sought
		These details (which every rule is required to include) will result in duplication of text, that can be replaced with a cross-reference to the relevant rule.	
CM-1: Definitions		Some terms that are defined in the Resource Management Act 1991 are also defined in the standards. This may be unnecessary duplication.	Delete definitions for terms which are defined in the RMA and replace with a general standard to the effect that any word used in the Plan which has an RMA definition, shall be subject to that definition.
Definition of "drain"		The definition is given as: "means any artificial watercourse, open or piped, that is designed and constructed, or used, for the purpose of the drainage of surface or subsurface water". This definition also links to the RMA definition of "river" which explicitly excludes an "artificial watercourse, including...farm drainage canal" but includes a "modified watercourse". The council has two main concerns regarding this definition: • Is a "drain" the same as a "farm drainage canal"? If it is, then it is recommended that the terminology be aligned. (If it isn't, then the difference between the two is unclear). • The definition does not address ambiguity concerning the current definition of "river" and the associated meanings of "artificial" and "modified" watercourse (neither of which are defined). The council has attempted to differentiate the two through its Regional Plan, by defining "artificial watercourse" as one which has no natural headwaters essentially. This enables a distinction to be made between a river that has been channelised or diverted for some of its length (a "modified watercourse") and a true farm drain which is entirely constructed and is not connected to any natural streams/waterways further upstream.	Align the definition with the existing RMA definition of "river". And Include in the definition a reference to drains having no natural headwaters.
Definition of "Industrial activity"		The definition is limited in scope, also with misalignment between the definitions of "industrial activity", "industrial or trade premises" (in the RMA) and "rural industry."	Align the definitions of "industrial activity" and "rural industry" and ensure they are both consistent with the RMA definition of "industrial or trade premises".

Standard	Issue	Submission Point	Relief sought
		For example, “industrial activity” does not include storage, transfer, treatment or disposal of waste materials (part of the RMA definition of industrial or trade premises). Furthermore, the definition in the standards of “rural industry” implies that this is a subset of “industrial activity”, however, the activities that comprise rural industry – primary production and aquaculture – are outside of the definition of “industrial activity”.	
Consequential amendments	Clarification of scope	There is a requirement to amend plans to fit the framework of the standards within a set timeframe, and to do so without any undue delay or Schedule 1 process. However, as many existing provisions may not cleanly transfer to the framework proposed by the standard, and will require consequential amendments, there is a risk that the intent or meaning of provisions may change. This creates uncertainties around costs and timeframes for implementing the standard, and also increases risk for legal challenge. Council supports the proposal to provide guidance on the scope of these consequential amendments required by implementing the standards, and whether a Schedule 1 process is required to be undertaken or not allowed. However, this guidance needs to be provided to councils prior to gazettal of the standards so that the implications can be determined for feedback.	Provide guidance on consequential amendments prior to the standards taking effect so that the effect of these can be determined, and incorporated into timeframes and budgets for planning processes.

Your submission to Draft first set of National Planning Standards

Donald Sangster, Planning Director MNZPI, **Thames Environmental Consultancy (Donald Sangster)**



Reference no: 25

Clause

Overarching comment

Notes

In my opinion these definitions should become mandatory on all Councils on the date that the Standard comes into force, not up to 7 years later, by which time the RMA would be 34 years old. Having nationwide definition standards is necessary now not gradually. To let these come into force gradually will tend to thwart the reasoning behind the standards. I agree that Plan structure and methods outlined in other parts of the proposed Standard could come in as Plans are renotified, however it seems simple to require by statute that Councils introduce these definitions in place of those they have. There will still be other definitions peculiar to each Plan that are not affected by the National changes.

Clause

Individual definition

Notes

Accessory Building: I support this proposed definition Gross Floor Area: The wording does not make it clear whether stairwells, service shafts and the like would be regarded as just one "area" for all levels, or counted multiply for each level. Clarification is needed. Land disturbance and Earthworks: It is unclear why there needs to be two definitions. I note that earthworks is proposed to only apply if the finished level is different to the pre-works level. Maybe this is important but it needs further clarification in my opinion. Site: b) What does the work "administered" mean in this definition? Does it refer to the case of amalgamated titles, or other situations as well. These need to be clarified. Visitor Accommodation: Please clarify that this includes temporary spaces such as camping.

Clause

Additional definitions

Notes

Indigenous vegetation: It is my view that national definitions are needed for. Clearance of indigenous vegetation: It is my view that national definitions are needed for. These definitions need to include specifications for groups of trees, single specimen trees, including minimum definitions of height, girth and other parameters that define vegetation by age or context. The risk of a broad definition is that saplings in private gardens could be regarded as vegetation. The significance of the vegetation must be clear. At present there is a plethora of definitions and application of those definitions.



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

Email – planningstandards@mfe.govt.nz

To Whom it may concern,

RE: SUBMISSION ON PLANNING STANDARDS

Thank you for providing us with an opportunity to comment on the draft national planning standards.

We notified our decisions version of our District Plan on the 1 May 2018 and therefore meet the criteria for an extended seven-year implementation timeframe. As such we would be grateful if you could confirm that the seven-year timeframe will apply to us.

We do not intend to respond to all the questions just the ones we feel are most relevant to our District and are most likely to affect our residents.

By way of background Opotiki District Council on average processes less than 40 resource consent applications per annum and much of our District is in rural area with limited, albeit improving, internet connectivity. The number of homes within the District that have a computer or internet connectivity is significantly below the national average.

Q10: Is 'Level 5' of the Electronic Accessibility and Functionality Scale an appropriate standard for council ePlans? Should it be more or less ambitious? What would you include/exclude?

The cost, although unknown at this stage, to the Council of obtaining 'Level 5' of the Electronic Accessibility and Functionality Scale is going to place a heavy burden on our ratepayers. It is to be noted here that Council spending of \$100,000 is the equivalent of a 1% rate increase or a significant increase in the individual costs of resource consents (equates to \$2222 per resource consent). For that reasons, we suggest that a less ambitious objective for a Council our size processing a small number of applications would be appropriate.

The aim of the standards is to improve the customer experience making it easier for them to interact and understand plans. We feel that the service we currently provide achieves this aim with customers having direct access to a planner. During the last financial year we received 445 email and phone enquiries and we were able to respond to the majority of them within 1-2 working days and all of them within our 5 working day target. Given our small size we relate and interact with our customers on more personal level than perhaps some of the larger Councils are able to. So whilst 'Level 5' may have obvious benefits to a larger Council with greater numbers of residents, we do not feel that we would receive the same level of benefits. Any benefits we experienced would certainly not outweigh the costs to our ratepayers.

We are currently operating at 'Level 1' and are moving towards achieving 'Level 2' as we feel this is an appropriate level for the way we operate and how our community interacts with us. We suggest that flexibility is incorporated within the planning standards to recognise the uniqueness and difference of each community.

Q11: For Councils: what type of support would be useful to help you implement the ePlan standard?

A significant amount of IT support both in terms of implementation and ongoing maintenance of the system. In order to achieve this we would require both a significant upfront and ongoing financial commitment.

If I can be of any further assistance then please do not hesitate to contact me.

Kind regards,

A handwritten signature in blue ink, appearing to read 'Gerard McCormack', with a stylized flourish at the end.

Gerard McCormack
PLANNING AND REGULATORY GROUP MANAGER



13 August 2018

Planning Standards Team

Ministry for the Environment

Via Email: (PlanningStandards@mfe.govt.nz)

SUBMISSION BY POWERCO LIMITED ON DRAFT FIRST SET OF NATIONAL PLANNING STANDARDS

Kia ora

Thank you for the opportunity to provide a submission on the draft first set of National Planning Standards. These comments are provided on behalf of Powerco Ltd (**Powerco**), and we appreciate the opportunity for feedback.

Powerco is New Zealand's largest electricity and second largest gas distributor in terms of network length and has been involved in energy distribution in New Zealand for more than a century. The Powerco network spreads across the upper and lower central North Island servicing over 400,000 consumers. This represents 46% of the gas connections and 16% of the electricity connections in New Zealand.

Powerco regularly submits on and interacts with planning documents, as they directly impact on the operation, maintenance and upgrade of Powerco's vast network of distribution infrastructure. Powerco recognises the value of promoting greater consistency across plans and policy statements prepared under the Resource Management Act and supports the development of the National Planning Standards. Powerco has been involved, as an infrastructure provider, with the development of model provisions of utilities to inform the development of a future National Planning Standard for Network Utilities.

This submission relates to the following parts of the draft first set of National Planning Standards:

- Structure standards (S-RPS, S-RP, S-DP, S-CP)
- Definitions standard (CM-1)
- Future content for standards – utilities provisions
- Guidance on implementation of the first set of planning standards

1. Structure standards (S-RPS, S-RP, S-DP, S-CP)

a. Infrastructure and energy chapters

Powerco supports the requirement in regional policy statements (S-RPS), regional plans (S-RP) and combined plans (S-CP) to include an 'Infrastructure and energy' chapter if these matters are

addressed in a plan or policy statement, and the requirement to include an 'Infrastructure and energy' chapter in district plans (S-DP) and combined plan, if the plan includes the district plan (S-CP).

Powerco also supports the requirement for the 'Infrastructure and energy' chapter in district plans to include objectives, policies and methods including rules if any, relating to the operation, maintenance, upgrading and development of infrastructure (unless provided in a special purpose zone, requirement or designation), as per provision S-IE of the draft first set of National Planning Standards.

b. Hierarchy of utilities provisions

The structure standards set out the parts, chapters or sections for plans, however there is no guidance on where rules relating to network utilities are to be included and the hierarchy of rules with regard to network utilities.

For example, the draft plan structure standards seek to set a common framework for plan provisions that all plans must use. The draft District Plan Structure Standard (Table 5) requires that District Plans include an 'Infrastructure and Energy' chapter, under Part 4 - District-Wide Matters. This chapter may include objectives, policies and rules relating to the operation, maintenance, upgrading and development of infrastructure. It is not clear what the relationship is between the provision of the 'Infrastructure and Energy' chapter, and the:

- General district-wide matters chapter (Part 4 - District-Wide Matters),
- And the Chapters in Part 5 – Area Specific Matters (including zones, precincts, special purpose zones and development areas chapters).

Powerco recognises that there is variance in the way that plans provide for network utilities (in terms of exemptions and which rules prevail) and that it may not be appropriate to include this level of detail (i.e.a rule hierarchy) in the standards. However, some guidance on this issue would be of value. Powerco acknowledge that in some instances, specific exceptions will be required within certain rules, but all plans need to clearly identify when the Network Utilities rules take precedence over other chapter rules for plans to be accurately interpreted.

Relief sought:

Addition of a requirement to specify in each chapter and/or section the relationship of the rules in each chapter and/or section with other rules of the Plan.

Provision of guidance on the best practice approach on how to structure plan content including provisions for Network Utilities.

2. Definitions standard (CM-1)

Powerco supports a number of the definitions that relate to infrastructure as proposed in the draft Standards and reiterates the value of providing infrastructure-specific definitions, in achieving more efficient and effective consistent processes.

In making this submission, Powerco acknowledges the approach that the Ministry for the Environment (MfE) has taken in drafting the definitions, whereby they do not act as defacto rules (generally avoid specifying specific exclusions) coupled with being able to nest subset definitions, leaves scope for significant variability in how utilities are provided for (and which definitions they fall under) across plans.

Powerco also understands that:

- definitions included in existing national direction instruments have not been included in the definitions proposed in the planning standards, as these are specific to the purpose of the particular NPS or NES; and
- during the development of the standards it was decided to remove many infrastructure-specific definitions to avoid any conflict with the provisions being developed with the Infrastructure Working Group for possible inclusion in a future planning standard, which is still under development. Powerco supports this approach.

Taking into consideration this context, Powerco seek amendment to the definitions for Building, Earthworks and Functional Need, and seek the inclusion of a definition for Lifeline utilities.

The specific definitions submitted on, the rationale for Powerco's submission on each of these matters and the relief sought is contained in **Schedule 1**.

Relief sought: refer to **Schedule 1**.

3. Future content for standards – utilities provisions

Powerco supports the Ministry for the Environment (MfE) continuing to support and work alongside infrastructure providers to develop model infrastructure provisions for inclusion in a future planning standard for network utilities. This support promotes collaboration across industries and promotes engagement between MfE and network utility providers.

The adoption of a National Planning Standard for Network Utilities would have significant benefit for Powerco, other utility providers and other plan users, by providing a consistent best-practice approach to the planning, installation, operation, maintenance and upgrade of network utilities that reduces unnecessary variance and makes resource management processes more cost-efficient, certain and consistent.

4. Guidance on national planning standards

Powerco supports the development of guidance to support the implementation of the first set of National Planning Standards. As noted above in Point 1, Powerco have highlighted the value of best practice guidance on the approach to network utility activities within the planning standards framework. To aid consistent implementation, it is requested that this guidance is provided when the National Planning Standards are gazetted.

As such a document would provide guidance on implementation of the planning standards, Powerco considers it is appropriate that the opportunity to comment on the draft document is made available to Powerco and the wider public.

We understand that there is no opportunity to be heard in relation to this submission however Powerco would be pleased to discuss any of the matters raised. If you have any queries or require additional information, please do not hesitate to contact Rebecca Dearden [REDACTED]

Kind Regards

A handwritten signature in blue ink, appearing to read 'Rebecca Dearden', with a stylized, cursive script.

Rebecca Dearden

Environmental and Sustainability Manager

Submission 1 – Relief sought on specific definitions

SCHEDULE 1 –

CM1 – Draft Definitions standard

D. Provisions (Table 29: Definitions Table)

Specific provision that this submission relates to	Relief Sought	Requested decision (additions <u>underlined</u> and deletions are shown with a ~~strikethrough~~)	Reasons
Abrasive blasting <i>means the cleaning, smoothing, roughening, cutting or removal of part of the surface of any article by the use, as an abrasive, of a jet of sand, metal, shot or grit or other material propelled by a blast of compressed air or steam or water or by a wheel</i> And by association: Dry abrasive blasting <i>means abrasive blasting using materials to which no water has been added</i> Wet abrasive blasting <i>means abrasive blasting to which water has been added</i>	Support.	No change sought.	Powerco undertakes dry abrasive blasting as part of infrastructure maintenance. These definitions provide consistency.
Ancillary activity <i>Means an activity that either provides support to, or is incidental to and subsidiary to, the primary activity on the same site</i>	Support.	No change sought.	Powerco undertakes ancillary works associated with operating their infrastructure. This definition provides consistency.
Bore <i>(a) means any hole constructed into the ground that is used to—</i> <i>(i) investigate or monitor conditions below the ground surface; or</i>	Support.	No change sought.	Powerco at times undertakes investigate works to support their operations. This definition provides consistency.

Specific provision that this submission relates to	Relief Sought	Requested decision (additions <u>underlined</u> and deletions are shown with a ~~strikethrough~~)	Reasons
(ii) <i>abstract liquid substances from the ground; or</i> (iii) <i>discharge liquid substances into the ground; but</i> (b) <i>it does not include test pits and soak holes</i>			
Building <i>means any structure, whether temporary or permanent, moveable or fixed, that is enclosed, with 2 or more walls and a roof, or any structure that is similarly enclosed</i> And by association: Accessory Building <i>means a detached building, the use of which is ancillary to the use of the principal building, buildings or activity on the same site, but does not include any minor residential unit</i>	Clarification about how the building definition applies to infrastructure. For example, it is unclear whether network utility cabinets would be captured by this definition.		While Powerco appreciates the drafting approach generally does not provide for exemptions to avoid defacto rules, clarification on how the building definition applies to infrastructure is required.
Earthworks <i>means any land disturbance that changes the existing ground contour or ground level</i> And by association: Land disturbance <i>means the alteration to land, including by moving, cutting, placing, filling or excavation of soil, cleanfill, earth or substrate land</i>	Oppose as currently drafted. Powerco seeks amendments to clarify that earthworks captures a permanent change to ground level only.	Earthworks means any land disturbance that <u>permanently</u> changes the existing ground contour or ground level.	The amendment sought will clarify that ground level change in the context of the earthwork definition is considered on completion of the activity, rather not temporary change during the work.

Specific provision that this submission relates to	Relief Sought	Requested decision (additions <u>underlined</u> and deletions are shown with a ~~strikethrough~~)	Reasons
Functional need <i>means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment</i>	Oppose as currently drafted. Powerco seeks amendments, or addition of a new definition.	Functional need means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment <u>or because there is a technical, logistical or operational characteristic or constraint.</u> Or the addition of new definition - <u>Operational need</u> <u>Means the need for an activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.</u>	A definition for the functional need is required to acknowledge that network utilities will need to locate within particular environments due to functional requirements or constraints. However, there are also other considerations that may require infrastructure to locate in a particular environment, including operational need which differs from functional need. For example, needing to service development located in that area. An amendment to the definition for functional need or a new definition for operational need is required to acknowledge this.
Ground level <i>means— (a) the actual finished surface level of the ground after the most recent subdivision that created at least one additional allotment was completed (at the issue of the section 224c Certificate or the previous legislative equivalent), but excludes any excavation or filling associated with the construction or alteration of a building:</i>	Support.	No change sought.	Relates to the definition of Earthworks and is required for consistent application of rules.

Specific provision that this submission relates to	Relief Sought	Requested decision (additions <u>underlined</u> and deletions are shown with a ~~strikethrough~~)	Reasons
<i>(b) if the ground level cannot be identified under paragraph (a), the existing surface level of the ground, excluding areas of cut or fill associated with the construction or alteration of a building:</i> <i>(c) if, in any case under paragraph (a) or (b), a retaining wall or retaining structure is located on the boundary, the level</i>			
Height [in relation to a district plan] <i>means the vertical distance between ground level at any point and the highest part of the structure immediately above that point</i>	Support.	No change sought.	This definition provides for consistency across plans and is a clear unambiguous definition.
Height [in relation to a regional plan or regional policy statement or a combined plan that includes a regional plan or regional policy statement] <i>means is 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</i>	Support.	No change sought.	This definition provides for consistency across plans and is a clear unambiguous definition
Infrastructure <i>has the same meaning as in section 2 of the RMA</i>	Support.	No change sought.	This definition provides consistency for plan users, and provides consistency with the RMA.

Specific provision that this submission relates to	Relief Sought	Requested decision (additions <u>underlined</u> and deletions are shown with a ~~strikethrough~~)	Reasons
Network utility operator has the same meaning as in s166 of the RMA	Support.	No change sought.	This definition provides consistency for plan users, and provides consistency with the RMA.
Reverse sensitivity <i>means the potential for the operation of an existing lawfully established activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an existing activity</i>	Support.	No change sought.	Defines a concept common to all plans.
N/A – new definition sought	New definition for 'Lifeline utilities'	<u>Lifeline utilities</u> Means the utilities as defined in the <u>Civil Defence and Emergency Act 2002</u> , and their associated <u>infrastructure and services</u>	Being clear about which network utilities are lifelines provides consistency across plans. Powerco, as a distributor of energy through a network operates and maintains assets across the North Island that are essential for the functioning of society and economy.

Ko te tāpaetanga o te Kaunihera o Tāmaki Makaurau

Auckland Council Submission

Title: Auckland Council Submission on Draft National Planning Standards

Submission to the Ministry for the Environment

17 August 2018

1. Introduction

- 1.1. Auckland Council welcomes this opportunity to provide feedback on the Ministry for the Environment's proposed draft National Planning Standards (the Standards).
- 1.2. This submission has been endorsed by the council's Planning Committee, which is a committee of the whole, on 7 August 2018.
- 1.3. Auckland Council welcomes the opportunity for further discussion with the Ministry for the Environment on points raised in this submission,
- 1.4. The main contact for queries on this submission is Phill Reid, Manager Planning - Aucklandwide, Plans and Places Department, Auckland Council.
- 1.5. This submission is in three sections. The first section discusses the significant impacts the Standards have on the Auckland Unitary Plan (the Unitary Plan) as well as the implementation issues facing Auckland Council. The second section contains detailed submission points on individual Standards (Appendix 1) and the third section details submission points on the defined terms (Appendix 2).

2. General comments on the National Planning Standards and the Auckland Unitary Plan

- 2.1. The Unitary Plan is a particularly complex planning document with an integrated regional policy statement, regional coastal plan, regional plan and district plan provisions. This is the first plan in New Zealand that integrates all the plans required for a unitary council, under the Resource Management Act 1991 (the Act), and therefore truly represents a combined plan.
- 2.2. Auckland Council does not disagree with the intent and objectives of the Standards as set out in the Regulatory Impact Statement for these Standards. However, the incorporation of some of these Standards into the Unitary Plan will have an outcome that is contrary to these objectives.
- 2.3. Subsequent sections of this submission will identify the specific issues of the Standards and how these will impact on the Unitary Plan. This submission focuses

on how the Standards, in its current form, limit the Unitary Plan's ability to meet its planning outcomes and effectiveness as a planning document.

- 2.4. Council recommends that the Standards address the requirements of complex fully combined plans. To proceed with the Standards, in their current state will result in compromises and a non-user friendly planning document in Auckland. This is because the Standards are aimed at a middle sized medium complexity plan.

3. Significant Impacts on the Auckland Unitary Plan

- 3.1. The Standards that have a significant impact on the Unitary Plan affect the structure and content of the plan to the extent that they:

- challenge its policy direction;
- reverse agreements or decisions made in partnership with iwi or other stakeholders;
- do not reflect the outcomes currently anticipated by the Auckland community; and
- will be extremely difficult to incorporate without a significant amount of additional changes that fall outside the scope of consequential amendments.

- 3.2. The significant impacts on the Unitary Plan are:

- A reduced number of zones;
- B the lack of a specific section within the regional policy statement structure for addressing a nationally significant issue (urban growth);
- C the lack of specific sections within the regional policy statement for Mana Whenua;
- D the definitions; and
- E the coastal plan provisions.

A. Reduced number of zones

- 3.3. The Standards seek to achieve a balance between standardisation across regional, district and combined plans; while enabling territorial authorities the local variation necessary for achieving local planning outcomes.
- 3.4. However, in order to meet the requirements of some Standards, the council will have to change its policy framework, which is contrary to the intention of the Standards.

- 3.5. The Standard's zoning framework set out in S-ASM challenges the Unitary Plan's policy direction established in the regional policy statement right through to the district plan. Primarily, S-ASM does not provide sufficient choice for the complexity of zones that exists in the Unitary Plan. The number of rural, residential, business and coastal zones that will be lost will require the council to re-visit its policy framework that underlies these zones. This, we believe, is not the intent of the Standards.
- 3.6. A significant amount of work was undertaken in harmonising the legacy zone framework of the former territorial authorities in Auckland. Auckland Council's preference is to continue to build upon the work that has already been completed through the Unitary Plan process, rather than re-litigating issues that came up through the development of the residential zone framework.
- 3.7. The names of the zones in the Standard present another issue for Auckland. This Standard proposes to name the residential zones based on the density provided for in the zones. This does not make sense in the Auckland context where three of the residential zones in the Unitary Plan have no density limit. Instead the zones are names in accordance with the housing typology provided for. Not only does this Standard remove the nuances in the residential zones, but the titles are a misnomer to the purpose and intent of the zone. Zone titles based on density could well perpetuate the ongoing use of density unnecessarily within plans.
- 3.8. Any change to the Unitary Plan that undermines the zoning framework has significant ramifications within the Auckland context. While, a precinct or a special purpose zone is a solution anticipated by the Standard these options will not work for the Unitary Plan. The use of precincts to differentiate character or development potential that is currently differentiated through zones does not accord with the role of a precinct which was debated through the Unitary Plan hearings process. When a precinct changes most of the provisions in an underlying zone then it is questionable that it should be a precinct.
- 3.9. It is clear that the Standards favour the use of precincts as opposed to a special purpose zone. However, additional precincts will act against the purpose of the Standards in achieving greater consistency and usability of plans. Particularly if multiple precincts apply to a single site.
- 3.10. Including additional zones as a special purpose zone will also not be a viable option as the location of these additional zones are disconnected from the grouping of like zones. This will also be very confusing to the users of the plan.

B. The lack of specific section within the Part 3 - RPS structure for addressing a nationally significant issue (urban growth)

- 3.11. In the Part 3 - RPS structure set out in the Draft Combined Plan Structure Standard (S-CP) there is a mandatory section for 'Infrastructure and energy' but no section relating to urban growth. All councils are required to meet the requirements of the National Policy Statement on Urban Development Capacity 2016 and establish a policy framework within their policy statements and plans to address the matters in this particular national policy statement.

- 3.12. By not acknowledging the mandatory requirements for policy statements and plans, the Standards fail to be integrated with other national directions. This will result in councils taking an inconsistent approach in locating as well as naming policy sections required for addressing the national policy statement.
- 3.13. Urban growth is a significant issue for the Auckland region and to locate this topic, as a special topic, at the end of the regional policy statement or buried within the 'land' section (as implied by the Standard) does not reflect the status central government, as well as the council, have given this issue.

C. The lack of specific sections within the regional policy statement for Mana Whenua

- 3.14. The Standards prescribe the mandatory order and headings for Tangata Whenua in Part 2 but fail to provide a specific section for Tangata Whenua in Part 3 – RPS structure. This is a significant gap.
- 3.15. To meet the requirements of s62(b) of the Act a mandatory section for Tangata Whenua needs to be included in Part 3 – RPS that identifies, as well as addresses, the issues of significance to Tangata Whenua.
- 3.16. It is clear from the guidance provided with the Standards that it is intended for Tangata Whenua specific resource-related provisions to be integrated in the relevant theme based chapters of the regional policy statement and regional and district plans.
- 3.17. Auckland Council supports the integration of tangata whenua specific resource-related provisions throughout the regional policy statement and the plan. This is consistent with the Unitary Plan. However, when the Unitary Plan was developed in consultation with iwi it was very clear that the Mana Whenua of Auckland should also have a specific chapter in the regional policy statement to provide the strategic policy framework for its issues of significance.
- 3.18. The Standard enables a chapter for tangata whenua to be included as a special topic at the end of the regional policy statement. However this fails to acknowledge the statutory requirement that every council has, as well as the significance of this section for the Auckland region.

D. Definitions

- 3.19. The Definitions Standard provides mandatory definitions for 109 terms. This Standard is different to the other standards as it specifies content for the plan.
- 3.20. In principle, Auckland Council is supportive of the approach taken to standardise and provide a definition for a number of terms outlined in this Standard. The standardisation provides greater certainty around the meaning of these terms and reduces the number of variations and inconsistencies seen across resource management plans around the country.
- 3.21. However, the standardisation of some of these terms will have a significant impact on

the Unitary Plan. While it is noted that generally all standards are not to determine policy matters, this Standard will impact on the policy approach, use and implementation of such terms in the Unitary Plan. This impact will require council to review and re-write parts of the Unitary Plan to ensure any policy approach and rules created are consistent with the terms defined in this Standard.

- 3.22. Council is concerned that the amount of re-writing content will fall outside of the scope of a consequential amendment and therefore require council to undertake a schedule 1 process.

E. The Coastal Plan Provisions

- 3.23. The Standard on the Combined Plan Structure (S-CP), is not clear where the regional coastal plan is to sit if a combined plan includes regional plan, regional coastal plan and district plan.
- 3.24. This Standard states that “if the combined plan includes a regional plan, regional plan provisions may be integrated with the implementation of the General District Wide Matters Standard (S-DWM)”. Implying that the regional coastal plan would sit within the ‘coastal environment’ section which sits within the ‘natural environment values’ chapter. This would in effect ‘bury’ the regional coastal plan four levels into the plan.
- 3.25. Furthermore, it is unclear whether all the provisions for the coastal environment can indeed sit together as the Draft District Wide Matters Standard (S-DWM), the ‘natural environment values chapter – coastal environment’ section, seems relevant for only some regional coastal plan matters.
- 3.26. Multiple parts of the Unitary Plan will need to be re-organised and re-written resulting in a loss on integration. Furthermore, it is unclear whether the Standards enables the use of precincts, as a spatial planning tool, to apply both over the land and the coastal marine area. If not, then this will reduce integration with the district plan provisions for the adjacent land.

4. Consequential amendments

- 4.1. Section 58I of the Act enables consequential amendments to be made to the plan that are necessary to avoid duplication or conflict with the amendments required to give effect to any mandatory or discretionary direction. These consequential amendments must be made without using a schedule 1 process.
- 4.2. Consequential amendments that go beyond the scope of ‘duplication or conflict’ will need to use a schedule 1 process.
- 4.3. There are a number of Standards that will not be able to be incorporated into the Unitary Plan without substantial rework of content. Council does not believe that this required rework will fit within the scope of consequential amendments. Thus, requiring council to undertake extensive consultation with the public.
- 4.4. The Standards requiring this rework are the proposed zoning framework, definitions and fitting the coastal plan provisions into the proposed combined plan structure.

5. Implementation of the Standards

- 5.1. The majority of the Standards require Auckland Council to amend its Unitary Plan within seven years from gazettal of the Standards. This timeframe has been extended, from five years, to broadly align with the ten year review of the Unitary Plan. However, providing council with an extended timeframe has not resolved the issues that council faces.
- 5.2. Auckland has just completed a significant plan review that involved extensive public involvement as well as a majority of the resource management profession. A significant amount of public money was committed. Council had yet to decide whether a rolling review or a full plan review was its best option to meet its obligations under section 79 of the Act.
- 5.3. The Standards in their current form not only forces council into a full plan review, but will also require council to start the full plan review three or four years earlier than required. This, we do not believe is what the Auckland community would support.
- 5.4. It is also questionable whether this is in the national interest given that this would reduce the capacity of Auckland to undertake other necessary planning work during this time. Specifically at risk would be the incorporation of the Hauraki Gulf Island district plan provisions into the Unitary Plan, the implementation of the national policy statement and national environmental standards programme and plan changes needed to provide for growth across greenfield and brownfield locations.

6. Conclusion

- 6.1. Auckland Council's submission outlines a number of areas where the Standards, as currently drafted, will have significant impact on the Unitary Plan. Council requests that the Standards are amended, as indicated in this submission, to enable council to incorporate these standards without having to review the Unitary Plan's policy framework or to notify a plan change for the consequential amendments that are out of scope.
- 6.2. In addition, Auckland Council requests that it be given ten years to implement the Standards.
- 6.3. Council also requests that the Ministry for the Environment provide extensive communication support to explain to the public the intent and content of the Standards.

Draft National Planning Standards

Submission Appendices

Auckland Council's submission on the draft National Planning Standards contains two supporting appendices. Appendix one contains detailed submission worksheets on specific draft National Planning Standards (the 'Standard/s'). Appendix two contains detailed points on the proposed definition Standard (CM-1). The content page below will assist navigation of these appendices. The glossary attached below summarises commonly used terms and abbreviations in these worksheets.

Appendix 1: submission worksheets on specific standards	
Draft Introduction and General Provisions Standards (S-IGP)	2
Draft Tangata Whenua Structure Standard (S-TW)	5
Draft Combined Plan Regional Policy Statement Structure (Part 3 of S-CP)	7
Coastal Environment (Draft Natural Environmental Values Standard (S-NEV))	11
Draft Combined Plan Structure (S-CP)	16
Draft Area Specific Matters Standard: Zone Chapters (S-ASM)	18
Draft Area Specific Matters Standard: Precincts and Development Areas Chapters (S-ASM)	30
Draft Schedules, Appendices and Maps Standard (S-SAM)	40
Draft Electronic Accessibility and Functionality Standard (F-1)	44
Draft Mapping Standard (F-2)	45
Draft Chapter Form Standard (F-5)	50
Draft Status of Rules and Other Text and Numbering Form Standard (F-6)	53
Draft Definitions Standard (CM-1)	57
Appendix 2: submission points on definition terms (CM-1)	68

Glossary:

Term/ Abbreviation.	Detail
Unitary Plan	Auckland Unitary Plan (Operative in Part)
Panel	Independent Hearings Panel
Standard/s	Draft National Planning Standard/s. <i>*Individual Standards are abbreviated as such in the worksheets</i>
the Act	Resource Management Act 1991.

Draft National Planning Standards Submission Appendix 1

Draft Introduction and General Provisions Standard (S-IGP) Part 1

Relevant Planning Standard

This section contains detailed submission points on the Draft Introduction and General Provisions Standard (S-IGP), which includes the 'Introduction chapter' (S-INTRO), the 'How the Plan Works chapter' (S-HPW), the 'Interpretation chapter' (S-INTER) and the 'National Direction Instrument chapter' (S-NDI).

Summary of submission

Auckland Council has a number of submission points on the Draft Introduction and General Provisions Standard (S-IGP):

- Tables 7, 8 and 9 should be combined into one table and should be able to be located on council's website;
- Amend the column in Tables 7, 8 and 9 "Date of update approval" to "Date the plan was updated";
- Include a chapter in the combined plan structure for General Rules before Part 4;
- Relocate the interpretation material such as definitions to the back of the plan;
- Amend the detailed requirements of 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.

Issues

Much of the content required in this Standard is already contained in various parts of the Unitary Plan or the council's website, and as such compliance with this draft Standard would involve shifting current chapters around to match these requirements.

Incorporation of administrative information in the front sections of the plan

This draft Standard moves administrative information to the front sections of a plan. It states that if a plan contains administrative information, such as information on plan updates, it should be located in the introduction. The Unitary Plan does not contain administrative information, by design. Instead the front sections focus on topics to help users understand how to use the plan.

As part of the development of the Unitary Plan, the Independent Hearings Panel (the Panel) considered the extent of background and administration information that should be located

within the plan. The Panel found¹ that it was more appropriate to locate most background and administration information outside of the plan because:

- the sheer length of the plan is daunting to many plan users and therefore reducing the physical size or the on-screen length of the plan is generally desirable; and
- keeping administration, background and user information in separate documents outside the plan, enables this information to be kept up to date without going through a plan change process and it can be presented in more accessible formats; and
- The material duplicates the same or similar material which the council already produces as part of the Auckland Plan and the Long term plan.

As such, the Unitary Plan update records (as contained in Table 7, 8 and 9) are located on the council's website. The reason for this is to limit the administrative information that is in the Unitary Plan. Also, it is easier for plan users to locate this information and cross reference alongside the actual plan modifications.

Auckland Council combines all types of plan updates into a single table format, and this approach is preferred. Instead of updating information across three tables; Table 7, 8 and 9, these tables should be combined to avoid duplication across the tables, and reduce the likelihood of potential errors.

It is also recommended that the "Date of update approval" column in the tables, should be the "Date the plan was updated" as this is what the plan user needs to know, instead of the date the plan update was approved. On council's website a link to the memo that records the "Date of update approval" is provided in the plan update table.

Similarly, interpretation material, such as definitions should be shifted to the back of the plan, to minimise adding bulk to the beginning of the plan. In an e-Plan format, definitions will all be hyperlinked and therefore it is unnecessary to locate this lengthy section at the beginning of a plan.

Adding unnecessary bulk to the front of the plan is contrary to the Standard's intent of improving usability.

How the Plan Works includes 'General Rules' section

The draft S-HPW sets out that Statutory Content and General Approach of the plan must be included in the 'How the Plan Works' section in the Introduction.

The layout of general matters and introductory material was considered by the Panel through the development of the Unitary Plan. The Panel found that it was appropriate to include separate sections for the introduction and general rules as these sections serve very different functions.

The purpose of an introduction of a complex document is to set out information about how to use that document². The general rules however set out a common approach on matters that can arise with any application for any activity, such as determining activity status, activities

¹ Auckland Unitary Plan Independent Hearings Panel Report to Auckland Council – Hearing Topic 003 Chapter A Introduction

² Auckland Unitary Plan Independent Hearings Panel Report to Auckland Council – Hearing Topic 004 General rules

not provided for, notification etc. Having general rules provides a consistent framework for dealing with applications while avoiding duplication and the risk of inconsistency, by not repeating standard rules throughout the plan³.

Also the Panel was concerned that the inclusion of administrative guidance with general rules, could suggest that these provisions may have the character of rules or at least a kind of advice on the meaning and effect of the rules or the procedural provisions in the Resource Management Act 1991⁴, when that was not the intent of these provisions.

The Unitary Plan, therefore, separates the introduction and general rules as these serve very different functions. The General rules are contained in Chapter C in the Unitary Plan.

Auckland Council recommends that a specific chapter for general rules is included within the combined structure standard (S-CP) and is located before Part 4.

National Directions

There is a benefit in the inclusion of a National Direction Instruments Chapter (S-NDI). This would be a useful reference for plan users and increases visibility of national direction instruments in the plan.

However, the requirement to include the detail on where these align, duplicate and conflict with provisions in the plan is too onerous, sets up interpretation issues and has little commensurate benefit. Instead, there is benefit in setting out the approach to implementing national direction, and identifying the chapters which includes rules relevant to the national instrument.

Changes sought

Auckland Council seeks the following amendments to the draft introduction and general provisions standard (S-IGP):

- Tables 7, 8 and 9 should be combined into one table and should be able to be located on council's website;
- Amend the column in Tables 7, 8 and 9 "Date of update approval" to "Date the plan was updated";
- Include a chapter in the combined plan structure for General Rules before Part 4;
- Relocate the interpretation material such as definitions to the back of the plan;
- Amend the detailed requirements of 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.

³Auckland Unitary Plan Independent Hearings Panel Report to Auckland Council – Hearing Topic 004 General rules

⁴ Auckland Unitary Plan Independent Hearings Panel Report to Auckland Council – Hearing Topic 004 General rules

Draft Tangata Whenua Structure Standard (S-TW) Part 2

Relevant Planning Standard

This section contains detailed submission points on the draft Tangata Whenua Structure Standard (S- TW).

Summary of Submission

Auckland Council has a number of submission points on the draft Tangata Whenua Structure (S-TW):

- Enable statutory acknowledgments to be located in the appendix of the plan;
- Delete from F-5 Draft Chapter Form Standard the requirement for Part 2 Tangata Whenua to use the order of headings prescribed in F-5;
- Provide clarity on what is intended by “If the following matters are addressed in policy statements and plans...”

Issues

Re-locating information

Draft Standard S-TW locates a significant amount of process and background type of information in the front sections of a combined plan. These mandatory inclusions encompass information from a broad suite of plans, agreements, processes and other legislation.

The concept of combining this information into a document which can be easily accessed by plan users is supported from an efficiency perspective. Also it is sensible to use hyperlinks within the plan to keep this content updated.

For Auckland Council incorporating this Standard would involve relocating some information currently within the schedules and appendices of the Unitary Plan. For example the Standard requires “a list and explanation of what statutory acknowledgements for the district and region are.” The Unitary Plan contains all the statutory acknowledgments for the Auckland region in Appendix 21, which is 55 pages long.

Moving this amount of information to the beginning of the document will challenge the usability of the Unitary Plan. However, leaving it in the appendix is also a problem as it currently does not meet the requirements set out in the Draft Schedules, Appendices and Maps Standard (S-SAM).

Non-statutory information made statutory

A primary concern for Auckland Council is the fluid nature of many of the mandatory provisions within S-TW and therefore any changes to these provisions will need to be updated through a Schedule 1 process. Schedule 1 plan change processes are resource intensive for the council.

Consultation with mana whenua is a dynamic process within Auckland and prescribing this in the format prescribed in the Standard may not necessarily support a flexible working relationship with Tangata Whenua. There is local variation in how consultation is undertaken between different iwi in the region and outlining consultation techniques will vary across iwi and or topics.

It is also unclear what is actually meant by “If the following matters are addressed in policy statements and plans....”(Mandatory Direction 3). Some chapters of the Unitary Plan (e.g. E.1 – Water Quality – e.g. Pol (17)(b)) make specific reference to consulting with Mana Whenua in accordance with tikanga Māori. Is this equivalent to a matter, covered in Part 2, being “addressed”? If so, then does that particular policy have to relocate to Part 2 (and suffer from dis-integration) or does the tikanga protocol relevant for each iwi need to be included in Part 2 (but then this would be new content and require a Schedule 1 process for incorporation)?

Format of Part 2

The Draft Chapter Form Standard (F-5) requires chapters within Part 2 Tangata Whenua to use the order of heading prescribed in that Standard. The draft Standard prescribes the format as: ‘Introduction, issues, objectives, policies, methods, rules, anticipated environmental results and monitoring’. However F-5 also states a local authority must consider whether these types of heading need to be provided for or are required. Thus, indicating that it could be optional to use for Part 2. This is unclear.

Changes sought

Auckland Council seeks the following amendments to S-TW:

- Enable Statutory Acknowledgments to be located in the appendix of the plan;
- Delete from F-5 Draft Chapter Form Standard the requirement for Part 2 Tangata Whenua to use the order of headings prescribed in F-5;
- Provide clarity on what is intended by “If the following matters are addressed in policy statements and plans...”

Draft Combined Plan Structure Standard (S-CP) - Part 3: Regional Policy Statement

Relevant Planning Standard

This section contains detailed submission points on Part 3 Regional Policy Statement structure as set out in the Draft Combined Plan Structure Standard (S-CP).

Summary of submission points

Auckland Council has a number of submission points on the proposed regional policy statement structure as set out in the Draft Combined Plan Structure Standard (S-CP):

- That the Standard either includes all s62 of the Act requirements into Part 3 – RPS structure or provides a standard approach to identifying those regional policy statement matters that sit in sections outside of Part 3 – RPS (i.e. tagged as regional policy statement provisions);
- That a mandatory section for Tangata Whenua be included in Part 3 – RPS structure;
- That an ‘urban growth’ section be included in Part 3 – RPS structure;
- That a reference (such as S-RPS) is included for Part 3 matters;
- That clarity is provided where all coastal environment provisions should be located;
- That a ‘rural environment’ section be included in Part 3 – RPS structure.

Issues

Meeting the section 62 of the Act requirements for an regional policy statement

Section 62 lists the contents that a regional policy statement **must state**. These include;

(b) the resource management issues of significance to iwi authorities in the region; and

(f) the principal reasons for adopting the objectives, policies, and methods of implementation set out in the statement; and

(g) the environmental results anticipated from implementation of those policies and methods; and

(h) the processes to be used to deal with issues that cross local authority boundaries, and issues between territorial authorities or between regions; and

(j) the procedures used to monitor the efficiency and effectiveness of the policies or methods contained in the statement;...

In the draft Standard a number of s62 matters (particularly those listed above) do not sit in the Part 3 – Regional Policy Statement but are located in Part 1 - Introduction and General Provisions or in Part 7 - Evaluation and Monitoring. Without any direction from the Standard

to tag these provisions as regional policy statement, the draft Standard fails to meet the requirements of s62 of the Act.

Providing specifically for iwi matters in the regional policy statement

The draft standards provide a specific section Part 2 – Tangata Whenua Structure Standard (S-TW). The guidance for this Standard states ‘the **regional policy statement** and plan structure **standards prescribe the mandatory order and heading for the tangata whenua parts** and its associated chapters’. However there is no section specifically for Tangata Whenua in Part 3 – regional policy statement. This appears to be a gap.

Whether this is a gap is confused by the Guidance also stating that outside of the matters provided for in Part 2 - Tangata Whenua ‘specific resource-related provisions should be **placed in the relevant theme based chapters** of policy statement/plans.’ This suggests that the omission of a ‘Tangata Whenua’ theme/chapter in the regional policy statement is intentional and that Tangata Whenua matters are to be addressed (i.e. integrated) throughout the other various sections such as ‘land’, water, etc. Auckland Council supports the integration of tangata whenua specific resource-related provisions throughout the regional policy statement and the Plan. This is how it is also done in the Unitary Plan.

However, when the Unitary Plan was developed in consultation with iwi it was very clear that Mana Whenua should also have a specific chapter in the regional policy statement to provide the strategic policy framework for addressing the issues of significance to Māori and to iwi authorities in the Auckland region.

To meet the requirements of s62(b) a mandatory section for Tangata Whenua needs to be included in Part 3 – regional policy statement that identifies, as well as addresses, the issues of significance to tangata whenua. This would be the equivalent of B6 Mana Whenua in the regional policy statement section of the Unitary Plan. This section provides the overarching objectives and policies for Mana Whenua in the Auckland region. It also establishes the strategic policy direction for the specific Mana Whenua provisions in the district plan. The draft Standard enables a chapter for tangata whenua to be included as a “special topic” at the bottom of the regional policy statement. However this fails to acknowledge the statutory requirement that every council has, as well as the significance of this section for the Auckland region.

Inclusion of a section for urban growth

The functions of regional and district councils under s30 and s31 of the Act include the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity of housing and business land. Regional councils are required to provide for the strategic integration of infrastructure with land use development under s30(1)(gb) of the Act.

In the draft regional policy statement structure there is a mandatory section for ‘Infrastructure and energy’ but no section relating to ‘development capacity’; the equivalent of B2 Urban growth and form in the Unitary Plan’s regional policy statement section. The objectives and

policies in B2 Urban growth and form of the Unitary Plan provide the policy direction for other sections of the Unitary Plan including Chapter G Rural – Urban boundary. This regional policy statement section also establishes the requirement for structure planning, and provides the basis for zones (future urban areas and areas where higher density is provided for).

In 2016 the National Policy Statement on Urban Development Capacity (Urban Policy Statement) came into effect. The objectives of this Urban Policy Statement apply to all local authorities (with differing policies applying depending on the level of urban growth). The Urban Policy Statement places a strong emphasis on planning across local authority boundaries and for collaboration between regional councils and territorial authorities (pg. 4 Urban Policy Statement). The requirements of the Urban Policy Statement and s30 and s31 of the Act are not reflected in the mandatory sections of the structure of the regional policy statement in the draft Standard. This is not a matter that fits with the category of being a 'Special topic' as all councils are required to address the Urban Policy Statement.

Including urban growth as a sub section in the "land" section is also not an appropriate response given that urban growth is one of main issues the Auckland region is facing.

Clarity of referencing

This draft Standard includes the reference to be used for Part 1 (S-IGP) and Part 2 (S-TW) but does not include the reference to Part 3 matters. Presumably this is (S-RPS), but this should be included in the Standard for clarity.

Location of coastal provisions

It is not clear in the draft Standard (and the guidance material) whether all provisions that relate to the coastal environment should be located in the coastal environment section. For example, should coastal natural character, coastal hazards, coastal water be located in the 'coastal environment' section or other relevant sections such as landscape, landforms and natural character.

Missing rural environment section

The draft Standard does not provide specifically for a rural environment section. Most, if not all, regional councils will need to address resource management issues in relation to rural subdivision, rural productivity and rural activities in their regional policy statement. It is therefore strange that the two options for doing this are as a special topic or as a sub-section in the "land" section. Council's will choose different approaches and therefore create inconsistencies.

Risks

Risks of not making the changes sought are:

1. The requirements of s62 of the Act relating to regional policy statement matters may not be met, as some regional policy statement provisions sit outside of Part 3 – RPS and the

directions for the standard do not identify the moved sections as regional policy statement provisions or provide instructions that these are to be tagged as regional policy statement provisions.

2. That important strategic regional policy statement provisions for Tangata Whenua and urban growth are included inconsistently in regional policy statement's and plans as they are not mandatory regional policy statement sections, even though they apply to all councils and are matters that have a significant influence on other plan provisions.

Changes sought

Auckland Council seeks the following amendments to the draft Standard for Combined Plan Structure:

- That the Standard either includes all s62 of the Act requirements into Part 3 – RPS structure or provides a standard approach to identifying those regional policy statement matters that sit in sections outside of Part 3 – RPS (i.e. tagged as regional policy statement provisions);
- That a mandatory section for Tangata Whenua be included in Part 3 – RPS structure;
- That an 'urban growth' section be included in Part 3 – RPS structure;
- That a reference (such as S-RPS) is included for Part 3 matters;
- That clarity is provided where all coastal environment provisions should be located;
- That a 'rural environment' section be included in Part 3 – RPS structure.

Draft Combined Plan Structure Standard (S-CP) -

Part 4: Coastal Environment

Relevant Planning Standard

This section contains detailed submission points on Part 4 Coastal Environment as set out in the Draft Combined Plan Structure Standard (S-CP) and the Draft Spatial Planning Tools (Regional) Standard (F-3).

Summary of submission points

Auckland Council has a number of submission points on how the coastal environment is incorporated into the combined plan structure as set out in S-CP and F-3:

- That for a combined plan (that combines a regional policy statement, coastal, regional and district plans) the coastal provisions are elevated to the chapter level in Part 4 of the combined plan structure.

And in addition, clarity is provided on:

- where in a combined plan structure do regional coastal plan provisions sit (i.e. the provisions that apply below mean high water springs);
- where coastal environment provisions (i.e. provisions that are landward from and below mean high water springs) sit within the structure specified in the Standard. The Unitary Plan has coastal environment provisions in a number of Auckland –wide chapters and in ‘Chapter F Coastal’ chapter. These provisions do not translate neatly into Part 4- Region wide matters in S-CP;
- whether the landward coastal environment components of the Outstanding Natural Landscapes, Outstanding Natural Features and Ecosystems Biodiversity need to be taken out of the topic sections (as they also apply to land outside of the coastal environment) and be included in the coastal environment section or sit in the topic section and be tagged as regional coastal plan;
- where the equivalent of the Unitary Plan’s coastal plan zones sit in within the structure specified in the Standard. The zones are area specific matters, but apart from a Port Zone (that is focused on the landward activities) no coastal zones are provided for;
- whether precincts can be used both over the land and the coastal marine area; and
- whether a combined plan can have a zone that covers both land and coastal marine area.

Issues

Regional coastal plan location in a combined plan

In the draft Standard on the Combined Plan Structure, it is not clear where the regional coastal plan sits if a combined plan includes a regional plan, a regional coastal plan and a district plan.

There appears to be three possible locations for a regional coastal plan.

1. In 'Natural Environmental Values – Coastal environment'

The Direction in Part 4 – Region wide matters states that “if the combined plan includes a regional plan, regional plan provisions may be integrated with the implementation of the General District Wide Matters Standard (S-DWM)”. This Direction implies that the regional coastal plan would sit in the ‘coastal environment’ section as part of the ‘natural environment values’ chapter. It would need to be integrated with district plan provisions for the coastal environment. However, there are many aspects of a regional coastal plan that do not sit easily under a district plan framework.

Furthermore, the ‘natural environment values chapter – coastal environment’ section, as described in the Draft District Wide Matters Standard (S-DWM), seems relevant for only some regional coastal plan matters.

2. In the ‘coastal environment’ chapter

The draft Standard also states that the ‘coastal environment’ chapter must be used if the combined plan does not include a district plan. This leaves a possibility that the chapter could be used as an option if the combined plan does include a district plan. However, it suggests that the preferred option is to include a regional coastal plan within a ‘section’ as opposed to a ‘chapter’.

3. A new chapter in Part 6 – Area specific matters

The draft Spatial Planning Tools (Regional) Standard provides for zones in a regional coastal plan. The combined plan structure does not state where the provisions for these zones would be located. Presumably they could be added to Part 6 –Area specific matters as a special purpose zone?

There is no equivalent landward coastal environment section in the Unitary Plan

Some regional councils have mapped the landward extent of the coastal environment for their regions, based on the criteria of Policy 1 of the New Zealand Coastal Policy Statement and case law. This is not the case for Auckland. The only topic where the landward extent of the coastal environment has been mapped is for outstanding or high natural character areas (determined against Policy 1 and 13 New Zealand Coastal Policy Statement and from case law). Outside of natural character areas the landward extent of the coastal environment is determined on a case by case basis. There is presently no mapped landward area to which a stand-alone ‘coastal environment’ chapter would be able to apply.

All landward coastal environment matters are incorporated within regional and district plan sections for example in Chapter E Auckland-wide - E1 Water quality and integrated management, E15 Vegetation management and biodiversity, E18 Natural character of the

coastal environment, E36 Natural hazards and flooding etc. In terms of district plan zones the landward coastal environment provisions are incorporated within zone provisions, such as Chapter H7 Open Space zones. The only zone specifically relating to the coastal environment is the Rural – Rural Coastal Zone.

The Standard (or Directions) do not provide for the equivalent to the Unitary Plan zones and precincts applying in the coastal marine area

- It is not clear if the Special Purpose Port zone provided in the Standard applies in the coastal marine area or only on land.
- It is not clear if the coastal marine area could be an additional 'Special Purpose Zone'. The Draft Area Specific Matters Standard direction 7 refers to 'proposed land use activities' so implies the additional special purpose zones are for district plans but the criteria could be met by coastal plan zones.
- The Draft Spatial Planning Tools (Regional) Standard specifies that in regional plans, a zone only applies to the coastal marine area. This, however, is not provided for within the combined plan standard. Nor is it clear if you can have multiple zones in the coastal marine area and/or zones that go over both the land and the coastal marine area.
- It is not clear whether precincts can be used both over the land and over the coastal marine area. Precincts are included in 'Table 24 District plan components of combined plans and district plan spatial planning tools' but not in 'Table 23 Regional plans, policy statement and regional components of combined plans'. However it is noted that the Mandatory Direction 4 in the draft Spatial Planning Tools (Regional) Standard enables additional spatial planning tools to be used in a regional plan "if a need is not met by the functions described in table 23." The functions of an "Area" are very broad and therefore it is questionable whether a precinct could be introduced in the coastal marine area.

Rules for the landward part of the coastal environment

The Regional Plan Structure Standard guidance document 'coastal environment' section states "It is noted that objectives and policies can relate to both the coastal marine area and coastal environment while **rules in regional plans can only relate to the coastal marine area.**" Several coastal environment plans have included rules that relate to coastal hazards. Some regional plans combine rules for discharges to the coastal marine area and freshwater. Does this note mean that such rules are no longer possible or that they must be in another section? It is also contradictory with the 'landscapes, landforms and natural character' section that states regional plans can have rules. The intent may have been to refer to 'rules' in regional coastal plans' rather than 'regional plans'.

Duplication between sections

It is very unclear what goes in the coastal environment sections for matters that overlap with other sections. For example, it is not clear if esplanade reserves and strips are in the 'coastal environment' or 'subdivision'; or whether coastal setbacks are in 'coastal environment' or zones.

The Regional Plan Structure Standard guidance document 'historic heritage' section states that "this chapter manages historic heritage including setting the direction for the protection and the management of historic heritage in the coastal marine area including sites and items." Does this mean the regional coastal plan is to be in multiple chapters?

The Standards should include clear direction regarding whether other applicable sections should be cross referenced or whether they need to be duplicated.

Complicated numbering of provisions

The numbering will be very complicated if all the coastal provisions have to be in 'Part 4 region wide – natural environmental values – coastal environment' then sections within this for subdivision, built form, natural character, public access, ecosystems, reclamation, structures, dredging, disturbance, water, taking, planting, mangrove removal, discharges, aquaculture, occupation, activities and uses; and each of them having objectives, policies and rules.

The Standards should provide direction how the numbering is meant to address topics that require multiple layers or sub sections. For the regional coastal plan provisions it would be clearer to elevate them to a chapter level.

Risks

Multiple parts of the Unitary Plan will need to be re-organised and re-written resulting in a loss on integration. All of the regional coastal plan precincts will need to be re-written as zones or controls. This will reduce integration with the district plan provisions for the adjacent land.

The coastal environment parts of the Unitary Plan regional coastal plan sections may need to be duplicated or cross referenced in the coastal environment chapter.

This work may require out of scope consequential amendments and a significant amount of re-organising content and splitting apart the integration that was achieved in the Unitary Plan.

Changes sought

Auckland Council seeks the following amendments to S-CP:

- That for a combined plan (that combines a regional policy statement, coastal, regional and district plans) the coastal provisions are elevated to the chapter level in Part 4 of the combined plan structure.

And in addition, clarity is provided on:

- where in a combined plan structure do regional coastal plan provisions sit (i.e. the provisions that apply below mean high water springs);
- where coastal environment provisions (i.e. provisions that are landward from and below mean high water springs) sit within the structure specified in the Standard. The Unitary Plan has coastal environment provisions in a number of Auckland –wide chapters and in ‘Chapter F Coastal’ chapter. These provisions do not translate neatly into Part 4- Region wide matters in S-CP;
- whether the landward coastal environment components of the Outstanding Natural Landscapes, Outstanding Natural Features and Ecosystems Biodiversity need to be taken out of the topic sections (as they also apply to land outside of the coastal environment) and be included in the coastal environment section or sit in the topic section and be tagged as regional coastal plan;
- where the equivalent of the Unitary Plan’s coastal plan zones sit in within the structure specified in the Standard. The zones are area specific matters, but apart from a Port Zone (that is focused on the landward activities) no coastal zones are provided for;
- whether precincts can be used both over the land and the coastal marine area; and
- whether a combined plan can have a zone that covers both land and coastal marine area.

Draft Combined Plan Structure Standard (S-CP) -

Relevant Planning Standard

This section contains detailed submission points on the structure as set out in the Draft Combined Plan Structure Standard (S-CP) and the Draft Spatial Planning Tools (district) Standard (F-4).

Summary of submission points

Auckland Council has a number of submission points on the structure as set out in the Draft Combined Plan Structure Standard (S-CP) and the Draft Spatial Planning Tools (district) Standard (F-4):

- Change 'Sites of significance to Māori' to 'Sites of significance to Mana Whenua'.
- Either provide an additional chapter heading for transport in Parts 3 and 4. Or alternatively change the chapter heading 'Infrastructure and Energy' to 'Infrastructure, Transport and Energy', and add three separate section headings for infrastructure, transport, and energy.

Issues

Mana Whenua

In Part 4 of the combined plan structure a section is provided 'Sites of Significance to Māori' in the community values chapter. There is a similar section in the Unitary Plan called 'Sites of Significant to Mana Whenua'. Council requests that the terminology is kept consistent with the Unitary Plan as it recognises that it is Mana Whenua that identifies these places within the region.

Council also notes that the combined plan structure as proposed in Standard S-CP enables plans to have special topics within Part 4 region wide matters. Part 4 in the Standard does not currently provide for sections equivalent to the Unitary Plan's Māori Land and Treaty Settlement Land chapters. These Unitary Plan chapters are provided as non-mapped region-wide matters, and council would like to retain this current approach.

Transport

In Part 3 and Part 4 of the combined plan structure 'transport' has been omitted from the chapter and section headings. The guidance to these standards state that transport is included within the infrastructure chapters. This, however, is not clear to a plan user.

Transport covers two aspects. The first is as a network utility and the second relates to managing the effects on transport from development including parking, turning, traffic generation etc.

Council seeks that either an additional chapter heading is added for transport in Parts 3 and 4. Or alternatively the chapter heading 'Infrastructure and Energy' is changed to 'Infrastructure, Transport and Energy', and then three separate section headings be given for infrastructure, transport, and energy.

Draft Spatial Planning Tools (District) Standard (F-4)

In this draft Standard there is a mismatch between the spatial planning tools of 'overlays' and 'specific controls' and the existing mapped controls associated with the Auckland wide rules in the Unitary Plan. For example, in the Unitary Plan's Chapter E27 Transport there are mapped controls for arterial roads, vehicle access controls, and level crossing with sightline controls. The draft Standard requires these specific controls to be located within a zone. This should be amended to allow specific controls to be located within a district wide or region wide chapter.

Without this clarification, it appears that an overlay would need to be used to identify arterial roads, vehicle access controls, and level crossings with sightline controls. The guidance identifies that overlays can apply across zones and that the associated provisions would be located within district-wide chapters. However given the limited application of these mapped controls, the use of an overlay is not really warranted and specific controls would appear to be the more appropriate tool to use for the types of mapped controls that are currently used in the Unitary Plan in association with Chapter E27 Transport.

Changes sought

Auckland Council seeks the following amendments to S-CP:

- Change 'Sites of significance to Māori' to 'Sites of significance to Mana Whenua'.
- Either provide an additional chapter heading for transport in both Parts 3 and 4. Or alternatively change the chapter heading 'Infrastructure and Energy' to 'Infrastructure, Transport and Energy', and add three separate section headings for infrastructure, transport, and energy.

Draft Area Specific Matters Standard (S-ASM) – Part 6: Zone Chapter

Relevant Planning Standard

This section contains detailed submission points on the proposed Zone framework as set out in the Draft Area Specific Matters Standard (S-ASM).

Summary of submission points

Auckland Council has a number of submission points on the proposed Zone framework set out in S-ASM:

- Expand the number of residential zones from four zones to six zones to enable continued use of the existing Unitary Plan zone framework or provide zones that align with this framework;
- Amend the names of the residential zones to reflect housing typology and not density;
- Amend the name of the “Neighbourhood Commercial” zone and the “Local Commercial” zone to “Neighbourhood Centre” and “Local Centre” respectively.
- Amend the names of zones or the grouping of zones to ensure that there is no duplication of terms;
- Add a Metropolitan Centre Zone;
- Expand the number of rural zones from four zones to six zones to enable continued use of the existing Unitary Plan zone framework or provide zone that align with this framework;
- Provide additional core zones rather than relying on precincts to differentiate character or development potential.
- Modify the test for introducing an additional special purpose zone so that it does not favour the use of precincts.
- Provide more flexibility within the structure of the proposed zone framework so that zones introduced as additional special purpose zones can sit with related zones.
- Delete guidance material that sets up expectations on the built form, levels of amenity, activities and the location of each zone, or be clear that the guidance is optional.

Issues

Expand the number of Residential Zones

This draft Standard proposes to simplify the package of residential zones and to minimise the use of zones where other planning tools such as overlays or precincts, can be used to introduce district provisions¹. The reasons for adopting this zone framework broadly align with the approach taken in the Unitary Plan. The Unitary Plan seeks to achieve the policy direction for residential development through six standard residential zones, with additional area-specific local variation provided through precincts and overlays. However S-ASM has simplified the package of residential zones to four zones. This has significant implications on

¹ National Planning Standards Initial Guidance for draft National Planning Standards F-4 Spatial planning tools (district) S-ASM Area-specific matters – zone framework pg. 5

the delivery of the strategic policy approach to intensification in the Unitary Plan. It also impacts on the significant gains achieved through the process of developing the Unitary Plan, in providing for future growth and attempts at addressing housing supply.

Correlation between the Unitary Plan Residential Zones and the draft S-ASM Residential Zones

After reviewing the purpose statements for the residential zones within S-ASM it appears that both the Residential - Large Lot zone and the Residential - Rural and Coastal Settlement zone in the Unitary Plan correlate to the Low-density zone. Likewise both the Residential - Single House zone and the Residential -Mixed Housing Suburban zone in the Unitary Plan correlate generally with the Residential zone. These four zones however, serve a very different purpose in Auckland's residential zoning framework:

Table 1: Overview of the Unitary Plan Large Lot, Rural and Coastal Settlement, Single House and Mixed Housing Suburban zones

Zone	Density	Purpose
Large lot	Density: 1 dwelling per site Minimum site size for Subdivision: 4000m ²	The Large Lot zone has been applied in selected locations that are usually on the periphery of Auckland's urban areas. The zone is generally located in areas with limited or no access to a reticulated wastewater network, or areas where physical limitations apply such as ground conditions or natural hazards. The zone generally forms a transition between rural land and urban land. It is designed to maintain a spacious landscape character or landscape qualities by providing for a low density character of development separated by open space and landscaping, or established areas of vegetation.
Rural and Coastal settlement	Density: 1 dwelling per site Minimum site size for Subdivision: 2500m ²	The RCS zone has been applied to residential properties within unserved rural and coastal settlements across the Auckland region such as Muriwai, Leigh and Kaukapakapa. The zone provides for a "village" residential character and for onsite treatment and disposal of stormwater and wastewater as reticulated infrastructure is not available.
Single House	Density: 1 dwelling per site Minimum site size for Subdivision: 600m ²	The Single House zone reflects a more traditional residential zoning pattern with a density limit of one dwelling per 600m ² . There was significant debate through the hearings on the Unitary Plan over the role and purpose of the SHZ. The Panel found that the Residential - Single House Zone is an important zone and contributes to the range of living options and choices available. The Panel's view was that the zone does not only provide for "low density suburban housing" but it also complements the amenity values based on special character informed by the past, spacious sites with large trees, a coastal setting or other factors such as neighbourhood character. Additionally the SHZ is applied in some coastal settlements e.g. Kawakawa Bay which although serviced, have significant infrastructure constraints

		and therefore need to retain density controls.
Mixed Housing suburban	No density Minimum site size for Subdivision: 300m²	The MHS zone is spatially the largest residential zone in the Unitary Plan . The zone provides for flexibility of housing choice by enabling attached and detached housing typologies at a range of densities, while retaining a relatively spacious quality consistent with a suburban residential character (including one – two storey buildings). Spatially, it is typically applied between the MHU zone and the SHZ. A number of submitters on the Unitary Plan , sought that the Residential - Mixed Housing Urban and Residential - Mixed Housing Suburban Zones should be merged. This was based on the need to provide greater residential capacity, and the submitters' view that there was little distinction between the zones, given that density controls do not apply in either zone. The Independent Hearings Panel found that it was important to retain two separate zones. The Residential - Mixed Housing Suburban Zone will facilitate some intensification while retaining a more suburban character, generally defined by buildings of up to two storeys. The Residential - Mixed Housing Urban Zone will provide for a more intensive building form of up to three storeys, facilitating a transition to a more urban built character over time. The Residential - Mixed Housing Urban Zone also provides for a transition in built character between suburban areas (zoned Residential - Mixed Housing Suburban Zone) and areas of higher intensification with buildings of five to seven storeys in areas zoned Residential - Terrace Housing and Apartment Buildings Zone. The difference in height and height in relation to boundary provisions, as well as the different subdivision site size standard, will assist in the transition in character described above and are important points of distinction.

Risks

Given the very different purpose that these four zones serve in the residential zoning framework for Auckland, it is impossible to simply merge two existing zones and still meet the policy direction for residential development in Auckland. This is because the range of objectives and policies which shape the character of each zone will be reduced.

Furthermore, the Unitary Plan zones that are not explicitly provided for within the S-ASM structure contain provisions that respond to the different levels of infrastructure available for servicing development in each zone. Standardising rules across these zones will result in some areas being underdeveloped to ensure areas that cannot cope with additional development are not overdeveloped. This has a very real implication of influencing the delivery of Auckland's growth objectives. Consequently the simplified zoning framework that S-ASM seeks to impose will ultimately result in a complete review of the residential zoning framework in Auckland and how these zones are applied spatially.

A significant amount of work was undertaken in harmonising the legacy zone framework included in the legacy district plans of the former territorial authorities in Auckland which consisted of over 99 residential, business and rural zones² into six residential zones. This bespoke set of residential zones reflects Auckland's existing and planned residential environments and has been recommended by the Independent Hearings Panel after hearing extensive expert evidence. Auckland Council's preference is to continue to build upon the work that has already been completed through the Unitary Plan process, rather than re-litigating issues that came up through the development of the Unitary Plan residential zone framework.

Changes sought

Auckland Council seeks the following amendments:

- Expand the number of residential zones to six zones to enable continued use of the existing Unitary Plan zone framework:
 - o Add a Rural and Coastal Settlement zone or a zone with a similar purpose.
 - o Add a Single House zone or a zone with a similar purpose.

Naming of Zones

This draft Standard proposes to name the residential zones based on the density provided for in the zones. This does not make sense in the Auckland context where three of the residential zones have no density limit. Within the Unitary Plan the zones are named in accordance with the housing typology provided for.

Proposing to name the residential zones based on density will result in inconsistencies across the country with how each zone is used or applied. This is because “medium density” is a very different concept in a small town compared to a large urban city such as Auckland. If zones are named by the housing typology they provide for e.g. Single House Zone this will enable zones to be used more consistently throughout the country and therefore, more likely to achieve the purpose of the National Planning Standards. Furthermore terms such as “high density” and “medium density” are planning jargon and not easily understood by the public.

² There were a total of 99 residential, business and rural zones across the legacy district plans in Auckland. The development of the PAUP provided an opportunity to significantly rationalise the number of zones and simplify Auckland's zoning framework. In order to simplify the number and complexity of zones, the Council commissioned Beca Carter Hollings and Ferner Ltd (**Beca**) to prepare a “Legacy Zone Harmonisation Review” which was completed in February 2012. The aim of that report was to group the existing residential, business and rural zones by outcomes into a smaller number of zones.

Tables were prepared for the residential and business zones containing a summary of key performance standards and rules relative to each legacy district plan zone. Each legacy district plan zone was considered in terms of its form and function. These tables were then used to group the various legacy district plan zones by the outcomes they sought to achieve.

This exercise resulted in the proposed package of six residential zones which were notified. Submissions were received on the package of residential zones and the panel heard evidence in support of submissions. The Independent Hearings Panel recommended the retention of the proposed package of residential zones with modifications to the

Zone names should be in plain English to enable plan users to understand more clearly the intended purpose of each zone. For example zone names such as “Terrace Housing and Apartment Building zone” and “Single House Zone” sends a very clear picture to plan users about the level of development that can be expected in each zone.

Additionally the proposed “Neighbourhood Commercial” zone and the proposed “Local Commercial” zone should be changed to “Neighbourhood Centre” and “Local Centre” respectively. Whilst centre zones are primarily commercial zones they do enable a mixture of activities. The term ‘commercial’ suggests that only business-related activity will occur in this zone and is too narrow a description for zones that enable a mix of uses including community facilities, education facilities and residential uses on the upper floors.

The proposed naming of individual zones and their groups in S-ASM duplicates terms which could cause confusion and result in interpretation issues. By using ‘residential zone’ both generically as a zone type, and also as the name of a specific zone within that category, this will lead to communication problems as to what exactly is being discussed when ‘residential zones’ is being referred to. This applies to residential zones, rural zones, and commercial zones.

Changes sought

Auckland Council seeks the following amendments:

- Amend the names of the residential zones to reflect housing typology and not density, an example of how this could be achieved is:
 - o Rename Low Density Zone to ‘Large Lot zone’
 - o Rename Residential Zone to ‘Mixed Housing Suburban zone’
 - o Rename Medium Density Residential zone to ‘Mixed Housing Urban zone’
 - o Rename High Density Residential zone to Terrace Housing and Apartment Building zone
- Amend the name of the “Neighbourhood Commercial” zone and the “Local Commercial” zone to “Neighbourhood Centre” and “Local Centre” respectively.
- Amend the names of zones or the grouping of zones to ensure that there is no duplication of terms.

Incorporate a Metropolitan Centre Zone

The Unitary Plan incorporates a centres hierarchy which gives effect to the 2012 Auckland Plan. This was the guiding strategy for Auckland at the time of the development of the Unitary Plan. The 2012 Auckland Plan has now been refreshed. In June 2018, the Auckland Plan 2050 was adopted³, acknowledging the role of the centres hierarchy. S-ASM also adopts a centres hierarchy which incorporates a series of centre zones including City Centre, Town Centre, Local Centre and Neighbourhood centre. This broadly aligns with the Unitary Plan however it is missing one key component, the Metropolitan Centre Zone. Within the Unitary Plan the Metropolitan Centre Zone has been applied to signify areas of growth and intensification, secondary to the city centre in terms of scale and

³ The Auckland Plan 2050 was adopted by the Planning Committee on 5 June 2018 and is available online (<https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/auckland-plan/Pages/default.aspx>).

intensity⁴. In other New Zealand cities the metropolitan centre zone may not be needed as their function is covered by a city centre zone. Given Auckland's scale and polycentric nature, however, there are a number of centres within the region that serve a different function to town centres as sub-regional hubs that support the city centre. Metropolitan Centres are defined in the Auckland Plan 2012 as:

“Metropolitan centres serve regional catchments and have strategic roles within the region. They provide a diverse range of shopping, business, cultural, entertainment and leisure activities, together with higher density residential and mixed use environments. They have good transport access and are served by high-frequency public transportation. These centres have the greatest opportunities for additional business and residential growth⁵.”

The Business – Metropolitan Centre Zone applies to 10 centres throughout Auckland including Newmarket, Sylvia Park, New Lynn, Westgate, Henderson, Takapuna, Albany, Botany, Manukau and Papakura. The role and function of Metropolitan Centres have been provided for within the Unitary Plan through provisions which:

- Enable a wide range of activities including commercial, leisure, intensive residential, tourist, cultural, community and civic services; and
- Generally allow for high-rise buildings to support an intense level of development, in the zone; and
- Requires resource consent for buildings within the zone to ensure that they are designed to a high standard, which enhance the quality of the centre's streets and public open spaces.

Excluding a Metropolitan Centre Zone within Auckland will impact the delivery of the Auckland Plan 2012 outcomes as it challenges the ability for the Unitary Plan to implement the strategic directions of an urban centres hierarchy. Without a Metropolitan Centre Zone available the Auckland Council will have to look at applying the City Centre or Town Centre zone to the Metropolitan Centres.

The City Centre zone is at the top of the centres hierarchy and plays a pivotal role in Auckland's present and future success. The Business – City Centre Zone seeks to ensure the city centre is an international centre for business and learning, innovation, entertainment, culture and urban living, taking priority in this regard over all other areas. Having multiple City Centre zones significantly undermines the purpose of the zone in distinguishing the City Centre as the focal point for commercial intensification within Auckland.

The City Centre Zone is not appropriate to be applied to Auckland's metropolitan centres as it serves a vital role in the region and the nation as the primary centre with the highest residential density in the nation and contributing 7.4% of the New Zealand's GDP. As a result, its' function is different from metropolitan centres, which in turn support the city centre.

⁴ Primary Evidence of John Duguid on behalf of Auckland Council / Unitary Plan Topic 080-Rezoning/ 3 December 2015

⁵ The Auckland Plan pg. 253

The city centre:

- Provides for tourist economy including the port
- Is the key public transport hub of the region
- Provides the premier civic and cultural facilities in the region and nation
- Has a large evening and night time economy.

The Business – Town Centre Zone applies to suburban centres throughout Auckland, the satellite centres of Warkworth and Pukekohe, and the rural towns of Helensville and Wellsford. There are currently 43 town centres in the Auckland region. The centres are typically located on main arterial roads, which provide good public transport access. The zone provides for a wide range of activities including commercial, leisure, residential, tourist, cultural, community and civic services, providing a focus for commercial activities and growth. Town centres do provide for growth and intensification however, this is typically at a much smaller scale than Metropolitan Centres (buildings of four to eight storeys as opposed to 18 storeys). Zoning Metropolitan Centres as Town Centre Zone sends a very misleading message to the public about the scale of development anticipated within these centres.

Metropolitan centres differ from town centres in that they:

- Generally contain medium-high density, vs medium density
- Are sub-regional destinations, rather than serving local needs (e.g. cultural and civic facilities and tertiary education)
- Support high quality public transport with high trip generation
- Serve an important economic function (e.g. provide for head/regional offices vs local offices); have an evening and night economy
- Provide high quality public spaces vs local spaces that are smaller in scale
- Have a strong emphasis on employment with a higher employment-residential ratio than town centres.

Introducing a Special Purpose – Metropolitan Centre Zone is not a satisfactory option as this zone will sit at the bottom of the zone list and not within the other commercial centre zones. This is not an adequate reflection of the centres strategy for Auckland and does not enhance plan usability. See also Issue 5, below, for the discussion on why a precinct is not an appropriate tool to use to replace the zones.

Risks

Any change to the Unitary Plan that undermines the centres strategy has significant ramifications within the Auckland context. The centres strategy has been operating well within Auckland and strategic work such as the Auckland Plan 2050 relies on this strategy. It is imperative that a Metropolitan Centre zone is added.

Changes sought

Auckland Council seeks the following amendment:

- Add a Metropolitan Centre Zone.

Expand the number of Rural Zones

This draft Standard is seeking to simplify the package of rural zones and to minimise the use of zones where other planning tools such as overlays or precincts, can be used to introduce district provisions⁶. The reasoning for adopting this zone framework broadly aligns with the approach taken in the Unitary Plan. The Unitary Plan seeks to achieve the policy direction for rural areas through five standard rural zones and the two Waitakere rural zones, with additional area-specific local variation provided for through precincts and overlays. S-ASM has simplified the package of rural zones to four zones. This has significant implications as Auckland has developed in the Unitary Plan a finely tuned and carefully nuanced approach to managing the complex mix of activities and interactions in rural areas. Reducing the number of rural zones compromises the policy framework and the intended outcomes.

Auckland will potentially lose four of its rural zones and its two Waitakere rural zones which provide for specific activities appropriate to the different nature and characteristics of these areas. These characteristics are based on current and potential land uses as well as their different physical attributes. The policy framework for the current rural zones provide for a subtle but different outcome.

Having fewer rural zones disregards distinctive features including topography, land-use and natural features. This is important particularly for the Rural Coastal Zone and the Rural Conservation Zone (and the Waitakere rural zones) because they are biophysically very different from the other rural zones. The loss of the Rural Coastal Zone is significant as it is extensive in land area and important in the way it interfaces with supporting the New Zealand Coastal Policy Statement.

Upon reviewing the purpose statements for the rural zones within the S-ASM it appears that the Rural Coastal Zone, the Rural Conservation Zone, the Waitakere Ranges Zone and the Waitakere Ranges Foothills Zone do not align with any of the proposed zones. Additionally the draft Standard proposes a Rural Settlement zone which does not correlate to any of the Unitary Plan zones⁷.

The Waitakere rural zones could potentially be included as a special purpose zone⁸, however, the lack of equivalent zones to the Rural Coastal zone and the Rural Conservation Zone is a significant gap in respect to Auckland's rural zoning strategy.

⁶ National Planning Standards Initial Guidance for draft National Planning Standards F-4 Spatial planning tools (district) S-ASM Area-specific matters – zone framework pg. 5

⁷ The Residential – Rural and Coastal Settlement zone is primarily a residential zone and does not provide for a mix in activities.

⁸ The Waitakere Ranges zones were added by the IHP as they deleted precincts in favour of adding core zones. The area is subject to multiple layers of controls (precincts and overlays). Further investigation would be required to ascertain that a special purpose zone is the right approach.

Table 2: Overview of the Rural Conservation and Rural Coastal zones

Zone	Purpose
Rural Conservation Zone	The purpose of the Rural Conservation zone is to enable established rural and residential activities to continue, but to recognise this zone's particularly important natural values by adopting a conservative approach to new land uses, subdivision and development so that these values are maintained and protected.
Rural Coastal Zone	The purpose of the Rural Coastal zone is to retain and enhance the rural character and amenity values, local coastal character and high biodiversity values of rural areas in the coastal environment, while providing for rural production activities, rural lifestyle living and maintaining recreational opportunities. Within the Rural Coastal zone, there are seven spatially defined areas that have their own objectives and policies in recognition of their local values and importance. The policy framework for these areas reflects their particular characteristics and provides specific guidance for their management. It is also important to note that the Rural Coastal Zone is more extensive in area than the coastal environment line identified using the NZCPS criteria as it includes areas beyond the immediate coastal environment that have landscape and amenity links to the coast.

Risks

Given the distinct purpose these two rural zones have within the rural zoning strategy in Auckland, the S-ASM in its current form will unravel the entire rural zoning strategy.

A significant amount of work was undertaken in harmonising the legacy zone framework included in the legacy district plans of the former territorial authorities in Auckland. This bespoke set of rural zones reflects Auckland's diverse rural environments and has been recommended by the Independent Hearings Panel after hearing extensive expert evidence. Auckland Council's preference is to continue to build upon the work that has already been completed through the Unitary Plan process, rather than re-litigating issues that came up through the development of the Unitary Plan rural zone framework.

Changes sought

Auckland Council seeks the following amendments:

- Expand the number of rural zones to six zones to enable continued use of the existing Unitary Plan zone framework:
 - o Add a Rural Coastal Zone or a zone with a similar purpose.
 - o Add a Rural Conservation Zone or a zone with a similar purpose.

Provide additional core zones rather than using precincts to differentiate character or development potential

Using precincts to compensate for a lack of appropriate zones is not supported. This is because it would result in precincts that impose a completely different policy direction and set of provisions that bear little resemblance to the underlying zone. This does not enhance the usability of the plan as the underlying zone will be completely overridden by precincts. It

could also result in complex sub-precincts structures resulting in precincts acting as pseudo zones. There is a risk that multiple precincts might be applicable to a single site, which will lead to interpretation issues.

The use of precincts to differentiate character or development potential that is currently differentiated through zones does not accord with the role of a precinct which was debated through the Unitary Plan hearings process⁹. Through the Unitary Plan hearings process it was agreed that the role of a precinct is to build on the underlying zone. The best practise approaches for precincts¹⁰ issued as interim guidance by the Independent Hearings Panel specified that:

“2.4 The purpose of the precinct can’t be achieved through the use of the underlying zone and Auckland-wide provisions.

2.6 When the proposal changes most of the underlying zone, a new zone should be created instead of a precinct.”

This approach to the role of precincts is reflected in the national planning standards as it is stated within the initial guidance that:

“Precincts apply to a defined area where the purpose of the underlying zone(s) and majority of provisions (especially objectives and policies) are still applicable and are relevant. A precinct introduces a collection of new provisions. Precincts are therefore dependent on the underlying zone(s) and their policy frameworks.”¹¹

Changes sought

Auckland Council seeks the following amendment:

- That additional core zones are provided, as identified above, rather than relying on precincts to differentiate character or development potential.

Test for Additional Special Purpose Zones

If the zoning framework provided in the national planning standard at gazettal does not correlate with the Unitary Plan zones it is likely that the Council will have to utilise additional special purpose zones. There are two issues associated with this approach.

- 1) The test for introducing an additional special purpose zone favours the use of precincts; and

⁹ Primary Evidence of John Duguid on behalf of Auckland Council / Unitary Plan Topic 080 - Precincts/ 3 December 2015

Auckland Unitary Plan Independent Hearings Panel Report to Auckland Council – Changes to the Rural Urban Boundary, rezoning and precincts

¹⁰ Auckland Unitary Plan Independent Hearings Panel Interim Guidance – Best Practice approaches to re-zoning, precincts and changes to the Rural Urban Boundary 31 July 2015

¹¹ National Planning Standards Initial Guidance for draft National Planning Standards F-4 Spatial planning tools (district) S-ASM Area-specific matters – zone framework pg. 6

- 2) The structure of the proposed zone framework is inflexible so zones introduced as additional special purpose zones will not sit with the groupings of related zones.

Test for introducing an additional special purpose zone favour the use of precincts

Within S-ASM an additional special purpose zone can only be created when the proposed land use activities and anticipated development within the defined area:

- “a. are significant to the district or region*
- b. could not be enabled by any other zone*
- c. could not be enabled by the introduction of an overlay, precinct, designation, development area, or specific control.”¹²*

The issue with this proposed test is that it is very difficult to justify that a different management approach could not be enabled by a precinct. This is because the S-ASM adopts a very broad definition of a precinct:

“A precinct spatially identifies and manages an area where two or more additional provisions apply which modify the policy approach of the underlying zone(s) or refine or modify land use outcomes”¹³.

Favouring the use of precincts over special purpose zones will lead to a large number of precincts with little relationship to the underlying zone. For instance there is no provision for the Rural Waitakere Ranges zones within the proposed zone framework, therefore an underlying zone will need to be selected which the precinct will entirely override. As the public generally is guided by the underlying zone this could result in plans which are not user friendly or transparent to the general public.

Additionally, where a precinct is introduced in the place of a core zone it could lead to overlapping of precincts applying to a particular site. This will lead to implementation issues regarding the intended hierarchy that applies between precincts.

The structure of the proposed zone framework is inflexible so zones introduced as additional special purpose zones will not sit with related zones

Where an additional special purpose zone is required to provide for a zone which is included within the Unitary Plan zone framework and not A-ASM, it will be added to the bottom of the zone list. This means that it will not sit with like zones. This does not enhance plan usability and will be confusing to the public.

Changes sought

Auckland Council seeks the following amendments:

- That the requirements for introducing additional special purpose zones are revised to enable a special purpose zone to be used in place of a precinct.
- Provide flexibility to locate special purpose zones with “like” zones within the structure.

¹² Draft Area Specific Matters Standard pg. 43

¹³ Draft Area Specific Matters Standard pg. 45

Level of Guidance on Zone Purpose

The Council supports the standardisation of the proposed zone framework being limited to the zone name and the zone purpose. Within the discussion documents on the National Planning Standards, released 2017, there was a proposal to include standardised objectives and policies and bulk and location metrics. The Council provided feedback on this and supports the draft Standard which does not contain standardised objectives and policies and bulk and location metrics.

The National Planning Standards Initial Guidance for draft National Planning Standards F-4 Spatial planning tools (district) S-ASM Area-specific matters – zone framework contains specific guidance on:

- The built form and amenity provided in the zone;
- The activities provided for in the zone; and
- The location of the zone.

This level of detail is inappropriate and should be removed from the guidance material. Auckland Council is concerned that if this material remained in the guidance it could be used to ensure that the zones are used in accordance with this guidance material.

Different Councils have different approaches to how they interpret the purpose statement and locate zones based on factors specific to their particular locality. This flexibility is provided for within S-ASM which only goes as far as harmonising the zone names and purpose statements. Including more specific detail about built form, levels of amenity, activities and the location of each zone in the guidance material will create public expectation which could be used against the Council if they do not align with this. Council's should be able to retain the flexibility to determine what is anticipated in each zone.

Changes sought

Auckland Council seeks the following amendments:

- Delete or minimise guidance material on:
 - o The built form and amenity provided in the zone;
 - o The activities provided for in the zone; and
 - o The location of the zone.
- Alternatively make it very clear that guidance is only guidance and does not determine Council's approach within the zones.

Draft Area Specific Matters Standard (S-ASM): Part 6 Development Areas Chapter and Precinct Chapter

Relevant Planning Standard

This section contains detailed submission points on the proposed Development Areas and the Precinct Chapters as set out in the Draft Area Specific Matters Standard (S-ASM).

Summary of submission points

Auckland Council has a number of submission points on the proposed Development Areas and the Precinct Chapters (S-Dev; S-Prec):

- Provide more clarity on the role and purpose of development areas and how these are incorporated into plans;
- Delete the development area spatial planning tool and expand the precinct tool to include development areas with their accompanying special provisions;
- If development areas are to be pursued as a spatial planning tool then simplify the process for incorporating this tool into resource management plans;
- If development areas are to be pursued as a spatial planning tool then the planning standard should be amended to recognise that if there is already an appropriate underlying zoning, development areas are not required to identify areas appropriate for re-development;
- If development areas are to be pursued as a spatial planning tool then there must be the ability for development areas to incorporate rules and override overlays, zone provisions and specific controls;
- Include a general rules section within the plan structure which outlines the hierarchy between the various spatial planning tools;
- Advocate for removal of the development plan section when development is complete by way of a non-schedule 1 process;
- Investigate the introduction of sunset clauses;
- Provide more guidance on what constitutes 'completion' of a development area.
- If development areas are to be pursued as a spatial planning tool the name should be revised to a term that is not currently used in the Auckland Plan 2050;
- Clarify the difference between a 'development area' and 'precinct' and remove ambiguity from the definition of "development area";
- Consider imposing some further restrictions on precincts to limit their use;
- Revise the definition of 'precinct' so that it cannot completely modify the policy approach of the underlying zone;
- Retain the proposed approach for naming precincts and add geographical location.

Issues

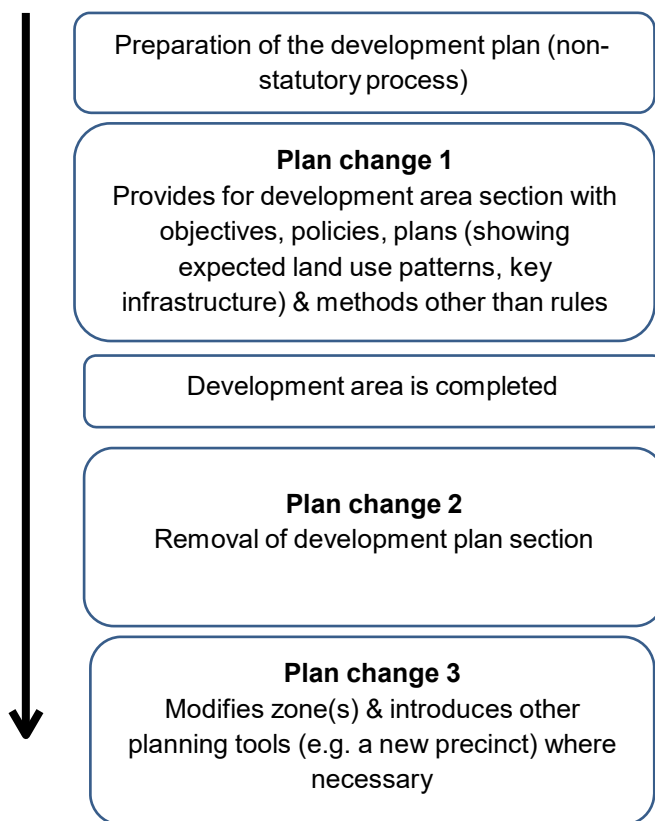
Development areas as a spatial tool and correlation to the Auckland Unitary Plan

S-ASM introduces five spatial planning tools – zones, overlays, specific controls, precincts and development areas for district or combined plans.

S-DEV states that development areas are:

‘A development area spatially identifies and manages areas where conceptual plans such as structure plans, framework plans, outline development plans, or growth area plans apply to determine future land use and/or development.’

Based on the guidance for development areas it is the council’s view that future development areas (i.e. structure plans) are anticipated to be incorporated into plans as follows:



The Auckland Unitary Plan has no equivalent tool for development areas however, a number of the Unitary Plan precinct provisions perform a similar function as this proposed tool. Precincts in the Unitary Plan, like the proposed development areas tool, contain objectives, policies, plans (structure plans, concept plans etc. having been renamed as precinct plans). Unlike S-DEV however, Unitary Plan precincts also include rules to direct and manage subdivision, use and development¹.

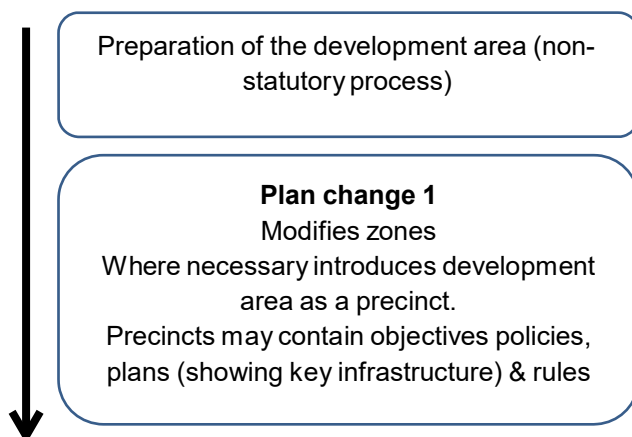
¹ Under the precincts chapter (S-PREC) *‘a precinct spatially identifies and manages an area where two or more additional provisions apply which modify the policy approach of the underlying zone(s) or refine or modify land use outcomes’*. In the precinct guidance it is noted that precincts are dependent

In contrast to S-DEV no provision is explicitly made in the Unitary Plan for the removal of completed precincts.

In greenfield areas that are intended to transition to urban areas over time structure planning is undertaken in accordance with the Unitary Plan Appendix 1 Structure plan guidelines and is followed by a plan change to introduce 'live zones' and precinct provisions in accordance with Schedule 1 of the Act.

The Unitary Plan sets out a streamlined and robust planning process for introducing spatial planning tools to enable a transition in land use or development potential.

The Unitary Plan process is shown as follows:



The draft Standard is unclear how it is intended for development areas to be used, including how these are to be incorporated into a plan.

Changes sought

Auckland Council seeks the following amendment:

- Provide more clarity on the role and purpose of development areas and how these are incorporated into plans.

Development areas planning process likely to slow delivery of housing and infrastructure

The Unitary Plan planning process is more streamlined and comprehensive than that proposed for development areas as it only involves one plan change. Fast efficient planning processes are critical in Auckland for addressing its housing shortage. Poor planning processes would detrimentally impact both private sector projects and the Government's Kiwi Build programme.

The advantage of a process that involves only one plan change is the greater certainty it affords all parties including developers, landowners, council, infrastructure providers and the

on the underlying zoning. They are envisaged as being used for character, amenity, or development where particular activities are encouraged over others.

wider community. It removes the risk of a significant change in direction as subsequent plan changes are considered. The plan change process is subject to change through the submission, decision making and appeal processes. The more plan changes required to accomplish changes to a plan, the higher the risk and the slower it will be for implementation and delivery.

Certainty around zoning outcomes and provisions is also critical in confirming the capacity of development areas and determining the typically substantial costs of providing or upgrading infrastructure.

In addition, a process that only involves one plan change also results in lower costs on the community in terms of resources, time and money.

Changes sought

Auckland Council seeks the following amendment:

- If development areas are to be pursued as a spatial planning tool then simplify the process for incorporating this tool into resource management plans.

Creates an unnecessary layer in the Unitary Plan and other resource management plans

The proposal within S-ASM to introduce development areas creates an unnecessary layer within the Unitary Plan and other resource management plans. This is because precincts can be used to perform a similar function as development areas. Restructuring the Unitary Plan to introduce development areas involves a significant amount of work for little or no benefit.

A more efficient means of identifying areas proposed for redevelopment is for amendments to be made to the draft Standard to expand the precinct tool to include development areas with their accompanying special provisions.

This would make it easier for the public to locate the relevant provisions applying to areas proposed for redevelopment as the provisions will be located in one chapter and in one section of the plan rather than split across two chapters and two sections. While an electronic plan can ensure appropriate cross referencing, the separation of provisions to identify areas to redevelop and transition over time into separate components is unnecessary. It will create confusion for plan users to understand the intended outcomes for the area.

It is acknowledged that smaller local authorities may wish to use the S-DEV chapter to identify to their communities future land use changes. However Auckland's strategic planning context is determined by the Auckland Plan (a spatial plan required by the Local Government (Auckland Council) Act 2009). From here, the Future Urban Land Supply Strategy identifies sequencing and timing of future urban land development readiness over 30 years. Sequences of land being live zoned are based on when necessary infrastructure will be available as determined by the Long Term Plan, Regional Land Transport Plan etc. The use of an extra layer to inform future development areas are unnecessary for Auckland.

Changes sought

Auckland Council seeks the following amendment:

- Delete the development area spatial planning tool and expand the precinct tool to include development areas with their accompanying special provisions.

It is not necessary for all development areas to be included in an resource management plan

Auckland Council has significantly up-zoned land in existing urban areas in the Unitary Plan. The challenge now is to realise and enable that additional capacity. As the underlying zoning enables increased capacity; development areas, as prescribed by the draft Standard, are not required to identify areas appropriate for redevelopment or to deliver an increase in housing.

In confirming the National Planning Standards it should be recognised that if there is already an appropriate underlying zoning, structure plans do not need to be incorporated into plans. Several large comprehensive redevelopment projects in Auckland are occurring without incorporating structure plans (completed or not) into the Unitary Plan. These are:

- Hobsonville Land Company - 23,600 new homes
- Tamaki Development Company - 7,500 new homes

Given the zoning is already in place, non-statutory structure plans are prepared by the development agency in collaboration with the council and infrastructure providers. These are aligned with infrastructure delivery mechanisms such as:

- Partnership agreements/ Memorandum of Understanding (TDC & AC /HLC & AC)
- Infrastructure funding agreements (AC, CCO, Developer, NZTA)
- Council & CCOs project funding and sequencing (LTP, RLTP etc.)
- Capital expenditure by development agency
- Supporting Growth Alliance (collaboration by NZTA, AT, AC to deliver transport networks)
- Development contributions

Working outside of the Unitary Plan where suitable zoning is already in place, structure planning, infrastructure upgrades and construction of new houses and required infrastructure can proceed at a much faster and more efficient pace than the process outlined in the S-DEV chapter. Particularly the incorporation into the Unitary Plan would be subject to submissions and legal challenge.

Auckland Council is currently investigating amending its Geo-maps website to include non-statutory information about spatial plans. This would capture non-statutory spatial plans such as those described above and also area plans, centre plans etc. This is likely to be a useful tool in building a comprehensive understanding of the development picture across Auckland.

Changes sought

Auckland Council seeks the following amendment:

- If development areas are to be pursued as a spatial planning tool then the Standard should be amended to recognise that if there is already an appropriate underlying zoning, development areas are not required to be used for areas appropriate for redevelopment.

Rules are not provided for as a method in development areas

The S-ASM states that development areas must include at least one objective and policy and also references s75(2) of the Act (which also does not enable rules). This means rules are not anticipated to be used in development areas. It is unclear how development can be undertaken and completed without appropriate underlying zones and supporting rules in place (to provide for the necessary subdivision, use and development framework) and without any supporting rule provisions in the S-DEV sections. While infrastructure delivery by designating authorities could be achieved using existing planning tools such as Notice of Requirements, this tool is not available to private developers.

Private developers, may also not get bank finance without appropriate zones being in place and thus unable to commence development or complete physical infrastructure development.

Without the ability to manage development using rules the S-DEV sections, are rendered as information only. In the Council's experience the development sector is likely to ignore the S-DEV policy framework as it cannot be enforced.

A developer can apply for resource consent to undertake development that does not reflect the intended outcomes of the development areas and obtain approval under section 104D of the Act by proving that the development creates no more than minor adverse effects on the environment.

Having development plans incorporated into the Unitary Plan without rules, then places pressure on the council to approve non-complying subdivision and land use applications ahead of scheduled infrastructural delivery. The delivery and sequencing of infrastructure sits outside the resource management process and is subject to other strategic planning documents e.g. Regional Land Transport Plan.

If development areas are to be pursued as a spatial planning tool then there must be the ability for development areas to incorporate rules and override overlays, zone provisions and specific controls for these to be used effectively.

Changes sought

Auckland Council seeks the following amendment:

- If development areas are to be pursued as a spatial planning tool then there must be the ability for development areas to incorporate rules and override overlays, zone provisions and specific controls.

Direction in the guidelines that S-DEV provisions may override overlays, zones or specific control provisions

There is no provision in S-DEV to enable development areas to override overlays, zones or specific control provisions although the guidance for this Standard says they can. The Unitary Plan in its wider application of precincts does provide for development area type precincts to potentially override overlays, zones or specific control provisions. This is outlined in Chapter C in the Unitary Plan and can be provided for specifically within the precinct provisions.

The draft Introduction and General Provisions Standard (S-IGP), as well as related guidelines, establish a “general approach” section to explain how plan provisions including zones, overlays, precincts, designations and development areas relate to each other or how applications subject to multiple zones or chapters are treated. However, there is no discussion in the S-HPW chapter (How the Plan works in Part 1) to establish this relationship. It is not appropriate to place general rules in the Introduction chapter as it is not a logical place for plan users to look.

The Unitary Plan in its wider application of precincts provides in its General Rules chapter for both these matters. As noted in the Auckland Unitary Plan Independent Hearings Panel recommendations (and accepted by council) these matters can arise with any application.

‘Having general rules helps provide a consistent framework for dealing with applications and avoiding duplication (and the risk of inconsistency) by not repeated standard rules throughout the plan.’

Explanations are not considered to offer sufficient certainty and are likely to be subject to ongoing legal challenge during the life of the plan. Hence the council support for a general rules section at the beginning of Part 4.

Changes sought

Auckland Council seeks the following amendment:

- Include a general rules section within the plan structure which outlines the hierarchy between the various spatial planning tools.

Removal of development areas once completed

Benefits

The S-ASM states within the development areas chapter “when a development area is completed, the development plan section must be removed from the plan”. This component of the standard is supported as it is good housekeeping to remove redundant material from plans. Although it is unlikely many councils have the resources to continually update their plans for this purpose.

Councils could, as the S-DEV implies undertake this via a plan change. This could either be undertaken as part of a general omnibus or a discrete plan change. However, in either case, a plan change is a needlessly cumbersome and expensive method to achieve this outcome. It would be useful for the forthcoming resource management reforms to consider removal of completed material by way of a non -schedule 1 process.

The use of sunset clauses has not been explored within the draft National Planning Standards. While not commonly used in resource management plans they could be an alternative method to plan changes. In the past, sunset clauses have not been enforced as councils do not have sufficient resources to ensure these are completed in a timely manner or due to other unexpected circumstances, development could take longer than the sunset clause to complete.

More work is needed on how they would be applied to avoid legal challenge across the country and to ensure they can be appropriately enforced.

No guidance is provided on what constitutes ‘completion’. In order to avoid legal challenges in relation to future plan changes to remove completed development areas, this direction needs further refinement.

Changes sought

Auckland Council seeks the following amendments:

- Advocate for removal of completed material by the way of a non-schedule 1 process;
- Investigate the introduction of sunset clauses; and
- Provide more guidance on what constitutes ‘completion’ of a development area.

Definitions for ‘precincts’ and ‘development areas

While the Council does not support the introduction of development areas for the reasons outlined in above, the distinction between these two tools is not clearly explained in either the S-PREC or S-DEV chapters. While the guideline is stronger in the outcomes envisaged, greater weight will (and should be) be given to the actual standards.

For example, the Unitary Plan precincts which function as ‘development areas’ align with S-PREC and therefore can be readily classified as precincts. They satisfy the precinct definition by spatially identifying and managing an area where two or more additional provisions apply that modifies the policy approach of the underlying zone(s) or refine or modify land use outcomes.

The S-DEV chapter is also not clear over what constitutes a 'large area'. This could create confusion as which tool (precincts or development areas) should be used. Some of the types of spatial plans referenced (framework plans, concept plans, and outline development plans) appear to relate to small developments say of several hectares (e.g. a large retail development). Thus their purpose also meets the precinct definition.

Unambiguous definitions are required to ensure that precincts and development areas are used in a consistent way and do not confuse the plan user. This is particularly important as the relationship between precincts and development area could be legally challenged in the future.

In addition, the term 'development areas' is also used in the Auckland Plan 2050.

The Auckland Plan 2050, adopted in June 2018, defines 'development areas' as "Urban areas where significant growth is expected in jobs and housing over the next 30 years. These areas were identified based on factors such as ability to accommodate growth and committed projects. Planning and investment will be targeted when growth at scale occurs." The S-DEV takes a much broader definition and applies it to large areas of development or re-development in both a greenfield and brownfield setting.

Given that the Auckland Plan is now finalised, the continued use of this term in the Standard will result in a lot of confusion for the Auckland community.

Changes sought

Auckland Council seeks the following amendments:

- Clarify the difference between a 'development area' and 'precinct'.
- Remove the ambiguity from the definition of development area
- Amend the term 'development areas' so it does not conflict with the term that is currently used in the Auckland Plan 2050.

Restrictions on the use of Precincts

There is no restriction on the use of precincts within S-PREC other than a proposed precinct having to have two or more additional provisions. Given the limited amount of zones available it is likely that precincts will be used extensively at different scales to provide for local variation. A plan, as complex as the Unitary Plan, could become littered with precincts that resemble sub zones as there is no limit on the number of precincts or the number of controls they introduce or modify.

S-PREC does not restrict the use of precincts that modify the policy approach or land use outcomes of the underlying zone. This could lead to the introduction of precincts which provide for a land use or built outcome which is fundamentally different to the underlying zone. As the public generally is guided by the underlying zone this could make plans which are not user friendly or transparent to the general public.

Changes sought

Auckland Council seeks the following amendments:

- Consider imposing restrictions on precincts to limit their use.
- Revise the definition of 'precinct' so that it cannot completely modify the policy approach of the underlying zone.

Naming of Precincts

As noted in S- PREC chapter each precinct “must have a unique name indicating the purpose of the precinct.” Precinct names should also relate to the geographical location. This enables the plan user a quick reference to where the precinct is located. This is particularly important for a large district/region and/or where many precincts are used.

It is also important that company names are not used to name a precinct. This is because companies can change leaving its' legacy of a precinct name.

This direction is generally supported as it makes it easier for the plan user to find precincts of interest but it should be expand to include its geographical location.

Changes sought

Auckland Council seeks the following amendment:

- Retain the proposed approach for naming precincts and add geographical location.

Draft Schedules, Appendices and Maps Standard (S-SAM)

Relevant Planning Standard

This section contains detailed submission points on the Draft Schedules, Appendices and Maps Standard (**S-SAM**).

Summary of submission points

Auckland Council has a number of submission points on the Draft Schedules, Appendices and Maps Standard:

- Amend Table 17: Schedule table to better reflect the type of information most commonly included in schedules;
- Amend the Standard to enable variations to Table 17 to be made (e.g. extra columns) as long as the mandatory fields in Table 17 are retained;
- That the Standard be amended to broaden the scope (and format) of what can be included as an appendix to the plan.

Issues

Schedules (Table 17: Schedule table)

This draft Standard requires schedules, if included in a plan, to be presented as a separate schedule table as set out in the Standard in Table 17: Schedule table.

Table 17: Schedule table

Descriptive title			
Unique identifier	Site identified (eg, legal description, physical address, site name/description)	Site type (including description of values)	Reference to study/material used for identification

The Unitary Plan has 16 Schedules most of which provide detailed information, in table form, relating to sites/areas that are identified in overlays or plan maps e.g. local view-shafts. However, some of the schedules provide information or descriptions relating to plan provisions, such as Schedule 13 Heritage Orders Schedule, Schedule 15 Special Character Schedule, Statement and Maps and Schedule 16 Waitakere Ranges Heritage Area Subdivision Scheduled Areas Sites. Schedule 11 Local Public View Schedule is comprised of maps identifying view-shafts. These schedules are not in a table format.

While some of the Unitary Plan schedules that provide information or description material could potentially be moved to the appendices, incorporating the majority of the Unitary Plan schedules into Table 17 will be problematic. Most Unitary Plan schedules include a 'type or category' for sites or places. Examples of Unitary Plan schedules are copied below:

Schedule 9 Volcanic Viewshafts Schedule [rcp/dp]

ID	Name/ Location	PT	Mt Eden Circuit		Height (AGL – Above Ground Level)	NZ Map Grid		Volcanic viewshaft category
			Northing	Easting		Northing	Easting	
A1	Mount Albert	1	697936.3 2	294323.2 7	49.90 (1m AGL)	6476951.26	2661969.04	Regionally significant
		2	698225.9 5	296162.3 5	99.10	6477203.18	2663813.81	
		3	698905.3 8	295912.9 3	99.10	6477887.62	2663578.34	

Schedule 4 Significant Ecological Areas – Marine Schedule

ID	Name/ Location	Values of Significant Ecological Area - Marine	SEA-M type
1	Port Albert		
1w1	<i>Wading bird habitat</i>	Intertidal banks providing habitat and feeding ground for wading birds. Mangroves fringing inlet and wading bird habitat.	SEA-M2w

Schedule 7 Outstanding Natural landscapes Overlay Schedule

ONL Description					WESI Criteria						
ID	Name	Location	Landscape type, Nature and Description	Elements patterns, processes	Natural Science Factors			Aesthetic Values		Expressiveness	Transient values
					Geological Topographical	Ecological	Dynamic	Memorability	Naturalness		
2	Ararimu Valley West	West Rodney	Hill Country Wild nature (hill country) Hill ridge	Retention of indigenous vegetation reinforcing	High Clearly defined sequence	High Pronounced sequence of native	High Amalgam of strongly dissected to	High Combination of terrain and vegetation	High Relatively intact sequence of	High Very clearly defined relationship	

Schedule 14.1 Schedule of Historic Heritage

Table 1: Historic Heritage Places

ID	Place Name and/or Description	Verified Location	Verified Legal Description	Category	Primary Feature	Heritage Values	Extent of Place	Exclusions	Additional Rules for Archaeological Sites or Features	Place of Maori Interest or Significance
00001	Roe's/Cornwallis Mill R11_119, R11_1088, R11_1064	Kakamatua Stream, Waitakere Ranges Regional Park, Huia Road, Cornwallis	PT ALLOT 1 SO 1432A KARANGAHAPE; ALLOT 14 SO 1432A KARANGAHAPE; PT ALLOT 1 SO 1432A KARANGAHAPE; PT ALLOT 5 DP 3191 KARANGAHAPE	B		A,D,H	Refer to planning maps		Yes	

This draft standard should be amended to allow councils flexibility to add columns to Table 17: Schedule table as long as the mandatory fields are retained. This will enable the range of different information that councils include in schedules.

Table 17 proposes a column against which the study/research on which the scheduling was based on to be included for each site. Scheduled sites are usually based on information from a comprehensive study commissioned for the purpose of identifying sites against specified criteria. Assuming this is generally the case for councils it is not necessary to refer to the reference study for each site. The reference to the study/research identifying schedule sites would be better provided at the end of the table. In this case the 'reference material' column in Table 17 could then be more usefully be used for identifying the 'type or category' of scheduled site.

Taking the above matters into account it is considered that Table 17 in the Standards should be amended as follows:

Table 17: Schedule table

Descriptive title			
Unique Identifier (eg, map reference number)	Site identified Name/location (eg, legal description, physical address, site name/description)	Site type (including description of values)- Description of values/factors	Reference to study/material used for identificationType or category
Reference to study/material used for identification			

The fields provided in the Table 17: Schedule table also do not match a number of the Unitary Plan schedule tables. It is suggested that Table 17 be amended to allow flexibility to add columns, as long as the mandatory information in Table 17 is retained. Councils have a range of different information to be included in schedules and there should be flexibility to add columns to Table 17 if they are needed.

Changes sought

Auckland Council seeks the following amendments:

- Amend Table 17: Schedule table to better reflect the type of information most commonly included in schedules (as shown below).

Table 17: Schedule table

Descriptive title			
Unique Identifier (eg, map reference number)	Site identified Name/location (eg, legal description, physical address, site name/description)	Site type (including description of values)- Description of values/factors	Reference to study/material used for identificationType or category
Reference to study/material used for identification			

- Amend the Standard to enable variations to Table 17 to be made (e.g. extra columns) as long as the mandatory fields in Table 17 are retained.

Appendices

Issues

The Unitary Plan has 22 Appendices which contain a range of information including;

- information relating to the interpretation of specific rules (e.g. Appendix 2 River and stream minimum flow and availability);
- information to support best practise (e.g. Appendix 16 Guideline for native revegetation plantings);
- reference to publications that are referred to in the plan e.g. Appendix 17 Documents incorporated by reference (legally required to be).

The draft Standard limit appendices to information required to meet a rule or identify areas subject to a control. This would require the 'information' or guidance appendices to sit outside of the plan.

As discussed above for the schedules, several of the schedules that relate to rules (e.g. sightlines, subdivision controls) will need to be moved to the appendix section.

Appendix 17 Documents Incorporated by Reference is legally required to be incorporated into the Plan by Schedule 1 Part 3 of the Act. This does not fit the draft Standard's direction. Therefore, it is not clear where this should sit in the Combined Plan structure standard.

Changes sought

Auckland Council seeks the following amendments:

- That the Standard be amended to broaden the scope (and format) of what can be included as an appendix to the plan.

Draft Form Standard: Electronic Functionality & Accessibility (F1)

Relevant Standard

This section contains detailed submission points on the requirements for electronic accessibility and functionality standard (F1).

Summary of submission

Auckland Council has a number of submission points on the Draft electronic functionality and accessibility standard (F1):

- to retain its current approach of side bar annotation and notes to satisfy Standard F1-15.

Issues

Auckland Council supports eplan functionality and intends to meet all requirements outlined in the Standard. Further research is yet to be undertaken regarding which software application will best meet these requirements.

Baseline plan accessibility and functionality

Draft Standard F1-15 requires a clear differentiation between proposed, decisions made, appealed and operative provisions within the plan.

The Unitary Plan currently uses side bar annotation against provisions which are subject to a plan change; have immediate legal effect; and if there is an appeal (with relevant plan change numbers and case numbers attached).

Auckland Council would like to retain its current approach of using side bar annotation and notes to meet this baseline functionality requirement (F1-15).

Changes sought

Auckland Councils seeks the following:

- to retain its current approach of side bar annotation and notes to satisfy Standard F1-15.

Draft Form Standards: Mapping (F2)

Relevant Planning Standard

This section contains detailed submission points on the draft Mapping Standard (F2)

Summary of submission

Auckland Council would like to make the following submission points on the draft mapping standard (F2):

- amend zoning colour palette to ensure one distinct colour palette for each parent group of zones
- amend symbology and mapping to allow for a 'place based' approach to the protection of heritage
- amend symbology for heritage item to be more relevant to the New Zealand context
- amend symbology for protected tree to a more simple and smaller symbol
- amend symbology for protected tree group to polygon rather than a point
- use the same colour for heritage item and heritage area
- reduce the line width for heritage area and designations
- amend polygon line colour for designations and hazards; blue to be reserved for water features
- amend symbology of the National Grid Line to the use of polygons.

Issues

There are benefits in standardising matters such as the colour palette for zones and key symbology, as it enables easy comparison of plans. Also a standard data schema will assist in creating a consistent data set.

However, the draft Mapping Standard (F2) needs further refinement to enable that ease of comparison. The zoning colour scheme and the symbology used does not improve usability and, for historic heritage, does not support best practice.

Auckland Council's submission on these mapping standards is focused on Table 21 and 22 in the draft Standard F2.

Zoning colours (Table 21)

The proposed zone colour palette in Table 21 does not sufficiently differentiate zone groupings and zone hierarchies, which results in a map that is less intuitive to the user.

For instance, the proposed colour palette has different colours for rural production (i.e. green) and rural residential (i.e. yellow). However, rural should be the parent grouping with one colour, e.g. brown, and different types of rural zones represented by different shades of brown. The following table visually illustrates this point.

Proposed standard F2

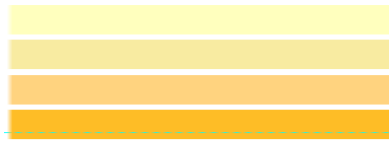
Low-density residential	
Residential	
Medium-density residential	
High-density residential	

Neighbourhood commercial	
Local commercial	
Commercial	
Mixed use	
Town centre	
City centre	

Light industrial	
Industrial	
Heavy industrial	

Rural	
Rural production	
Rural residential	
Rural settlement	

Open space	
Sport and active recreation	
Conservation	

Example**Residential – yellows****Commercial-pinks****Industrial- purples****Rural- browns****Open space- greens**

By using one colour palette for a zone grouping (e.g. pinks for commercial) and graduations of that shade indicates different zones in that grouping, the user can more easily distinguish different land uses and clusters of land uses at a glance.

The Standard's current colour palette does not enable this intuitive reading of a map. It is recommended that this colour palette is revised with a focus on ensuring one distinct colour palette for each parent group of zones as follows:

- residential - shades of yellow/ orange
- commercial - shades of red/pinks
- industrial - shades of purples
- open space - shades of greens
- special purpose - shades of grey

Symbology (Table 22)

Where symbology includes large block picture symbols and thick lines, there is the potential to overlap with other symbols, and parcel lines at certain scales compromising the legibility of the map. The use of simple symbols can more accurately represent a surveyed location.

The following table includes submission points on Table 22 Symbology Table.

Name	Submission point	Outcome sought
Heritage item (building or structure)	The current mapping approach, being the name 'Heritage item (building or structure)' and point based mapping, does not reflect current best practice 'place-based' approach to the protection of historic heritage, as implemented in the Unitary Plan. Instead the Standard promotes an outdated 'itemised' buildings and structures based approach and does not support the protection of archaeology. The concept of 'place' is defined in the ICOMOS New Zealand Charter 2010. It is international best practice and central to historic heritage protection in the Unitary Plan. This approach integrates the management of <u>all</u> features of a historic heritage place within its mapped extent of place, including buildings, structures, archaeology, plantings, and identified trees. This is a different technique to "heritage area". The Unitary Plan identifies heritage area in addition to an extent of place associated with a scheduled place/site. In the Unitary Plan, a mapped heritage area represents an area of heritage value, independent of a scheduled place or site. To achieve a 'place-based' approach a 'Heritage item, site or place' needs to be able to be identified as a polygon. In addition, the heritage symbol is not appropriate to the New Zealand context. This picture symbol is too large and has potential to overlap with other symbols. <i>(Example included in Figure 1 below)</i>	Amend name to be 'heritage item, site or place'. Allow for a point or polygon to be identified. Where a point is to be identified, use a simple marker symbol for a Heritage item. The colour used for a Heritage item should be the same as the Heritage area.

Heritage area	The heritage item (points <u>or</u> polygons (see point above)) and heritage area (polygons) should be the same colour to illustrate similar theme The polygon width of 5 is too thick and does not work well at smaller scales	Use a finer line width for Heritage area. The colour used for the Heritage item should be the same as the Heritage area.
Marae	The Marae symbol is too large and has the potential to overlap with other symbols at certain scales	Use a simple marker symbol for Marae
Protected tree	The picture symbol used for Protected Trees is too large has potential to overlap with other symbols at certain scales A simpler marker symbol more accurately represents a surveyed position Use a colour that is not black <i>(Example included in Figure 1 below)</i>	Use a simple marker symbol of a defined colour for Protected Tree item. Preferably a green 'dot' point to symbolise a Protected Tree.
Protected tree group	The Protected Tree group needs to be represented by a polygon feature rather than points, so that it accurately defines the extent of the tree group Use a defined colour, but this should match the colour of the Protected Tree item <i>(Example included in Figure 2 below)</i>	Use a polygon feature for Protected Group of Trees and use the same defined colour as Protected Tree item
National grid line	The National Grid is shown as multiple polygons, in the Unitary Plan, to represent yard rules. A single line symbol is not going to work because it doesn't enable properties to be selected.	Enable the use of polygons rather than a single line
National grid underground cable	Agree with the symbology for National grid underground cable.	None
Designation	Designation line is too thick and does not translate well at certain scales The colour blue is inappropriate as blue should be reserved for water features	Use a more appropriate line thickness and use another colour

Name	Submission point	Outcome sought
Coastal hazard Flood hazard Volcanic hazard Fault hazard Fault line hazard	Blue is inappropriate for hazard symbology as it is more commonly associated with water features	Use a more appropriate colour
Noise contours	No comments	None
Coastal environment	No comments	None
Statutory acknowledgement areas	No comments	None

Figure 1 Example of protected tree item and heritage item in F2

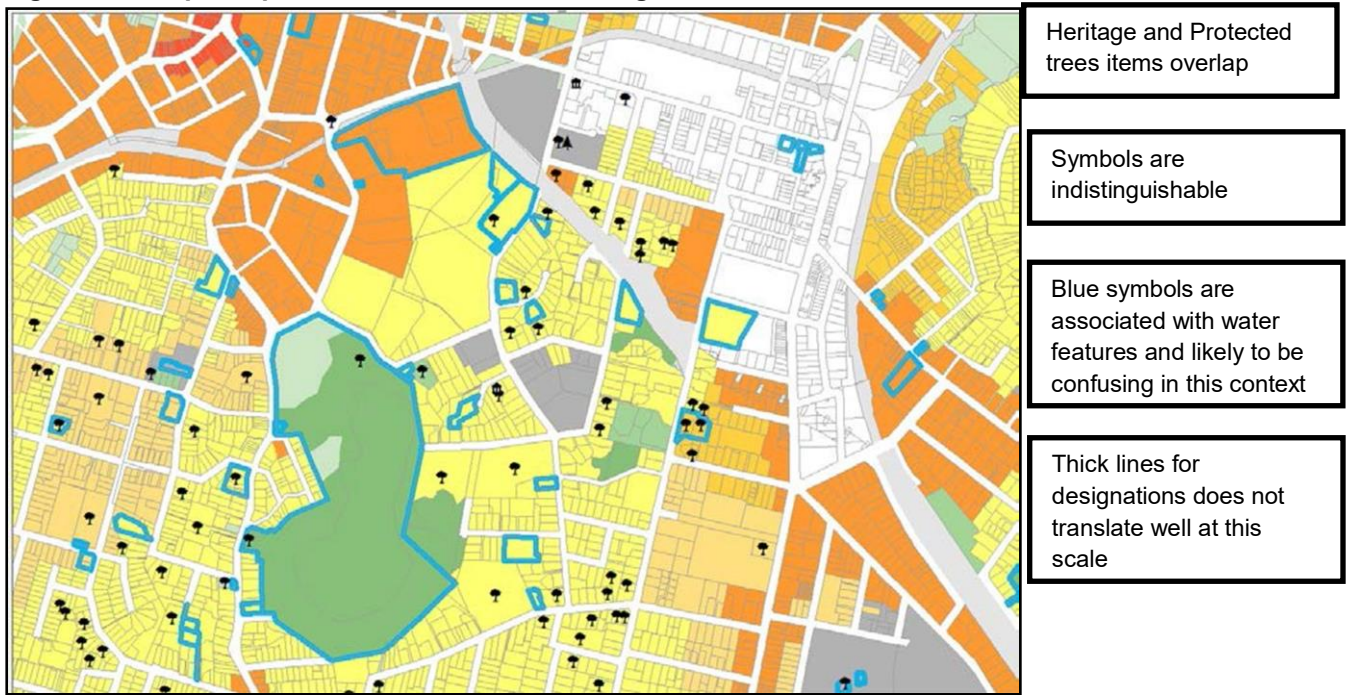
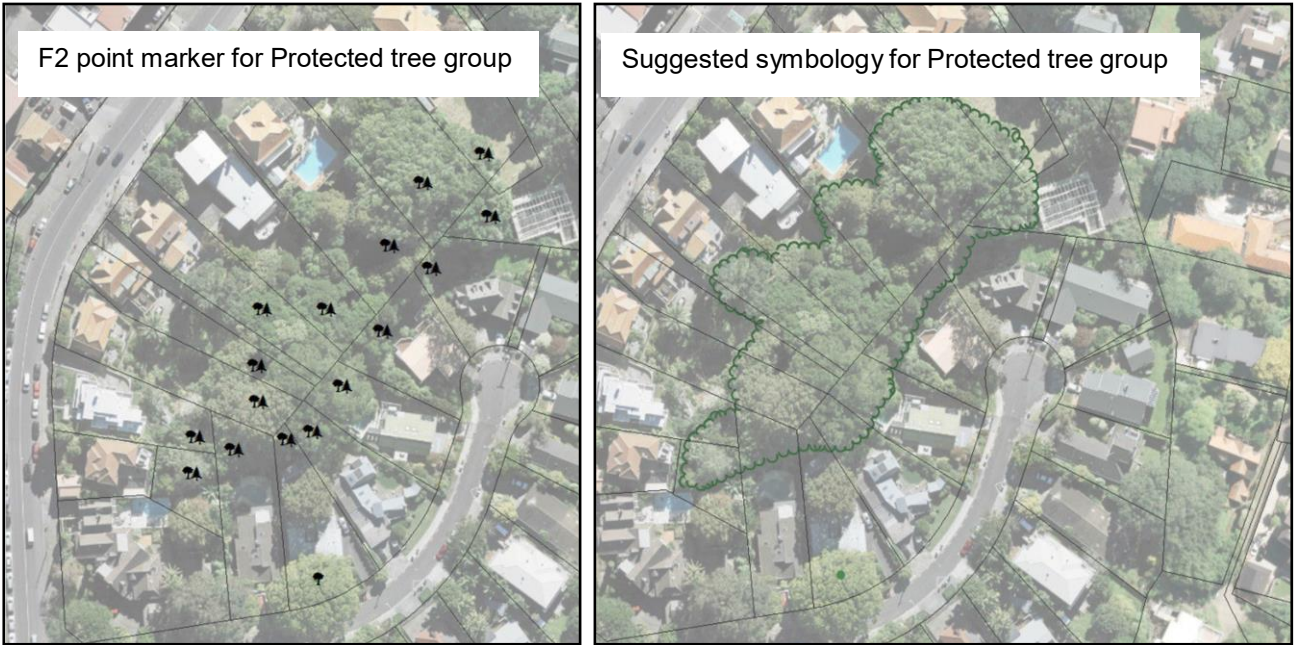


Figure 2 Example of Protected tree group under F2



Changes sought

Auckland Councils seeks the following amendments:

- amend zoning colour palette to ensure one distinct colour palette for each parent group of zones
- amend symbology and mapping to allow for a 'place based' approach to the protection of heritage
- amend symbology for heritage item to be more relevant to the New Zealand context
- amend symbology for protected tree to a more simple and smaller symbol
- amend symbology for protected tree group to polygon rather than a point
- use the same colour for heritage item and heritage area
- reduce the line width for heritage area and designations
- amend polygon line colour for designations and hazards; blue to be reserved for water features
- amend symbology of the National Grid Line to the use of polygons.

Draft Chapter Form Standard (F-5)

Relevant Planning Standard

This section contains detailed submission points on the draft Chapter Form Standard (F-5).

Summary of submission points

Auckland Council has a number of submission points on the draft chapter form as set out in F-5:

- Retain the chapter form prescribed in F-5 in relation to the introduction, objectives and policies;
- Remove the requirement for Part 2 Tangata Whenua to use the order of headings prescribed in F-5;
- Remove Tables 25, 26 and 27 or provide flexibility to accommodate an integrated rule framework;
- Enable additional components required for assessing rules, such as assessment criteria, to be included in a rule framework;
- Provide a numbering system that enables referencing of specific provisions.

Issues

Chapter form broadly reflects current Unitary Plan chapter structure

The chapter form outlined in F-5 broadly reflects the current structure of the Unitary Plan, in terms of setting the scene (i.e. Introduction) to the objectives and policies. The council therefore supports this structure.

However, it is noted that the draft Standard states that Part 2 Tangata Whenua **must** use the order of headings below. This seems contrary to the type of provisions that are intended to go in Part 2. Part 2 appears to contain background information as well as process information in relation to tangata whenua. This type of information will be difficult to be represented in objectives and policies.

Tables 25, 26 and 27 do not work well with complicated rule frameworks

Whilst the basic structure of Tables 25, 26 and 27 work well to simplify a rule structure and contents of a single activity for the plan user, these tables in Standard F-5 do not work well for plans with complicated rule frameworks. For example, plans that have multiple exception clauses for activities or where there are integrated and aligned activities within a single chapter.

In the Auckland-wide and the Coastal chapters of the Unitary Plan provisions that regulate across many overlays or zones are set out in a single activity table. See example below taken from Chapter F - coastal.

Activity		Zone	ONC		2, HNC	Type A1 and A	V1, V2, B, C, D, E, F	
(A1)	Reclamation or drainage not otherwise provided for	NC	Pr	NC	NC	Pr	Pr	Pr
(A2)	Maintenance or repair of a lawful reclamation or drainage system	P	P	P	P	P	P	P
(A3)	Minor reclamation for the purpose of maintaining, repairing or upgrading a lawful reclamation	RD	D	D	D	D	D	D
(A4)	Reclamation or drainage for any of the following:	D	NC	NC	NC	NC	NC	NC

This method allows the plan user to understand the requirements for the activity in all applicable overlays and zones without having to refer to several parts of the plan. Sometimes it is necessary to see all related provisions together because the site can sit across multiple zones and overlays. Or when the activities apply to a specific operator (eg network utilities providers), then it is easier to put all the activities relating to a specific operator which are regulated across multiple zones and overlays into a single chapter.

The Unitary Plan integrates all related provisions either for a certain use or activities within a single logical place for plan users. For example the:

- transport operator or network utility operator activities are all placed within chapter E26; and
- earthworks activities for all overlays are within chapter E12 – Land disturbance – district.

Table 26 requires the activity status for activities, standards to comply with, notification and matters to be located within a single table. This table format will remove the integration that is currently in the Unitary Plan. Rule tables will become unnecessarily large and lengthy. Activities and their associated matters (e.g. standards to comply with, notification) will be repeated unnecessarily across the different 'locations' i.e. zone, overlay.

Also, similar activities may have the same matters of discretion that will be repeated throughout the table. Repetition within rule tables is risky. This is because if one part of the rule changes it is important to track which other parts of the plan contain the same rules to accommodate that change. There is less risk if the matters of discretion are mentioned once and cross referenced when they are used again.

For example, the Unitary Plan E26 infrastructure chapter consists of 14 sub-sections and a number of these complex activity tables. Permitted activity standards and notification clauses also apply to activities in the infrastructure chapter. Restructuring this chapter in accordance with the Standard will unbundle sections that are integrated and aligned. A comprehensive rewrite will be required. This will not create added benefit to plan users.

For a simpler plan, the proposed rule table would be useful for plan users because it will enable all related standards, notification and matters to be included in a single table. However, for the Unitary Plan, the rule table will be large, complex and will not be able to be displayed on a moderate sized screen.

In council's experience, a large rule table in an e-plan is difficult for linking when integrating spatially the text with the GIS. The activity table and standards in the Unitary Plan can be linked easily.

Given the broad variation in the way rules are written across the country, particularly between a regional and a district plan, a standard proposing a single format for a rule framework is unworkable. In addition, the complexities of some standards (rule requirements) cannot easily be incorporated into a table e.g. diagrams.

Reformatting a complex plan as prescribed by Tables 25 – 27, will create significant amount of work and potentially many unintended consequences. Council recommends that more flexibility is provided to accommodate an integrated rule framework.

Essential components of a rule section missing

The standards do not include a specific section for assessment criteria. The rule requirement table, Table 27, does not provide enough flexibility for complicated rules, to list additional criteria for consideration or to guide decision making. The structure implies that assessment criteria cannot be included.

Numbering of provisions

Tables 26 and 27 do not address how activities, related matters and the standards are to be numbered within these tables. Particularly where there are multiple rules within a single table. This is likely to be the scenario in highly complex plans. Developing a reference or numbering system for these tables will be problematic based on the alpha-numeric system proposed in Standard F-6.

Changes sought

Auckland Council seeks the following amendments:

- Retain the chapter form prescribed in F-5 in relation to the introduction, objectives and policies;
- Remove the requirement for Part 2 Tangata Whenua to use the order of headings prescribed in F-5;
- Remove Tables 25, 26 and 27 or provide flexibility to accommodate an integrated rule framework;
- Enable additional components required for assessing rules, such as assessment criteria, to be included in a rule framework;
- Provide a numbering system that enables referencing of specific provisions.

Draft Status of Rules & Numbering Form Standard (F-6)

Relevant Standard

This section contains detailed submission points on the Draft Status of Rules and Other Text and Numbering Form Standard (F-6).

Summary of submission points

Auckland Council has a number of submission points on the draft standard for Status of Rules and Numbering Form (F6). These are:

- remove the requirement to specifically identify rules that have no effect until the proposed plan becomes operative;
- remove the requirement to specifically identify provisions required by the national planning standard, national policy statement or a national environmental standard;
- remove the requirement to specifically note updates and legal status of provisions (aside from legal status required by s86D of the Act);
- reconsider the alpha-numeric numbering system to take into account a more complex rule framework;
- introduce a standard approach in the numbering for showing additions and deletions introduced in plan changes;
- retain the ability to use similar methods such as side bar annotation and text note instead of highlights or shading; and
- reconsider the use of pop up boxes and shading to a method that is less intrusive on the plan text.

Issues

F-6 Highlighting of policy statement and plan text

This draft Standard requires shading boxes or other similar method be used, to differentiate plans and policy statements, between when they are notified until they are operative for a specific list of purposes (a-f).

Current practice for annotation in Unitary Plan

Council currently uses side bar annotation and a text note against any provisions that are under appeal, subject to a variation, or have an effect earlier than a decision on a plan change, i.e. matters F6 1(c), (e) and (f). The current practice of council is to:

- place a blue side bar annotation and a text note for provisions that are subject to a council-initiated plan change, or have immediate legal effect
- place a black side bar annotation and text note for provisions that are subject to an Environment or High Court appeal.

When a decision on a plan change is made and no appeals received, council resolves under clause 20 to make the plan operative, seal page complete, plan update process followed and plan updated.

No operative text in the Unitary Plan is changed when a plan change is notified. Instead, all documents relating to plan changes (private or council-initiated) are found on council's website. The plan change only gets incorporated into the operative plan text when these provisions become operative.

Under this method, if provisions in the Unitary Plan are not annotated, the plan text is operative.

Standard F6-1 (d, e and f): Highlighting of policy statement/ plan text

The draft Standard implies that plan changes should be incorporated into the operative plan when the plan change has been notified and then tracked from notification to the appeal stage within the operative plan. This method does not make sense. Incorporating plan changes from notification with a "tracking system" is going to make the operative plan extremely messy to work with. It will clutter the operative plan unnecessarily because the majority of the plan change provisions will have limited legal weight and are still to undergo potentially significant change through the submission and appeal phase.

This Standard has limited benefit to plan users, as the information required for resource consents (i.e. provisions subject to plan change, immediate legal effect etc.) are already annotated in the plan.

Due to its size, Auckland Council has many plan changes at any one time (i.e. at present, about 10 plan changes are found on the plan change modifications page). There is more value in directing users to a plan change modification page (on the council's website), where affected provisions from plan changes can be clearly articulated, rather than peppered throughout the plan

Auckland Council is moving to ease the customer journey for proposed plan changes. The focus of this is to maintain much of the plan change documents outside of the Unitary Plan and to click through to make an online submission.

Standard F6 1(a) (b): Highlighting of policy statement /plan text

Standard F6 1(a) and (b) requires the shading, or similar method, to differentiate text if it is required by national planning standards and cannot be amended; or similarly is required by national policy statement and/ or national environmental standard.

Depending on the method that is used for identifying the text, over time this is going create a lot of clutter in a plan and potentially make the plan very difficult to read.

As described above, Auckland Council uses side bar annotation and text notes for matters under section 86D of the Act, but not for national policy statements and/ or national environmental standards.

There are two key issues with this Standard. These are:

- that the requirement to detail provisions that relate to national direction instruments is a complicated and onerous task that can lead to interpretation issues; and

- the requirement to highlight plan text is too disruptive to the plan's readability (as outlined above in submission point for F6 1(d)).

These points are expanded in turn.

As required by standard F6 1 (a) to (f) the shading or similar method to outline plan text is disruptive when reading the text as it clutters plan text. This is also true for plans in e-plan format.

This is especially so for plan users who are not accustomed to national direction instruments. As such, it is a small number of users of the Unitary Plan who will benefit from this requirement.

Auckland Council's submission on Standard S-Intro explained that the requirement to summarise detail on how national direction instruments (refer to S-NDI) is too onerous a task and sets up potential interpretation issues. Provisions that implement national policy statements and national environmental standards can be well threaded into the plan, that it also gives effect to regional policy statements etc. Therefore it will be difficult to ascertain that a provision only gives effect to national directions.

As such Auckland Council recommends Standard F6 1(a) and (b) is reconsidered for inclusion into these National Planning Standards. Also, council recommends that in requiring any shading, highlighting or other method to highlight provisions under Standard F6 1, that the readability and visual connectedness of the plan text remains important.

F-6:2 to 5 Legal status and update 'date' of policy statements/ plan provisions

Draft Standard F-6: 2 and 3 require that the legal status of provisions and the reason for that status be provided as a pop up box or some other means, when text is selected.

Draft Standard F6: 4 and 5 require that the date the text was last updated, is included in a pop up box or some other means. It is unclear if this requirement applies to Clause 16 and Clause 20A of Schedule 1 updates.

In its totality, F6 2 to 5 will make plan text visually distracting and difficult to read, particularly for a large plan, such as the Unitary Plan. This is a similar issue to F6 (1), where these standards will:

- negatively impact on the visual connectedness of the plan text
- potentially confuse and disrupt reading for most plan users

Auckland Council will comment on F6 2, given its intention to move to an e-plan format. The Unitary Plan currently uses a side bar annotation with a note where a provision is under appeal to the Environment Court or the High Court; where it is subject to a plan change and/ or has immediate legal effect under a plan change. If a provision does not have side bar annotation, its status is operative.

There is no other benefit in stating its legal status other than those highlighted above. In addition, Standard F6 (2), duplicates much of Standard F6 1(c) to (f), which already leads to a visually distracting and cluttered plan.

F-6 Alpha-Numeric numbering

Table 28, Numbering table in Standard F6, outlines the alpha-numeric numbering required under the Standards.

This proposed numbering system will completely change the current numbering approach in the Unitary Plan. There are matters that this alpha numeric numbering system does not consider. These include:

- that the numbering system does not take into account specific rule provisions
- it becomes difficult to use where there are multiple sub-levels within a section (example included below in Figure 3)
- a standardised way to show additions or deletions through plan changes.

Changes sought

Auckland Council seeks the following amendments:

- remove the requirement to specifically identify rules that have no effect until the proposed plan becomes operative;
- remove the requirement to specifically identify provisions required by the national planning standard, national policy statement or a national environmental standard;
- remove the requirement to specifically note updates and legal status of provisions (aside from legal status required by s86D of the Act);
- reconsider the alpha-numeric numbering system to take into account a more complex rule framework;
- introduce a standard approach in the numbering for showing additions and deletions introduced in plan changes;
- retain the ability to use similar methods such as side bar annotation and text note instead of highlights or shading;
- reconsider the use of pop up boxes and shading to a method that is less intrusive on the plan text.

Draft Definitions Standard (CM-1)

Relevant Planning Standard

This section contains detailed submission points on the draft definitions Standard (CM-1).

Summary of submission points

Auckland Council has a number of submission points on the proposed definition Standard CM-1. These are:

- that further guidance and advice is required to clarify what constitutes a locally defined term (*see point on Mandatory Direction 3(d)*).
- that the format of the definitions table under CM-1 should include alphabetical headers to ease navigation (*see point on Mandatory Direction 3(e)*).
- that council is able to include diagrams for some definitions included in this Standard, particularly if it assists in the local interpretation of the term (*see point on Mandatory Direction 3(g)*).
- that the principles that underpin the drafting of these definitions (CM-1) are included as mandatory directions to ensure any locally defined term by councils is defined in a consistent way.
- That the terms are amended or deleted as outlined in appendix 2 to this submission.
- amend the Standard to enable councils to incorporate existing definition 'matters', such as an exclusion/inclusion lists, into other plan provisions as part of a consequential amendment.
- provide 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.

Issues

In principle, Auckland Council is supportive of the approach taken to standardise and provide a definition for a number of terms outlined in this Standard. The standardisation provides greater certainty around the meaning of these terms and reduces the number of variations and inconsistencies seen across planning documents around the country.

However, the Council wishes to express that the standardisation of these terms will have a significant impact on the Unitary Plan. While it is noted that generally the standards are not intended to determine policy matters, this Standard will have a wide impact across the Unitary Plan wherever these terms or similar terms are used. This impact will require the Council to review and re-write parts of the Unitary Plan to ensure any policy approach and rules are consistent with the terms defined in this Standard.

As such, the Council recommends amendments, additions, and deletions to a number of terms in the Standard to help reduce the impact and support the future implementation of the mandatory terms into the Unitary Plan.

Mandatory directions of Standard CM-1

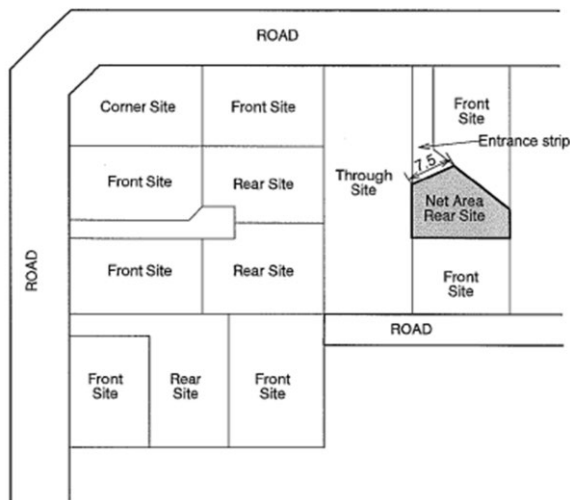
This section outlines Auckland Council's submission points on mandatory directions 2 to 3 (a) to (h) of definitions Standard CM-1. These are outlined in the following table.

Mandatory Directions	Comments	Auckland Council's position
Directions 3(a) and 3(b)	Council supports the format of the definitions table as set out in Table 29 of CM-1	Support
Direction 3(c)	Council supports the ability to provide subcategories and a narrower application of a term in the proposed definition. This is particularly important to council as it enables the incorporation of a wider suite of definitions in the Unitary Plan, and helps it to maintain the cascaded definition framework currently used in the Unitary Plan	Support
Direction 3(d)	The council accepts in principle that no synonyms of a term defined in this Standard should be included. However, there are several terms in the Unitary Plan where it is not a direct synonym of a term in CM-1. It is unclear if this term should be deleted or can be retained as a 'locally-defined' term. For example, 'mineral extraction activities' are defined in the Unitary Plan and in this Standard the terms 'mining' and 'quarry' are separately defined. The definitions of 'mining' and 'quarry' are closely aligned to the Unitary Plan definition of 'mineral extraction activities'. However it is unclear whether 'mineral extraction activities' can remain as a stand-alone definition in the Unitary Plan. This term, 'mineral extraction activity', is included in the regional policy statement, regional plan and district plan provisions. If this term is regarded as a synonym of the terms 'mining' and 'quarry' then all references to 'mineral extraction activities' will need to be replaced and amended to the new terms. The cascade effect of implementing this direction will create a number of consequential amendments that go beyond the scope of	Provide guidance to territorial authorities (see <i>changes sought section</i>)

Mandatory Directions	Comments	Auckland Council's position
	amendments and Schedule 1 of the Act will need to be used..	
Direction 3(e)	Council supports this approach, however suggests that letter headers (A-Z) are included as part of the formatting specifications. Letter headers make it easier to navigate. An example of this change is included in the <i>Changes Sought</i> section	Amend
Direction 3(f)	Council supports this approach as it does not require the plan user to go to another document to find a definition. All relevant definitions are accessible within the plan, and therefore more user friendly. Council also supports the inclusion of the legislation reference and definition (from legislation) to provide context to the user.	Support
Direction 3(g)	Council supports the use of diagrams in definitions. However, certain mandatory definitions in this Standard do not have diagrams, while the Unitary Plan contains diagrams for those terms. For example, there is no diagram for 'site' under the Standard, but the Unitary Plan contains a diagram on site and refers the reader to see additional definitions provided in the plan i.e. entrance strip, rear site, access site, front site (see below Figure J1.4.8: Site taken from the Unitary Plan). This diagram helps the reader to understand their site type i.e. whether it is a front site, rear site, or corner site. The distinguishing of site type determines the type of development controls and rules applicable to the owner. Council request some clarity on whether the use of diagrams and references to diagrams in the plan, can be used in clarifying definitions under Standard CM-1.	Provide clarity to territorial authorities (see <i>changes sought</i> section)
Direction 3(h)	Council supports the provision of guidance on how definitions relate to one another in the context of these Standards. This is particularly so for nesting tables	Support

Example from Auckland Unitary Plan, for Mandatory Direction 3(g)

Figure J1.4.8: Site



See also: entrance strip, rear site, access site, front site.

Changes sought for mandatory directions 3 (a) to (h)

Auckland Council seeks the following amendments to CM-1:

- For mandatory direction 3(d), clarification is needed on the extent to which terms such as 'mineral extraction activities' can remain as a locally defined term and are not considered a synonym of a term already defined. Other cases are set out in Appendix 2 to this submission. It is unclear as to what 'locally defined term' means – is it a geographic unique variable or a local plan variable relative to the planning context? The full extent and meaning of 'locally defined terms' is not clear in the mandatory directions. Such clarification should be outlined in mandatory direction and not in guidance or supporting documents. This will achieve consistency.
- For mandatory direction 3(e), include alphabetical, i.e. A-Z headers, as outlined in the example table below (change highlighted in yellow):

Term	Definition
A	
abrasive blasting	means the cleaning, smoothing, roughening, cutting or removal of part of the surface of any article by the use, as an abrasive, of a jet of sand, metal, shot or grit or other material propelled by a blast of compressed air or steam or water or by a wheel
accessory building	means a detached building , the use of which is ancillary to the use of the principal building , buildings or activity on the same site , but does not include any minor residential unit
access strip	has the same meaning as in section 2 of the RMA (as set out in box below) means a strip of land created by the registration of an easement in accordance with section 237B for the purpose of allowing public access to or along any river, or lake, or the coast, or to any esplanade reserve, esplanade strip, other reserve, or land owned by the local authority or by the Crown (but excluding all land held for a public work except land held, administered, or managed under the Conservation Act 1987 and the Acts named in Schedule 1 of that Act)
addition	means any works undertaken to an existing building which has the effect of increasing the gross floor area of that building

- For mandatory direction 3(g), enable territorial authorities to include diagrams for mandatory definitions, or enable the ability to provide a reference to other definitions and diagrams in the plan to assist with clarification and interpretation.

Missing content in mandatory directions

In reviewing the *Proposed National Planning Standards evaluation report 2018; Part 2C – Definitions*, and the *Draft National Planning Standards Consultation Document*, the council found that there are a number of principles used in drafting the definitions that are not included in the mandatory directions of the Standard. Council considers that these principles should be in the Standard to ensure any locally defined term by councils is defined in a consistent way.

Changes sought

Auckland Council seeks that a number of the principles used for drafting the definitions in Standard (CM-1) should be included as mandatory directions. These are:

- Definitions should avoid containing (or becoming) de facto rules. A key principle in the drafting of the Standard definitions is that rules and performance standards should manage the outcome, not the definition.
- Definitions should be clear and concise, and avoid using subjective language, such as ‘high quality’, ‘appropriate’ or ‘approximate’.
- Definitions should not give interpretation rights exclusively to one person or organisation.

- Metrics are not allowed in definitions and must go in standards/rules.
- Where a definition contains the word 'includes' and is followed by a list, the list is non-exhaustive, and if a definition 'excludes' a list of matters, this list is exhaustive.

Comments on mandatory terms outlined in Standard CM-1

The council has reviewed each term and definition listed in the Standard. A copy of this analysis is provided in Appendix 2 to this submission and a summary of the review is outlined below.

Of the 109 terms outlined in CM-1, Auckland Council:

- supports 64 terms as outlined in Table 29 of CM-1;
- seeks amendments to 42 terms in Table 29 of CM-1; and
- seeks the deletion of two terms in Table 29 of CM-1

For the 42 terms that council seeks amendments; these are to refine or address gaps, alignment with, or distinguish from, other definitions, and improve the overall meaning and application of these terms in planning documents. Refer to Appendix 2 for details

The two definitions that council would like deleted include 'swale' and 'mana whenua' and reasons for this are outlined in Appendix 2.

Several definitions provided in the Standard are similar and align with definitions in the Unitary Plan. While others present a significant variance or departure from the Unitary Plan approach which will require the council to change its policy approach and use of the terms in the Unitary Plan.

The words 'principal' or 'principally' are used a number of times in the Standard. It appears the use of these terms provide flexibility but does bring into question how this will be determined and interpreted at a local level.

It is noted that there are a number of definitions where there is variation between the definition set out in the Standard and Appendix 2 proposed definition text of the section 32 report. For example, this has been identified in relation to 'net floor area', where the section 32 report does not refer to '(iv) required parking areas'. Similarly, the variance is seen on the definition of 'footprint' between the Standard and Section 32 report.

Implications for implementing and adopting the mandatory terms into the Auckland Unitary Plan (Unitary Plan)

Under this Standard it is unclear whether councils must incorporate all 109 definitions in its plans or only incorporate those definitions that currently exist in its plan. This Standard needs to have similar wording as contained within other Standards, which is: "*If the following definitions are included in the Plan then the following definitions must be used*", if it seeks to effect the latter.

There is also the question of whether council has to include a term in CM-2, if it uses that term in the Unitary Plan but does not include a definition for that term.

In implementing the mandatory defined terms, the Unitary Plan will need to be amended substantially to align with the Standard. This will require multiple consequential amendments.

Apart from formatting and putting the definitions into a table, all definitions currently listed in the Unitary Plan will need to be amended to follow a similar style and format as set out in the mandatory directions. This will include removal of any metrics, moving any inclusions and exclusions as part of a definition into other provisions and amending the nesting tables to reflect new terms and definitions provided in this Standard.

Inclusions and exclusions currently used in the Unitary Plan

The principle of removing inclusions and exclusions as part of a definition into other plan provisions, including rules, will involve quite a lot of rewrite and repetition in the Unitary Plan. The example below illustrates the scale and extent that a Unitary Plan definition will need to be amended to give effect to the mandatory directions of this Standard.

Example of amendment to Unitary Plan definition

Building *(term currently in Unitary Plan)*

means any structure, whether temporary or permanent, moveable or fixed, that is enclosed, with 2 or more walls and a roof, or any structure that is similarly enclosed

(Definition under Standard CM-1)

Green text below outlines changes required to Unitary Plan:

On land for the purposes of district plan provisions, “building” includes the following types of structures listed in Table J1.4.1, only where they meet the qualifying dimensions or standards:

Table J1.4.1: Buildings

Type of structure	Qualifying dimension or standard
Decks, steps or terraces	Over 1.5m high
Fences or walls	Over 2.5m high
Flagpoles, masts or lighting poles	Over 7m higher than its point of attachment or base support Cross-sectional dimension does not exceed 1.2m
Grandstands, stadia or other structures that provide seating or standing accommodation (whether or not open or covered or enclosed)	Over 1m high
Retaining walls or breastwork	Over 1.5m high or located within 1.5m of the boundary of a road or public place
Satellite dishes	Over 1m diameter

Stacks or heaps of materials	Over 2m high. Do not exist for more than one month
Free-standing sign	Over 1.5m high
Swimming pools or tanks, including retention tanks, spa pools, swirl pools, plunge pools or hot tubs	Over 1m high More than 25,000l capacity Supported directly by the ground or supported not more than 1m above the ground
Structures used as a dwelling, place of work, place of assembly or storage, or that are in a reserve or camping ground	Over 1.5m high In use for more than 32 days in any calendar year
Verandahs, bridges or other constructions over any public open space	Above ground level

and excludes the following types of structures:

- any scaffolding or falsework erected temporarily for construction or maintenance purposes;
- roads, road network structures, manoeuvring areas, parking areas (other than parking buildings) and other paved surfaces;
- any film set, stage or similar structures less than 5m high that exist for less than 30 days; and
- roof mounted chimneys, aerials and water overflow pipes.

In the coastal marine area for the purposes of the regional coastal plan, “building” includes any covered or partially covered permanent or temporary structure, whether or not it is enclosed.

The Unitary Plan inclusion and exclusions are used both to clarify which activities fall or do not fall within that definition as well as to provide metrics and other such qualifiers.

In some instances, inclusions and exclusions currently listed under a definition such as ‘building’ will need to be repeated and inserted as rules (or other provisions) in every section that refers to ‘building’. Despite being an e-plan, this will increase the number of rules, or provisions, and create large amounts of repetition. One benefit of containing such content in a definition, as in the Unitary Plan, is that it remains within one centralised location.

Not all current inclusion and exclusions will be able to be transferred directly to other provisions and some will need to be completely re-written.

The council considers these changes are not within the scope of a consequential amendment and therefore a Schedule 1 process will be required. This could result in significant re-litigation for some terms. Council requests that the Standard is amended to

enable council to incorporate matters from their existing definitions into other Plan provisions when incorporating the standardised terms.

Nesting Tables used in Unitary Plan

Council supports the Standard enabling the use of nesting tables. However, most of the existing nesting tables found in the Unitary Plan will need to be amended to give effect to this Standard. The example below illustrates the scale and extent of changes to existing nesting tables of the Unitary Plan, for one core term – ‘Rural Industry’.

Table J1.3.6 Rural

<u>Rural Industry</u>	<u>Industrial Activity</u>	<u>Manufacturing, fabricating, processing, packing, storing, maintaining or repairing goods</u> On-site primary produce manufacturing	Produce sales
		<u>Research laboratories</u>	
		<u>Yard-based storage, distribution and logistics activities</u>	
		<u>Training facilities to support rural industrial activities</u>	
	<u>Primary Production Farming</u>	<u>Intensive Primary Production Intensive Farming</u>	Intensive poultry farming
		<u>Agricultural</u>	Conservation planting
			~~Post-harvest facilities~~
			Animal breeding or boarding
		<u>Pastoral</u>	Free-range poultry farming
			Poultry hatcheries
		Forestry	Quarries – farm or forestry
		Horticultural	
		<u>Any land and auxiliary buildings used to produce the products in primary production</u>	

Consequential changes to the Unitary Plan to enact mandatory directions

The council considers that to give effect to the Definitions Standard will require a significant number of consequential amendments to the Unitary Plan that will go beyond the scope of amendments authorised by section 58I (3)(d) of the Act.

Council also believes that, amending the Unitary Plan to include the mandatory definitions will affect its policies and rules where such terms are currently used.

For example, the Standard provides a definition for 'rural industry', 'industrial activity' and 'primary production'. The Unitary Plan provides a definition for 'rural industries', 'rural commercial services' and 'rural production activities'. If the Definition Standard is gazetted, in its current form, the council will need to replace all existing terms i.e. 'rural industries', 'rural commercial services' and 'rural production activities' in the Unitary Plan with the Standard terms of 'rural industry', 'industrial activity' and 'primary production'. The council cannot retain the existing terms and definitions in the Unitary Plan as these would be considered synonyms of terms provided in the Standard. They are also not considered to be a sub-category or narrower application as most of the words and meaning align to the definitions in the Standard.

The definition of 'rural industry' is in itself quite different to the definition of 'rural industries' in the Unitary Plan. Replacing the term 'rural industries' with 'rural industry' alone will change how this term is used and the associated rules.

The new Standard definition on 'rural industry' broadens the activities and uses provided for. Currently in the Unitary Plan, certain terms and activities defined under 'rural industries' have different activity statuses and associated rule provisions. The council is not able to do a direct replace/amendment.

In reviewing whether such change meets the legislation to 'avoid duplication or conflict', the council is of the view that replacing the term with the Standard 'rural industry' will trigger a change to the policy approach and application. This is considered to go beyond the scope of consequential amendments and will trigger a merits-based policy discussion on whether the new activities and uses provided for under the 'rural industry' should have the same activity status and provisions as currently provided or whether the activity status should change under different zones and precincts.

It is not clear on what is considered an appropriate consequential amendment that can be made under a non-Schedule 1 process, before it triggers the need to do a full Schedule 1 process. Section 58I (3)(d) of the Act is vague and open to interpretation.

In the council's view, any consequential amendment that triggers a change in policy approach, rules, or requires a merits-based evaluation on options, goes beyond the scope of what can be carried out as a consequential amendment to the Unitary Plan.

This means that any such change will need to be carried out using the Schedule 1 process that would allow for a merits-based evaluation to take place and give people an opportunity to submit and comment on the proposed amendments.

Changes sought

Auckland Council seeks the following amendment:

- amend the Standard to enable councils to incorporate existing definition 'matters', such as an exclusion/inclusion lists, into other plan provisions as part of a consequential amendment.
- provide 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.

Appendix 2

National Planning Standards proposed term	Relevant Unitary Plan Term(s)	Council's position [Support / Oppose / Amend]	Reasons	Recommendation
abrasive blasting	There are no similar term(s) defined in the Unitary Plan.	Support	Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
access strip	There are no similar term(s) defined in the Unitary Plan. There are associated terms defined in the Unitary Plan: Easement and Access site.	Support	Support the inclusion of this term in the National Planning Standards, in its present form. Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991.	Include in definitions standard
accessory building	There is a similar term defined in the Unitary Plan: Accessory building. There are associated terms defined in the Unitary Plan: Accessory activities, and Building.	Amend	Support standardisation of the term and definition. However, it is not clear whether an accessory building can be ancillary to a use on site when it is not the primary use. For example, if there is an ancillary use on the site such as home occupation, it is unclear if the accessory building can be accessory to that ancillary use rather than the primary use. Similarly, the same question is raised with storage units for home business. Clarification on this matter is required.. It is also sought that the draft definition includes a reference to a vacant site. The Unitary Plan definition includes site and vacant site. It does not appear this can necessarily be sufficiently provided for, through standards or rules.	Refine and amend definition to take into consideration: - if there was an ancillary use on the site, clarify if the accessory building can be accessory to that ancillary use, rather than the primary use - in addition, include provision for vacant sites. Insert wording such as: ...or on a vacant site, a building that is incidental to any use which may be permitted on that site.
addition	There are no similar term(s) defined in the Unitary Plan. There are associated terms defined in the Unitary Plan: Gross floor area and Building coverage.	Support	Support the inclusion of this term in the National Planning Standards in its present form.	Include in definitions standard
allotment	There are no similar term(s) defined in the Unitary Plan. There is an associated term defined in the Unitary Plan: Site.	Amend	Support standardisation of the term and definition. It is appropriate in this instance to default to the definition in section 218 of the Resource Management Act 1991. It is requested however that interpretation material clarifies that the term 'lot' has the same meaning as allotment, for the avoidance of doubt.	Include in the definitions standard and request that any interpretation material clarifies that the term 'lot' has the same meaning as allotment, for the avoidance of doubt.
amenity values	There are no similar term(s) defined in the Unitary Plan	Support	Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this definition as set out in the draft National Planning Standards June 2018 document.	Include in definitions standard
ancillary activity	There is a similar term defined in the Unitary Plan: Accessory activities. There is an associated term defined in the Unitary Plan:	Amend	Support standardisation of the term and definition in principle. However it is noted that, the use of subsidiary in this definition is important. Subsidiary can be read to mean 'subordinate or secondary'. In legacy Auckland plans some councils used subsidiary with reference to accessory buildings so that the building could not be bigger than the principal building. The	Refine and amend definition to take into consideration: - the use of the word subsidiary and its flow on linkages to the definitions of accessory building and minor residential unit.

National Planning Standards proposed term	Relevant Unitary Plan Term(s)	Council's position [Support / Oppose / Amend]	Reasons	Recommendation
	Accessory building.		definition of accessory buildings does not contain the term 'subsidiary' so it is misleading and creates confusion as to whether the use must be smaller than the principal use but the building housing the use does not have to be. This is a use versus development issue. Clarification is required to the definition. Additional commentary is provided on 'Minor residential unit' as it is a similar issue with this definition of 'ancillary activity'.	
aquifer	There is a similar term defined in the Unitary Plan: Aquifer.	Support	Support the inclusion and standardisation of the term in Standards, as it is written out in the draft National Planning Standards June 2018 document. The definition allows for aquifers to be recognised for a range of purposes, including ecological and cultural. The definition aligns better with the implementation of the National Policy Statement for Freshwater Management.	Include in definitions standard
bed	There are no similar term(s) defined in the Unitary Plan	Support	Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this definition as set out in the draft National Planning Standards June 2018 document.	Include in definitions standard
best practicable option	There is a similar term defined in the Unitary Plan: Best practicable option.	Support	The term is already in Chapter J Definitions of the Unitary Plan and refers the reader to the same meaning of 'best practicable option' as in section 2 of the Resource Management Act 1991. Support the inclusion of this definition as set out in the draft National Planning Standards June 2018 document.	Include in definitions standard
bore	There is a similar term defined in the Unitary Plan: Bore. There are associated terms defined in the Unitary Plan: Stormwater, Dam, Damming, Drilling and Landfills.	Amend	Support standardisation of the term and definition. It is noted that there is a New Zealand drilling Standards for 'bore'; we suggest MfE may wish to review these standards in review of the definition of 'bore'. The Unitary Plan uses the term "drilled" whereas the Standard is simply referring to a hole. A bore tends to be lined to meet certain engineering standards. Suggest that the Standards should refer to 'bore' and 'hole'. It is also noted that (iii) could be interpreted to imply that wastewater disposal trenches were a 'bore' under this definition and would require consideration as a bore.	Refine and amend definition to take into consideration: - NZ drilling standards for 'bore'; and - differentiate and include 'bore' and 'hole' in definition.
boundary	There are no similar term(s) defined in the Unitary Plan. There is an associated term defined in the Unitary Plan: Site.	Support	Support the inclusion of this term in the National Planning Standards, in its present form. The proposed NPS definition is clear and concise.	Include in definitions standard
boundary adjustment	There is a similar term defined in the Unitary Plan: Boundary adjustment. There is an associated term in the Unitary Plan: Subdivision.	Support	Support the inclusion of this term in the National Planning Standards, in its present form. The definition is similar in meaning to the Unitary Plan definition of boundary adjustment.	Include in definitions standard

National Planning Standards proposed term	Relevant Unitary Plan Term(s)	Council's position [Support / Oppose / Amend]	Reasons	Recommendation
building	There is a similar term defined in the Unitary Plan: Building.	Amend	Support standardisation of the term and definition. However the definition is a significant change in approach. Most aspects of the Unitary Plan definition are not covered in the Definitions Standard but these can be covered through modifying rules and standards throughout the Unitary Plan It is requested however, that some changes are made and interpretation aspects are considered: 1) There is too much uncertainty about what 'enclosed' means in the draft definition. Something with 2 walls is not 'enclosed' so the definition does not follow a plain English meaning. It is not clear if it is the 'enclosed' or the '2 or more walls and a roof' that is the primary determinant? Several examples to illustrate the lack of clarity with the choice of words are: -If a carport has a roof and one wall, is it a building? -Is a covered walkway or a bus stop a building because it has a roof and transparent walls? -If a shelter has walls and a trellis roof is it a building? -Is a garage door considered 'similarly enclosed'? -Would a water tank be 'similarly enclosed'? 2) It is also not clear whether all the clauses need to be met to be a building. 3) A third amendment is sought is in relation to partial versus fully covered roofs. The legacy coastal plan and Unitary Plan have, 'In the coastal marine area for the purposes of the regional coastal plan, "building" includes any covered or partially covered permanent or temporary structure, whether or not it is enclosed'. This uses the word "covered" not "enclosed". Like the point raised directly above, does the draft definition apply if there is a partial roof? It is therefore sought that the definition is changed to recognise being covered as well as enclosed, including being partially covered by a roof. This may reads as: Building means any structure, whether temporary or permanent, moveable or fixed, that is <u>partially or fully enclosed</u>, <u>and</u> with 2 or more walls, <u>and covered or partially covered</u> by a roof, or any structure that is similarly enclosed. It is concurred with that reverting to the Building Act 2004 definition of 'building' is not suitable for a planning context and not supported.	Amend definition as follows: Building means any structure, whether temporary or permanent, moveable or fixed, that is <u>partially or fully enclosed</u>, <u>and</u> with 2 or more walls, <u>and covered or partially covered</u> by a roof, or any structure that is similarly enclosed.
building damage from vibration	There are no similar term(s) defined in the Unitary Plan	Support	Support the inclusion of this term in the National Planning Standards, in its present form. Do not change the name of this definition to 'building damage from noise vibration' or 'noise building damage'. The standard is not all about noise and not all vibration is linked to noise.	Include in definitions standard

National Planning Standards proposed term	Relevant Unitary Plan Term(s)	Council's position [Support / Oppose / Amend]	Reasons	Recommendation
cleanfill	There are similar terms defined in the Unitary Plan: Cleanfill and Cleanfill material There are associated terms defined in the Unitary Plan: Managed fill, Managed fill material, Landfill and Mineral extraction activities.	Amend	Support standardisation of the term and definition in principle, but it is critical that the Unitary Plan is able to retain the associated definitions of 'managed fill', and 'cleanfill material' as they comprise of different waste materials and have different effects on receiving water, which are linked to activity statuses in the Unitary Plan. Our view is that these are not synonyms of 'landfill' or 'cleanfill' as defined in the draft Definitions Standard, and if our associated definitions are considered synonyms then this current definition of 'cleanfill' will be of significant concern. Clarification is sought that these two definitions could remain as distinctly separate definitions within the Unitary Plan as locally defined terms and not synonyms of the term 'cleanfill'.	Clarification is sought if the related term 'cleanfill material' can remain as a locally defined term in a Plan. This is not considered a synonym of 'cleanfill' both in terms of the definition name nor the technical definition content. Clarification is also sought that 'managed fill' and 'managed fill material' could remain as distinctly separate definitions within the Unitary Plan.
coastal marine area	There is a similar term defined in the Unitary Plan: Coastal marine area.	Amend	In the Unitary Plan, the definition on 'coastal marine area' provides additional clarification for where the line of mean high water springs crosses a river. Appendix 7 lists 252 rivers with a Topo map grid reference for the coastal marine area (CMA) boundary. The draft definition means that the reference to Appendix 7 in the Unitary Plan will need to be removed. A new definition could be added to correspond to the RMA definition of "mouth". That definition allows for agreements between councils and the Minister of Conservation on defining the landward boundary of the CMA at river mouths prior to notification of a regional coastal plan. A new definition could be "Mouth – for the purpose of defining the landward boundary of the coastal marine area, means the mouth of the river at the points listed in Appendix 7". The alternative is to amend the draft definition as follows: "has the same meaning as in section 2 of the RMA (as set out in the box below) <u>with any agreed coastal marine area boundary points at rivers identified in the [XXX] section of the Plan.</u>"	Amend the definition of 'coastal marine area' to note how a regional coastal plan identifies any cross-river coastal marine area boundaries (as agreed with territorial authorities and the Minister of Conservation in accordance with the RMA definition of 'mouth'). or Amend the definition as follows: "has the same meaning as in section 2 of the RMA (as set out in the box below) <u>with any agreed coastal marine area boundary points at rivers identified in the [XXX] section of the Plan.</u>"
coastal water	There are no similar term(s) defined in the Unitary Plan	Support	Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
commercial activity	There is a similar term defined in the Unitary Plan: Commercial activities. There are associated terms defined in the Unitary Plan: Commercial services, Offices, Retail, Large format retail, and Business activities (these are only a selected number; there are more in the Unitary Plan).	Amend	Support standardisation of the term and definition. However it is noted that experience with the inclusion of 'primary purpose' within Unitary Plan definitions has been problematic. Interpretation issues are likely to occur in relation to what 'primary purpose' constitutes and clarification is required to whether it includes offices (within the word 'services'). Support the approach to allow Councils to provide subset of activities captured by this definition. The Unitary Plan contains a range of associated terms with definitions (i.e. subset of activities) that fall under the term 'commercial activity'.	Refine and amend definition to take into consideration: - whether 'offices' are included or it is considered within the word 'services'. This needs to be spelt out in the definition.

National Planning Standards proposed term	Relevant Unitary Plan Term(s)	Council's position [Support / Oppose / Amend]	Reasons	Recommendation
community facility	There is a similar term defined in the Unitary Plan: Community facilities.	Amend	Support standardisation of the term and definition in principle, but raise that an activity such as libraries may not be sufficiently and explicitly encompassed within this definition and that 'similar community purposes' may be too vague for an activity such as libraries. Seek clarification and whether the words 'learning' or 'educational' need to be encompassed into the definition. This change may need to be considered in relation to the term 'educational facility' defined in the Standards.	Refine and amend definition to take into consideration: - if libraries is a community facility and if so, what subterm in the definition will capture such activities. Consideration to words such as 'learning' or 'educational' may need to be included in the definition.
contaminant	There are no similar term(s) defined in the Unitary Plan. There are associated terms defined in the Unitary Plan: Discharge system and Separate phase liquid contaminants.	Support	Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this definition as set out in the draft National Planning Standards June 2018 document.	Include in definitions standard
contaminated land	There are no similar term(s) defined in the Unitary Plan. There are associated terms defined in the Unitary Plan: Detailed site investigation (contaminated land), Preliminary site investigation (contaminated land), Remedial action plan (contaminated land), Site management plan (contaminated land), Site validation report (contaminated land) and Land containing elevated levels of contaminants.	Support	Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
coverage	There is a similar term defined in the Unitary Plan: Building coverage. There are associated terms defined in the Unitary Plan: Net site area, Floor area ratio and Gross floor area.	Support	Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
discharge	There are no similar term(s) defined in the Unitary Plan	Support	Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this definition as set out in the draft National Planning Standards June 2018 document.	Include in definitions standard

National Planning Standards proposed term	Relevant Unitary Plan Term(s)	Council's position [Support / Oppose / Amend]	Reasons	Recommendation
drain	There are no similar term(s) defined in the Unitary Plan.	Amend	Support standardisation of the term and definition. Important that the definition links to 'artificial watercourse' and includes pipes as the RMA definition of 'water' excludes water in pipes. In addition, it can be hard to distinguish 'farm' drains and straighten natural watercourses from the definition of drain.	Refine and amend definition to take into consideration: - links to artificial watercourses; - includes pipes; - distinguish 'farm' drains and straighten natural watercourses (what is excluded from the definition of drain).
drinking water	There are no similar term(s) defined in the Unitary Plan	Support	Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
dry abrasive blasting	There are no similar term(s) defined in the Unitary Plan	Support	Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
dust	There are no similar term(s) defined in the Unitary Plan	Support	Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
earthworks	There is a similar term defined in the Unitary Plan: Earthworks. There are associated terms defined in the Unitary Plan: Land disturbance, trenching, ancillary farming, earthworks, cultivation, and ancillary forestry earthworks.	Amend	The draft definitions proposed for both 'earthworks' and 'land disturbance' are not supported. The proposed definition of 'earthworks' is very broad and focuses on the end result (land contour and level) rather than the processes and activities involved. This approach is confusing and reading between the two definitions, certain critical aspects will be missed out that are currently provided for in the Unitary Plan definitions of 'earthworks' and 'land disturbance'. For example, there are a number of the inclusions in the Unitary Plan definition of 'earthworks' comprising of 'boring, ripping, trenching and thrusting' that are not covered under the Standard definition of 'earthworks', as the Standard definition is solely restricted to changes in contour or ground level. This is of significant concern to Auckland Council. It is unclear for example, where the act of creating a trench to put in stormwater pipes then refilling would sit – land disturbance or earthworks? 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 rather than the effects caused by land disturbance then this should be explicitly stated, otherwise it should be deleted and concentrate on refinements to the land disturbance definition. Seek clarification and amendments to the definition to address concerns raised.	Refine and amend both definitions - 'earthworks' and 'land disturbance' to address concerns raised.

National Planning Standards proposed term	Relevant Unitary Plan Term(s)	Council's position [Support / Oppose / Amend]	Reasons	Recommendation
educational facility	There is a similar term defined in the Unitary Plan: Education facility. There are associated terms defined in the Unitary Plan: Tertiary education facility, Care centre, Student accommodation and Community use of education and tertiary facilities.	Support	Support the inclusion of this term in the National Planning Standards, in its present form. However, it is noted that a new definition of secondary education facility is likely to be required in the Unitary Plan.	Include in definitions standard
effect	There are no similar term(s) defined in the Unitary Plan	Support	Agree it is appropriate in this instance to default to the definition in section 3 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
environment	There are no similar term(s) defined in the Unitary Plan	Support	Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
esplanade reserve	There are no similar term(s) defined in the Unitary Plan	Support	Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
esplanade strip	There are no similar term(s) defined in the Unitary Plan	Support	Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
fertiliser	There is a similar term defined in the Unitary Plan: Fertiliser. There are associated terms defined in the Unitary Plan: Agrichemical, Treated effluent, Dairy effluent and Biosolids.	Amend	Support standardisation of the term and definition, but disagree with approach to not provide for animal effluent as a form of fertiliser. Animal effluent can be a significant and important source of nutrients. It is requested that this be incorporated into the definition.	Refine and amend definition to include animal effluent as a form of fertiliser.

National Planning Standards proposed term	Relevant Unitary Plan Term(s)	Council's position [Support / Oppose / Amend]	Reasons	Recommendation
footprint	There are no similar term(s) defined in the Unitary Plan. There is an associated term defined in the Unitary Plan: Building coverage.	Amend	Support standardisation of the term and definition in principle, however clarification is sought. Based on the current wording, it is not clear whether elements such as, an entrance which is between the ground level and the underground basement area to a car park constitutes 'at ground floor level'? There is likely to be ambiguity around what 'directly' above the ground means in application. It is also noted that, the definition wording in the Section 32 Evaluation Report on the Draft Definitions Standard (Part 2C) is different to the draft National Planning Standards document. The section 32 version is preferred because it does not refer to "any section of those structures...".	Refine and amend definition: - Clarify through wording refinements what 'directly' above the ground constitutes.
freshwater	There are no similar term(s) defined in the Unitary Plan There are associated terms defined in the Unitary Plan Freshwater systems.	Support	Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
functional need	There is a similar term defined in the Unitary Plan: Functional need.	Support	Support the inclusion of this term in the National Planning Standards, in its present form. The draft definition is similar to the Unitary Plan definition. Minor differences are grammatical sentence structure only, not technical.	Include in definitions standard
green infrastructure	There are no similar term(s) defined in the Unitary Plan.	Amend	Support standardisation of the term and definition in principle. Inclusion of this term as a mandatory definition supports the use of green infrastructure and how it has the potential to integrate into the environment and community differently to traditional infrastructure. It is noted however that as currently written, 'green infrastructure' would include many wastewater systems that rely on natural processes - oxidation ponds, work based systems and bacteria based systems. It is not clear if this is the intention. Clarification is sought.	Clarification is sought to whether 'green infrastructure' would include many wastewater systems that rely on natural processes - oxidation ponds, work based systems and bacteria based systems. Clarity is required or amendments to the definition to remove confusion.
greywater	There are no similar term(s) defined in the Unitary Plan	Support	Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
gross floor area	There is a similar term defined in the Unitary Plan: Gross floor area. There are associated terms defined in the Unitary Plan: Net internal floor area, Floor area ratio and Average floor area.	Amend	Support standardisation of the term and definition in principle. The core aspect of this draft definition, relating to the sum of the total area of all floors of all buildings on the site, measured from the exterior faces of exterior walls or from the centre lines of walls separating 2 buildings is workable, and can be accepted. It is requested that voids such as, service shafts, lifts or stairwells should not however contribute towards the gross floor area. Clarification is sought more generally to whether basements and areas below ground are intended to be included. The definition refers to buildings 'on' the site. This language may lead a reader to interpret that gross floor area relates to only above ground portions of buildings.	Refine and amend definition to address concerns raised.

National Planning Standards proposed term	Relevant Unitary Plan Term(s)	Council's position [Support / Oppose / Amend]	Reasons	Recommendation
			It is also noted that the definition pluralises both service shafts and stairwells, but not lift. It is recommended that lift is also pluralised for consistency.	
ground level	There is a similar term defined in the Unitary Plan: Ground level.	Amend	Support standardisation of the term and definition in principle. There is concern however that enforcement issues may arise with ground level being able to be modified in breach of plan provisions and parties applying 'the existing surface level of the ground'. This is a different approach to the Unitary Plan It is suggested that a word such as 'lawful' may need to be included as a qualifier for (b), if the ground level cannot be identified. It is also noted that in relation to trees, the Unitary Plan definition of 'ground level' includes a specific explanation for the measurement of the girth of a tree, whereby ground level must be taken from the uphill side of the tree trunk. The draft definition would not be the best fit for the measurement of trees. Clarification is sought that a definition of 'measurement of ground level for tree girth' could be introduced, if not, it is considered important that: <i>In relation to the measurement of the girth of a tree, ground level must be taken from the uphill side of the tree trunk.</i>	Refine and amend definition to address concerns raised.
groundwater	There is no similar term of 'groundwater' in the Unitary Plan There are associated terms defined in the Unitary Plan: Groundwater diversion, Infiltration and receiving waters.	Amend	Support standardisation of term and definition. The definition should provide clarity and be explicit to either include or exclude geothermal water whilst it is in the ground, from the definition.	Refine and amend definition to provide clarity and be explicit to either include or exclude geothermal water whilst it is in the ground, from the definition.
habitable room	There is a similar term defined in the Unitary Plan: Habitable room.	Amend	Support standardisation of term and definition but recommend including boarding houses as it appears this is missing, but is an important inclusion.	Amend definition as follows: means any room in a residential unit, visitor accommodation, educational facility, commercial activity, <u>boarding house</u> or healthcare facility used for the purposes of teaching or respite care or used as a living room, dining room, sitting room, bedroom, or similarly occupied room

National Planning Standards proposed term	Relevant Unitary Plan Term(s)	Council's position [Support / Oppose / Amend]	Reasons	Recommendation
hazardous substance	There is a similar term defined in the Unitary Plan: Hazardous substance. There are associated terms defined in the Unitary Plan: Hazardous facility and Hazardous waste.	Amend	While it is considered appropriate to default to the definition in section 2 of the Resource Management Act 1991, it is recommended the definition of 'hazardous substances' is expanded to also include substances with radioactive properties or high biological oxygen demand more than a specific amount. This would relate to any substance with one or both of the following intrinsic properties: • radioactivity; and • high biological oxygen demand (BOD5) more than a specified amount (recommended to be set at 10,000mg/l). While measurements are discouraged under the Standard definitions, there is a metrics in the definition of 'small scale renewable electricity generation' and in this instance measurements are appropriate and necessary. Recommend not to default to the definition in the RMA but to provide additional clarification and words requested above.	To ensure consistency in approach, it is recommended that the further definition/interpretation text within the definition box for 'Hazardous substances' under section 2 (Interpretation) of the Hazardous Substances and New Organisms Act 1996 is explicitly set out, for the avoidance of doubt, and to be consistent with CM-1: 3f.
height [in relation to a regional plan or regional policy statement or a combined plan that includes a regional plan or regional policy statement]	see below			
height [in relation to a district plan]	There is a similar term defined in the Unitary Plan: Height.	Amend	Support this definition in part in part. Council requests that the option of applying the average height method as well as the rolling height method is included in the definition. The Section 32 Evaluation Report for Draft Definitions Standard (Part 2C) has outlined that it is considered that better environmental outcomes are often achieved when the form of development reflects the contour of slope where it is located. This is not always considered to be the case, especially in the Auckland planning context. This may end up with peculiar outcomes where sites are not well contoured but are steep. Providing for both solutions can enable more design solutions and environmental outcomes.	Refine and amend definition to enable height to be measured using the average height as well as the rolling height methodology.
height in relation to boundary	There is a similar term defined in the Unitary Plan Height in relation to boundary. There is an associated term in the Unitary Plan: Height.	Support	Support the inclusion of this term in the National Planning Standards, in its present form. The draft definition sufficiently addresses the core aspects contained within the Unitary Plan definition and provides a sound technical definition.	Include in definitions standard

National Planning Standards proposed term	Relevant Unitary Plan Term(s)	Council's position [Support / Oppose / Amend]	Reasons	Recommendation
historic heritage	There are no similar terms defined in the Unitary Plan There are associated terms defined in the Unitary Plan: Non-contributing buildings, structures or features; Contributing buildings, structures or features, Archaeological investigations and archaeological site.	Support	Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
home business	There is a similar term defined in the Unitary Plan: Home occupation.	Support	Support the inclusion of this term in the National Planning Standards, in its present form. The draft definition sufficiently addresses the core aspects contained within the Unitary Plan definition.	Include in definitions standard
industrial activity	There is a similar term defined in the Unitary Plan: Industrial activity. There are associated terms defined in the Unitary Plan: Industrial laboratory, Light manufacturing and servicing and Industrial or trade activity.	Amend	Support standardisation of term and definition. It is sought that the definition is expanded to also include 'the processing of raw materials and other accessory activities', as per the Unitary Plan definition.	Amend definition as follows: means an activity for the primary purpose of— (a) manufacturing, fabricating, processing, packing, storing, maintaining, or repairing goods; or (b) research laboratories used for scientific, industrial or medical research; or (c) yard-based storage, distribution and logistics activities; or (d) any training facilities for any of the above activities; <u>or</u> (e) <u>the processing of raw materials and other accessory activities.</u>
infrastructure	There is a similar term defined in the Unitary Plan: Infrastructure.	Support	Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
intensive primary production	There is a similar term defined in the Unitary Plan: Intensive farming. There are associated terms defined in the Unitary Plan: Animal feedlots, Intensive poultry farming and Animal breeding or boarding.	Amend	Support standardisation of term and definition in part. However not sure on the use of 'principally' as this can be subjective. Similar subjective issues have arisen with the current Unitary Plan definition of 'intensive farming' in relation to using the words 'limited dependence'. This has resulted in difficulty in an enforcement context and various interpretations. It is suggested that the definition is made clearer around intensive primary production including such farming activities outside of buildings i.e. 'feedlots' and 'feed pads'.	Refine and amend definition to address concerns raised.

National Planning Standards proposed term	Relevant Unitary Plan Term(s)	Council's position [Support / Oppose / Amend]	Reasons	Recommendation
iwi authority	There is no definition of 'iwi authority' in the Unitary Plan The term 'iwi' is in the Glossary section of the Unitary Plan.	Support	Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
kaitiakitanga	There is no definition of 'Kaitiakitanga' in the Unitary Plan The term 'Kaitiakitanga' is in the Glossary section of the Unitary Plan.	Support	Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
LA90	There are no similar term(s) defined in the Unitary Plan	Support	Defaults to the definition provided in New Zealand Standard 6801:2008 Measurement of Environmental Sound. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
LAeq	There are no similar term(s) defined in the Unitary Plan	Support	Defaults to the definition provided in New Zealand Standard 6801:2008 Measurement of Environmental Sound. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
LAF(max)	There are no similar term(s) defined in the Unitary Plan	Support	Defaults to the definition provided in New Zealand Standard 6801:2008 Measurement of Environmental Sound. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
lake	There are no similar term(s) defined in the Unitary Plan	Support	Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
land	There are no similar term(s) defined in the Unitary Plan	Support	Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
land disturbance	There is a similar term defined in the Unitary Plan: Land disturbance. There are associated terms defined in the Unitary Plan: ancillary farming, earthworks, ancillary forestry earthworks, and earthworks.	Amend	The definitions proposed for both 'earthworks' and 'land disturbance' are not fully supported. There is concern that the draft definition of 'earthworks' excludes many things the Unitary Plan includes, which could not readily be inserted as a standard or rule, and are more appropriate kept within the definition. The Unitary Plan uses these two definitions the other way round. The Unitary Plan definition of earthworks links to the associated defined Unitary Plan terms of 'ancillary farming earthworks' and 'ancillary forestry earthworks'. It is critical that these can remain as	Refine and amend both definitions - 'earthworks' and 'land disturbance' to address concerns raised, before including these terms into the Standards.

National Planning Standards proposed term	Relevant Unitary Plan Term(s)	Council's position [Support / Oppose / Amend]	Reasons	Recommendation
			subset definitions and are not synonyms.	
landfill	There is a similar term defined in the Unitary Plan: Landfill. There are associated terms defined in the Unitary Plan: Cleanfill, Cleanfill material, Managed fill, Managed fill material and Aftercare.	Amend	Support standardisation of term and definition in principle, however, it is critical that the Unitary Plan is able to retain the definition of 'managed fill', and 'cleanfill material' as they comprise of different waste materials and have different effects on receiving water, which is also linked to activity statuses in the Unitary Plan. It is of the view that these are not synonyms of 'landfill' or 'cleanfill' as defined in the draft Definitions Standard, and if the Unitary Plan associated definitions are considered synonyms then this current definition would be of significant concern. Clarification is sought that these two definitions could remain as distinctly separate definitions within the Unitary Plan as locally defined terms and not synonyms of the term 'landfill'.	Clarification is sought that 'managed fill' and 'managed fill material' can remain as distinctly separate definitions within the Unitary Plan.
Ldn	There are no similar term(s) defined in the Unitary Plan	Support	Defaults to the definition provided in New Zealand Standard 6801:2008 Measurement of Environmental Sound. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
Lpeak	There are no similar term(s) defined in the Unitary Plan	Support	Defaults to the definition provided in New Zealand Standard 6801:2008 Measurement of Environmental Sound. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard

National Planning Standards proposed term	Relevant Unitary Plan Term(s)	Council's position [Support / Oppose / Amend]	Reasons	Recommendation
mana whenua	There is a similar term defined in the Unitary Plan: Mana Whenua. The term 'mana whenua' is also in the Glossary section of the Unitary Plan.	Oppose	Council disagrees with defaulting to the Resource Management Act 1991 definition. In the Unitary Plan, the definition for mana whenua was developed, and agreed, with the Auckland iwi authorities. The Unitary Plan definition is: <i>"Mana Whenua - Māori with ancestral rights to resources in Auckland and responsibilities as kaitiaki over their tribal lands, waterways and other taonga. Mana Whenua are represented by iwi authorities."</i> This term is also in the glossary. : <i>"Mana Whenua - The people of the land who have mana or customary authority; their historical, cultural and genealogical heritage are attached to the land and sea."</i> This definition was debated during the Unitary Plan Hearings. The term is defined in the Local Government (Auckland Council) Act 2009 to refer to iwi or hapū groups who are mana whenua in Auckland. In the Auckland context, mana whenua is represented by iwi authorities. The Independent Hearings Panel accepted that based on the inclusion of this term in the Local Government (Auckland Council) Act 2009, the term "Mana Whenua group" and "Mana Whenua" have generally been used in Auckland's planning documents to refer to iwi or hapū groups who are mana whenua in Auckland. This is discussed and outlined in IHP Report to AC on Topic 009 Mana whenua 2016-07-22, pages 8-9. There has been significant debate on this matter in previous hearings processes and with iwi authorities in Auckland. National generalisation of the term makes sense for the glossary but not in the definitions section. Council opposes standardisation of this term and instead councils should be allowed to define mana whenua in their relevant areas.	Delete term and definition from the Standards.
mining	There is no similar term(s) defined in the Unitary Plan. There are associated terms defined in the Unitary Plan: Mineral exploration, Mineral extraction activities and Mineral prospecting.	Support	Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard

National Planning Standards proposed term	Relevant Unitary Plan Term(s)	Council's position [Support / Oppose / Amend]	Reasons	Recommendation
minor residential unit	There is a similar term defined in the Unitary Plan: Minor Dwelling. There are associated terms defined in the Unitary Plan: Building and Accessory building.	Amend	Support standardisation of term and definition in principle, however disagree with the use of the word 'ancillary' within the draft definition for 'minor residential unit'. The Section 32 Evaluation Report for Draft Definitions Standard (Part 2C) notes that there is a desire to steer away from 'smaller and secondary' however the use of the word ancillary, which means subordinate or secondary is not considered to sufficiently overcome that. Support the second half of the definition in terms of the minor residential unit being held in common ownership with the principal residential unit on the same site, and clarifying within the definition that the minor unit can be attached to the principal building or be a detached stand-alone building. The Section 32 commentary notes that floor area limits can achieve the same result through a permitted standard. While this may be the case, based on the framework of most activity/rules tables, a breach of that standard is generally not a prohibited activity, and applications can therefore be made to breach the permitted standard. This can result in a 120m² minor residential unit. Conversely, if embedded within a definition, a failure to meet the specific size, results in the building simply not meeting the definition and therefore, become a second dwelling, subject to wider considerations. While metrics in definitions is discouraged, it is noted that in instances such as this simply placing the metric into a standard does lead to the potential for quite different outcomes. As a minor non-technical matter, it is noted that a full stop is present at the end of this term. This is not consistent with the style used throughout all the other definitions and this typo should be deleted.	Refine and amend definition to address concerns raised.
natural and physical resources	There are no similar term(s) defined in the Unitary Plan	Support	Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
natural hazard	There are no similar term(s) defined in the Unitary Plan. There are associated terms that fall under the category of 'natural hazard' that is defined in the Unitary Plan: coastal erosion hazard area, coastal storm inundation, flood plain, land which may be subject to land instability.	Support	Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard

National Planning Standards proposed term	Relevant Unitary Plan Term(s)	Council's position [Support / Oppose / Amend]	Reasons	Recommendation
net floor area	There is a similar term defined in the Unitary Plan: Net internal floor area. There are also associated terms defined in the Unitary Plan: Average floor area and Gross floor area	Amend	Support standardisation of term and definition in principle, however, it appears it is directed first and foremost to commercial buildings and activities. It should also provide for residential activities with specific inclusions and exclusions, such as, the exclusion of decks and balconies. It is also noted that the Section 32 Evaluation Report on the Draft Definitions Standard (Part 2C) version of the definition does not refer to 'c) (iv) required parking areas'. The inclusion of 'c)(iv)' in the definition is supported.	Refine and amend definition to address concerns raised.
net site area	There is a similar term defined in the Unitary Plan: Net site area. There are associated terms defined in the Unitary Plan: Access site and Site.	Amend	Support standardisation of term and definition in principle, but there is concern with the use of 'primarily' in the context of this definition. As with the use of 'principally' and 'primarily' in other definitions, there is a level of subjectivity that can be undesirable. Clarity required.	Refine and amend definition to address concerns raised.
network utility operator	There are no similar term(s) defined in the Unitary Plan	Support	Agree it is appropriate in this instance to default to the definition in section 166 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
noise	There are no similar term(s) defined in the Unitary Plan	Support	Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
notional boundary	There is a similar term defined in the Unitary Plan: Notional boundary.	Support	Support the inclusion of this term in the National Planning Standards, in its present form. The draft definition is similar to the Unitary Plan definition.	Include in definitions standard
official sign	There are no similar term(s) defined in the Unitary Plan. There are associated terms defined in the Unitary Plan: Sign, Billboard, Changeable message signage, Comprehensive development signage, and Free standing sign.	Support	Support the inclusion of this term in the National Planning Standards, in its present form. Further consideration may need to be given to signs otherwise related to aspects of public safety.	Include in definitions standard

National Planning Standards proposed term	Relevant Unitary Plan Term(s)	Council's position [Support / Oppose / Amend]	Reasons	Recommendation
outdoor living space	There is a similar term defined in the Unitary Plan: Outdoor living space. There are associated terms defined in the Unitary Plan: Dwelling, Minor Dwelling and Building.	Support	Support the inclusion of this term in the National Planning Standards, in its present form. The definition provides a clear description of what outdoor living space constitutes and is written in such a way this can relate not just to outdoor living space at ground level. As commented in the section 32 document, outdoor living space to be at ground floor level is clearly unachievable in relation to many apartments.	Include in definitions standard
peak particle velocity	There is a similar term defined in a number of specific designations of the Unitary Plan, but not in the definitions section of the Unitary Plan: peak particle velocity.	Support	Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
primary production	There are similar terms defined in the Unitary Plan: Rural production activities and Farming. There are also associated terms defined in the Unitary Plan: Rural commercial services, Rural industries, On-site primary produce manufacturing, Forestry, Horticulture, and Farming and multiple others definitions.	Amend	The definition of primary production proposed in the Standard is of significant concern for several reasons. In the context of the Unitary Plan, it consumes farming within its definition, instead of providing for 'farming' and 'primary production' as two distinct definitions. The draft definition in practice, could mean activities with only a limited underlying relationship with the rural environment may be able to fall under this definition. While the current draft definition is supported by some of the rural sector (as referred to in the Section 32 Evaluation Report on the Draft Definitions Standard), it is not considered to be the most effective or appropriate definition wording for 'primary production'. It is sought that the definition is refined to explicitly state that these activities need to 'have a functional need for a rural location'. Without this qualifier embedded within the definition, there is concern that this could lead to inappropriate activities. There is also no inclusion of 'intensive primary production' within the definition. This is currently provided for in the Unitary Plan rural production definition, and does not appear to be a subset included under any of the associated terms. Furthermore, it is not concurred with that it is consistent to use the term auxiliary rather than ancillary just because it is used in the Act definition of production land. The same term used elsewhere in the definitions section should be set out.	Refine and amend definition to address concerns raised.
quarry	There is no similar term defined in the Unitary Plan. There are associated terms defined in the Unitary Plan: Mineral, Mineral exploration, Mineral extraction activities and Mineral prospecting.	Amend	Support standardisation of term and definition in principle, but not clear what is intended by "other solid natural substances". Clarification required.	Refine and amend definition to address concerns raised on what is intended by "other solid natural substances". Clarification required.

National Planning Standards proposed term	Relevant Unitary Plan Term(s)	Council's position [Support / Oppose / Amend]	Reasons	Recommendation
raft	The term 'raft' is mentioned as an inclusion to the 'coastal marine area structure' definition in the Unitary Plan. There is no definition of raft in the Unitary Plan.	Support	Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
rating level	There is a similar term defined in the Unitary Plan: Noise (rating) level.	Support	Defaults to the definition provided in New Zealand Standard 6802:2008 Measurement of Environmental Sound. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
reclamation	There is a similar term defined in the Unitary Plan: Reclamation.	Amend	Support standardisation of term and definition in principle, however the draft standard should be qualified. Reference to “bed of lake or river or part of a waterbody” should be removed, as the term “waterbody” definition includes lakes and rivers. “Part of a waterbody” is included twice. The term “to create permanent land” is misleading. The RMA definition of land includes land in the Coastal Marine Area and reclamation is about creating dry land. ‘Dry’ is needed because the RMA definition of ‘land’ can include land in the CMA. Several coastal plans specify that reclamation does not include structures, particularly seawalls. Northland, Bay of Plenty and Auckland also specify that reclamation does not include breakwaters. It is confusing for the planning standards to now include embankments and causeways. An embankment could be a rock revetment along a shoreline. Normally these are not reclamations. The inclusion of “embankment” in reclamation should be qualified. The dictionary definition of embankment is “A wall or bank of earth or stone built to prevent a river flooding an area.” A secondary definition is “A bank of earth or stone to carry a road or railway over and area of low ground (railway embankment).” The definition also refers to “permanent”. We have proposals for temporary reclamations, often associated with construction activities”. Question how do these fit into the definition. The word ‘permanent’ of course stems from the unlimited duration afforded to reclamations.	Amend definition to read as follows: Reclamation means the infilling of any part of a waterbody, ~~bed of lake or river or part of a waterbody~~ or coastal marine area, to create permanent dry land, and includes any embankment or causeway <u>constructed to create permanent dry land</u>, but does not include beach re-nourishment or any deposition of material or infilling that is not permanent, <u>or structures such as boat ramps, rubble mound breakwaters, moles, groynes or sea walls, or culverts in rivers that are parallel to the direction of water flow.</u>
residential activity	There are no similar term(s) defined in the Unitary Plan. There are associated terms provided through various types of residential activities under the residential nesting table (Table J1.3.5 Residential) such as, Dwelling.	Amend	Support standardisation of term and definition in principle. Clarification is required if an activity is separately defined then it cannot be considered as part of the definition of 'residential activity' for example retirement village premises. This is a use versus development question. Clarification is needed on this.	Proceed to include in the final Standard and provide further separate clarification on matter raised.

National Planning Standards proposed term	Relevant Unitary Plan Term(s)	Council's position [Support / Oppose / Amend]	Reasons	Recommendation
residential unit	There is a similar term defined in the Unitary Plan: Dwelling. There is an associated term defined in the Unitary Plan: Minor dwelling.	Support	Agree it is appropriate in this instance to default to the definition in section 226A of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
retirement village premises	There is a similar term defined in the Unitary Plan: Retirement village. There is an associated term in the Unitary Plan: Supported residential care.	Support	Agree it is appropriate in this instance to default to the definition in section 226A of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
reverse sensitivity	There are no similar term(s) defined in the Unitary Plan	Amend	Support standardisation of term and definition. Much of the draft definition appears to have come from the notified Proposed Auckland Unitary Plan definition of reverse sensitivity (with variation to the last part of the draft definition). This definition was not followed through into the Unitary Plan Operative in Part as a result of the Independent Hearing Panel's recommendation that it best sits outside the Unitary Plan. The view of the Panel was that: <i>Reverse sensitivity has been identified in case law as a type of effect. While the proposed definition does describe the nature of that effect, the Panel does not consider it appropriate to include a definition of this in the Plan as it is not a thing which can be specified by these words for types of cases and all the circumstances that may arise.</i> This statement can be found in 'IHP Report to AC Topic 065 Definitions 2016-07-22', pages 12 - 13. There is concern that the use of 'existing activity' captures consented but unimplemented activities, which have not lapsed. It is sought that consideration be given to what the most appropriate wording is.	Refine and amend definition to address concerns raised.
river	There is a similar term defined in the Unitary Plan: River or stream. There are associated terms defined in the Unitary Plan: Riparian margin, permanent river or stream, ephemeral stream, intermittent stream, and natural stream management area.	Amend	Reliance on the RMA definition raises a concern around ephemeral streams. Be clear that the term 'rivers' excludes ephemeral streams and includes all activities within streams. In the Auckland context, the Unitary Plan definition excludes ephemeral streams as many people define them as intermittent, and the Unitary Plan definition refers to 'rivers and streams' instead of the RMA definition of 'river' as it reflects the Auckland situation i.e. lots of streams not many rivers and the Unitary Plan definition alerts people that streams are managed as many people think streams are not rivers.	Amend the definition to ensure it is clear that the term 'rivers' excludes ephemeral streams and includes all activities within streams.
road	There is a similar term defined in the Unitary Plan: Road.	Support	Support the inclusion of this term in the National Planning Standards, in its present form. The term is already in Chapter J Definitions of the Unitary Plan and refers the reader to the same meaning of 'road' as in section 315 of the Local Government Act 1974, and includes motorways	Include in definitions standard

National Planning Standards proposed term	Relevant Unitary Plan Term(s)	Council's position [Support / Oppose / Amend]	Reasons	Recommendation
			as defined in section 2(1) of the Government Roading Powers Act 1989.	
root protection area	There is a similar term defined in the Unitary Plan: Protected root zone.	Amend	Support standardisation of term and definition. The proposed definition aligns with the current Unitary Plan definition and is adequate to generally protect the root area of trees. As the root distribution of individual trees varies considerably, there will always be some deficiency in a simplified root protection area applicable to all situations, as this may not necessarily take account of very tall columnar species or those with multiple stems. However, there is a balance between imposing simpler/standardised methodologies which are easier to understand and implement and protect the majority of a tree's root area, against complex ones which are difficult and complex to implement but may result in maximum protection. An amendment is sought to the diagrams. Propose separate diagrams for circular and columnar trees are produced as part of the Standard. The Unitary Plan definition takes account of the columnar tree, as it specifies columnar root area to be half the height of the tree.	Refine and amend definition to address concerns raised.
rural industry	There is a similar term defined in the Unitary Plan: Rural industries. There are associated terms defined in the Unitary Plan: New aquaculture, Experimental aquaculture activities, Lawfully established aquaculture activities, Rural production activities , Rural commercial services , Rural industries and Farming and On-site primary produce manufacturing.	Amend	Support standardisation of term and definition in principle, however, the wording 'principal function' is not as strong as the current language in the Unitary Plan definition. Expanding upon this with the inclusion of wording such as, 'a clear connection to' is sought to ensure the activities linking back to this definition have a defensible link back to needing it to be in a rural environment/zone.	Refine and amend definition to address concerns raised.
setback	There is a similar term defined in the Unitary Plan: Yard. There are associated terms defined in the Unitary Plan: Front yard, Rear yard, Side yard, Coastal protection yard, Lakeside yard, National Grid yard, Riparian yard, Transport storage yard and Building link restriction.	Support	Support the inclusion of this term in the National Planning Standards, in its present form. The draft definition sufficiently addresses the core aspects contained within the Unitary Plan definition. Particular sections, such as the current Unitary Plan yard exclusions can be redeveloped into setback standards.	Include in definitions standard

National Planning Standards proposed term	Relevant Unitary Plan Term(s)	Council's position [Support / Oppose / Amend]	Reasons	Recommendation
sewage	There is a similar term defined in the Unitary Plan: Sewage. There are associated terms defined in the Unitary Plan: Biosolids and Sewage sludge.	Amend	Support standardisation of term and definition in principle, but disagree with the use of the word 'water' in the definition. Sewage should be differentiated from 'water'. It is a waste and a contaminant. Suggest to replace 'water' with 'liquid'. Agree the definition is simple, however it misses out on: - '(c) drainage from spaces containing living animals' from the definition of 'sewage' provided in the Resource Management (Marine Pollution) Regulations 1998; whereby the proposed definition on 'sewage' should include a reference to any excrement from animals from a working farm/rural environment; and - need to recognise that there is an existing definition in Marine Pollution Regulations for ships and offshore installations. The definition should be amended to include a reference to the regulations for the coastal marine area.	Refine and amend definition to take into consideration: - sewage should be differentiated from water; replace the term 'water' with 'liquid'; - include a reference to any excrement from animals from a working farm/rural setting; and - include a reference to the regulations for the coastal marine area.
sign	There is a similar term defined in the Unitary Plan: Sign. There are associated terms defined in the Unitary Plan: Billboard, Free standing sign, Changeable message signage and Comprehensive development signage.	Support	Support the inclusion of this term in the National Planning Standards, in its present form. It sufficiently aligns with the Unitary Plan definition of sign. All associated Unitary Plan definitions are not synonyms and should be able to remain within the Unitary Plan Definitions chapter.	Include in definitions standard
site	There is a similar term defined in the Unitary Plan: Site. There are associated terms defined in the Unitary Plan: Rear site and Front site.	Amend	Support standardised definition in principle, however it is noted that reference made under (d) of the draft definition to the Unit Titles Act 1972 is incorrect. This was repealed on 1 October 2012, by section 218 of the Unit Titles Act 2010 (2010 No 22)). The definition of 'site' in the Unitary Plan includes a diagram to identify the additional definitions provided in the plan i.e. entrance strip, rear site, access site, front site, corner site (see Figure J1.4.8: in Chapter J Definitions in the Unitary Plan). This diagram helps in the interpretation of which development controls and rules apply to the site.	Amend definition to reflect the most up to date legislation. Include a diagram to illustrate the types of 'site' defined in the plan.

National Planning Standards proposed term	Relevant Unitary Plan Term(s)	Council's position [Support / Oppose / Amend]	Reasons	Recommendation
small scale renewable electricity generation	There are similar terms defined in the Unitary Plan: Small scale electricity generation, and Community scale electricity generation.	Amend	We note that the Board of Enquiry for the NPSREG did not agree with putting a fixed amount of MW in the definition of small or community scale electricity generation, as the national planning standards propose to do: [114] The Board is not satisfied that the limit of what is to be regarded as small and community-scale distributed REG should be arbitrarily fixed at 4 MW, or even 10 MW, as suggested by some submitters. The difficulty with fixing a capacity cut-off is that the adverse environmental effects of different technologies may vary considerably. The advances of technology over 15 years will also allow for the provision of more electricity output for the same or fewer adverse environmental effects. (http://www.mfe.govt.nz/sites/default/files/nps-reg-board-of-inquiry.pdf) We note the NPS-REG definition is wide. In the Unitary Plan, there are metrics that define small scale electricity generation in the form of permitted activity standards (height of small electricity turbines etc (E26.2.5.3(13), (14), numbers of turbines (15), noise (16), and setbacks (21). There is also a height limit for the community scale wind turbine, which is higher than the small scale ones (17). The height of solar panels above the roof is also limited (20).	Propose a definition for 'community-scale electricity generation' is included into the Standards with a definition on 'small-scale electricity generation'. This will provide more clarity to the NPS-REG definition in plans and policies. The reference to 20MW provides a certain limit, however we question the limit as expressed by the Board of Enquiry for NPSREG. As this is a national standard, any differentiations to what is considered a 'community or small scale' electricity generation should be left to local plans whereby performance standards and rules can be used to manage any bulk, location or plan-specific matters.
special audible characteristic	There are no similar term(s) defined in the Unitary Plan	Support	Defaults to the definition provided in New Zealand Standard 6802:2008 Measurement of Environmental Sound. Support the inclusion of this definition as set out in the draft National Planning Standards June 2018 document.	Include in definitions standard
stormwater	There is a similar term defined in the Unitary Plan: Stormwater. There are associated terms defined in the Unitary Plan: Infiltration, Overland stormwater and Runoff.	Amend	Disagree with the definition proposed. The key element that makes stormwater different to runoff or sheet flow (which is how the proposed definition reads) is that the runoff is diverted and discharged to a receiving environment. The act of diverting and discharging is key in stormwater and also sets the scene for stormwater management provisions. The description of receiving environments is also too narrow as it would exclude situations where stormwater may be diverted to land.	Recommend that the definition be reworded to include diversion and discharge and to widen the receiving environments to land and water.
structure	There are no similar term(s) defined in the Unitary Plan. There are associated terms defined in the Unitary Plan: Building, Vessel and Houseboat.	Amend	The draft definition is a significant change from the Unitary Plan approach, which provides structures within the definition of building. The draft definition will provide a significant degree of streamlining. This will require quite a lot of re-working throughout the Unitary Plan, but is generally supported. It is noted that there is a slight discrepancy in wording between the Section 32 Evaluation Report on the Draft Definitions Standard (Part 2C) wording and CM-1. The wording in the draft National Planning Standards is preferred over the Section 32 version.	Retain the draft definition as stated in the draft Standard.

National Planning Standards proposed term	Relevant Unitary Plan Term(s)	Council's position [Support / Oppose / Amend]	Reasons	Recommendation
subdivision	There are no similar term(s) defined in the Unitary Plan. There is an associated term defined in the Unitary Plan: Boundary adjustment.	Support	Agree it is appropriate in this instance to default to the definition in section 218 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
sustainable management	There are no similar term(s) defined in the Unitary Plan	Support	Agree it is appropriate in this instance to default to the definition in section 5 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
swale	The term 'swale' is mentioned as an inclusion to the 'stormwater management devices' definition in the Unitary Plan	Oppose	The purpose of including this specific definition is unclear. The definition of Green Infrastructure would include swales. If swales were to be defined then there would be many other green infrastructure devices that should be defined too (e.g. raingardens, green roofs, infiltration trenches, etc). A swale has been designed to have treatment qualities, usually by the inclusion of vegetation to trap and filter contaminants. It is also considered that the term 'watercourse' should not be used. The Unitary Plan approach is to define stormwater management devices which lists a number of green infrastructure device types as well as proprietary devices. It is considered that a definition for swale is unnecessary and should be deleted from the Standards.	Delete term and definition from the Standards.
tangata whenua	There is no definition of 'tangata whenua' in the Unitary Plan The term 'tangata whenua' is in the Glossary section of the Unitary Plan.	Support	Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 199. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
Territorial Authority	NA	NA	NA	NA
visitor accommodation	There is a similar term defined in the Unitary Plan: Visitor accommodation.	Amend	Support standardisation of term and definition in principle. However we agreed that Air BnB and BookaBach are significant issues and remains unresolved from providing this definition. The Section 32 Evaluation Report on the Draft Definitions Standard (Part 2C) notes that, 'primarily for accommodating non-residents' allows for the scale and frequency of the activity to be considered. The openness of the word 'primarily' is subjective, which can be problematic in a definition. While this is intended to enable different plans the ability to decide flexibility, it may generate significant interpretation issues, especially where it is being debated if the activity in question is a permitted activity. The provision for a tariff being paid is considered to be an important part of the definition and this aspect of the definition is supported.	Refine and amend definition to address concerns raised.
wastewater	There is a similar term defined in the Unitary Plan: Wastewater.	Support	Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard

National Planning Standards proposed term	Relevant Unitary Plan Term(s)	Council's position [Support / Oppose / Amend]	Reasons	Recommendation
water	There are no similar terms defined in the Unitary Plan to 'water'. There are associated terms defined in the Unitary Plan: Receiving waters.	Support	Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
water sensitive design	There are no similar term(s) defined in the Unitary Plan	Support	Support the inclusion of this term in the National Planning Standards, in its present form. The definition is supported in principle and similar to a definition presented by Auckland Council as part of Topic 065 Definitions hearings evidence on the proposed Unitary Plan. It is noted that the definition of water sensitive design did not however proceed into Recommendations version of the Unitary Plan by the Independent Hearings Panel. Judge Kirkpatrick Chair of the Independent Hearings Panel, queried whether the definition could be limited to just the first sentence, as the rest in the Judges opinion imparted a policy determination not seen as suitable for inclusion in a definition. The Judge had concern that the definition with the list of inclusions was undefined and would be defined by officers. The definition did not get carried through to the Decisions version and now Operative in part version of the Auckland Unitary Plan.	Include in definitions standard
waterbody	There are no similar term(s) defined in the Unitary Plan	Support	Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
wet abrasive blasting	There are no similar term(s) defined in the Unitary Plan	Support	Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard
wetland	There are no similar term(s) defined in the Unitary Plan	Support	Agree it is appropriate in this instance to default to the definition in section 2 of the Resource Management Act 1991. Support the inclusion of this term in the National Planning Standards, in its present form.	Include in definitions standard

Draft first set of National Planning Standards

Submission Reference no: 29

The details of this submitter has been withheld from publication.

Submitter Type: Individual

Source: Web Form

Overall Position: Oppose

Clause

Overarching comment

Notes

I strongly oppose this because there cannot be a one-size fits all approach to stipulating a set number and types of zones for all districts across the country. There are not enough zones to match what exists, so it is best to avoid interfering with this at a national level. It may work for some districts but would undermine the provisions Auckland now has. Use of new Purpose statements will not overcome that. Particularly in the case of Auckland, where they have just been through the arduous Unitary Plan process and done the long-term planning for neighbourhood change or preservation. By trying to adapt to what is proposed in the S-ASM, it could effectively up-zone areas and lead to a hugely litigious and costly process for everyone. Zoning of land does not just have implications for surface-use but also underground municipal infrastructure so the suggested standardising would create enormous problems in this regard too. Or, by default, if it meant down-zoning (to a lower intensity/more restrictive type of land use) this could be the safer option where two existing zones had to share one standard zone. This whole aspect of the planning standards is a "square-peg, round-hole" situation and must be abandoned.

Clause

Overarching comment

Notes

I strongly oppose this because there cannot be a one-size fits all approach to stipulating a set number and types of zones for all districts across the country. There are not enough zones to match what exists, so it is best to avoid interfering with this at a national level. It may work for some districts but would undermine the provisions Auckland now has. Use of new Purpose statements will not overcome that. Particularly in the case of Auckland, where they have just been through the arduous Unitary Plan process and done the long-term planning for neighbourhood change or preservation. By trying to adapt to what is proposed in the S-ASM, it could effectively up-zone areas and lead to a hugely litigious and costly process for everyone. Zoning of land does not just have implications for surface-use but also underground municipal infrastructure so the suggested standardising would create enormous problems in this regard too. Or, by default, if it meant down-zoning (to a lower intensity/more restrictive type of land use) this could be the safer option where two existing zones had to share one standard zone. This whole aspect of the planning standards is a "square-peg, round-hole" situation and must be abandoned.

Clause

Timing

Notes

Where a Council has recently completed a plan review, they should not have to adopt the National Planning Standards in their plan until a review is due again. e.g. Auckland should be exempt for 10 yrs.

Clause

Do you have any further comments you wish to make about the Government's proposal?

Notes

Where a Council has recently completed a plan review, they should not have to adopt the National Planning Standards in their plan until a review is due again. e.g. Auckland should be exempt for 10 yrs. In relation to this submission, please note I do not consent to the publicizing of my name and details with it.

The submitter have elected to withhold their personal details from publication.

Draft first set of National Planning Standards

Submission Reference no: 30

The details of this submitter has been withheld from publication.

Submitter Type: Individual

Source: Web Form

Overall Position: Oppose in Part

Clause

Part 3 - Significant resource management issues

Notes

Support

Clause

Part 5 - Evaluation and monitoring

Notes

Support

Clause

Part 3 - Issues and Objectives

Notes

Support

Clause

Part 6 - Evaluation and monitoring

Notes

Support

Clause

Overarching comment

Notes

Support particularly the number of zones provides enough variation but will depend on what objectives, policies, provisions etc that will apply to each zone

Clause

Overarching comment

Notes

Support

Clause

Overarching comment

Notes

The status of these tools need to be established. For example in Auckland Precinct rules supersede Zone rules however Overlays and zone rules both apply - this means that the most stringent of the two tools is applied - with mixed result particularly in the Special Character Overlay

Clause

Overarching comment

Notes

The status of these tools need to be established. For example in Auckland Precinct rules supersede Zone rules however Overlays and zone rules both apply - this means that the most stringent of the two tools is applied - with mixed result particularly in the Special Character Overlay

Clause

Range of tools

Notes

Not sure what the different to Development areas and precincts as they could fall into one ie Precincts

Clause

Overarching comment

Notes

Some of the definitions relative to urban areas need to be further defined

Clause

Additional definitions

Notes

yards , Front site, rear site - defined for urban areas Impermeable surface, landscaped to compliment the coverage definitions

Clause

building

Notes

Building - means any structure with 2 or more walls and a roof. This includes caravans tents, children play houses, excludes buildings above ground

Clause

coverage

Notes

Coverage - as the definition includes structure this include anything built so decks, stairs, children play huts, pools(even at ground level, outdoor tables like in playgrounds as they are connected to the ground.

Clause

ground level

Notes

Ground Level - setting a date to take ground level from is often good as people may modify the ground ie to building the house, then two years later do an addition . This means the revised land contour could be used. Auckland Council in the past had conflict where ground level was contentious by using plans, aerial photos ground level to a date was often able to be established.

Clause

height [in relation to DP, RP, RPS, CP]

Notes

Height (district plan) - refers to vertical distance above ground level. If there is a rule regarding fences, retaining walls this can be as issue so could be vertical distance above/below ground level.

Clause

net site area

Notes

Net site area - (b) refers to legal access to the site - where does this terminate ie if a drive serving a rear house where does the net site area start. Auckland City had a definition that said when the site became wider than 7.5m (relating to front site minimum width) in the direction of travel along the access then was no longer legal access .

Clause

Do you have any further comments you wish to make about the Government's proposal?

Notes

Consistency of how infringements are detailed such as: - height to boundary - diagram showing the infringement length relative to the building - setback infringements (is it from the boundary or % of yard reduced or from the imaginary line of the permitted yard)

Clause

Overarching comment

Notes

A key showing what is compulsory, discretionary or optional to contain in a plan so people know what they can make comments on and consistent across New Zealand



Submission by

Hamilton City Council Staff

DRAFT NATIONAL PLANNING STANDARDS CONSULTATION DOCUMENT

14 August 2018

It should be noted that the following comments are from staff at Hamilton City Council and do not necessarily represent the views of the Council itself.

1.0 Introduction

- 1.1 Hamilton City Council (HCC) staff welcome the opportunity to make a submission to the Ministry for the Environment on the Draft National Planning Standards Consultation Document.
- 1.2 Overall, HCC staff support the content and intent of the Draft National Planning Standards.
- 1.3 HCC staff seek the specific changes below relating to the structure, mapping and the definitions of the Draft National Planning Standards.

2.0 Specific Comments

- 2.1 HCC staff seek clarification on the scope of a consequential change and what would need to go through the Schedule 1 process. Will there be an independent body to assist in making a call on what can be done as a consequential change?

2.2 STW: Draft Tangata Whenua

- 2.2.1 HCC staff seek clarification on whether any of the matters listed in the Tangata Whenua Structure Standard can be updated without a Schedule 1 process if the relevant policy statements and plans are amended. A specific standard should be provided for to allow this.

2.3 S-ASM: Draft Area Specific Matters

2.3.1 S-Zones

HCC staff seek clarification on whether the purpose statements listed in Table 8 can be amended or expanded to provide a wider purpose where needed.

2.3.2 S-DES

HCC staff question the need to include designation conditions within the District Plan. This could make the District Plan huge, especially with large roading designations which have numerous conditions and associated maps. HCC staff suggest that a link to conditions be provided for ePlans only.

- 2.3.3 HCC staff also seek clarification on the process to update the Designation chapter if a change to a designation occurs. Can this be done without a Schedule 1 process?
- 2.4 **F-2: Draft Mapping Standard**
- 2.4.1 Zone Colour Palette
Section S-ASM Draft Area Specific Matters Standards identifies a number of zones councils are able to select. A number of these zones are not identified in the Draft Mapping Standards Table 21 (including the Airport, Port, Hospital, Stadium, Future Urban and Maori Cultural Zones). To ensure that there is consistency in the representation of these zones, HCC staff seek specific zone colours for all zones.
- 2.4.2 Zone Chapters (s-zones) states that a Local Authority can include additional special purpose zones. However, Table 21 Zone Colour Palette Table in the Draft Mapping Standards sets a single colour for special purpose zones. HCC staff seek clarification on how multiple special purpose zones would be represented.
- 2.4.3 The Draft Mapping Standards are unclear with regards to map layout and scale. HCC staff seek a prescribed layout and scale(s) to assist in ensuring that symbols are legible and that zone colours are distinguishable.
- 2.4.4 The use of similar colours could be confusing and hard to identify different zones. For example, the use of yellows colours that are very similar for Residential.
- 2.4.5 Symbols
Heritage items (built and structures) – In many cases the importance of the heritage item goes beyond the building or structure and includes the curtilage or grounds on which the heritage item is located. Having just a point symbol does not clearly identify the area to which the heritage provisions should apply (e.g. new building on the site of a heritage item). HCC staff seek that the heritage symbol be accompanied by a polygon that clearly represents the curtilage boundary.
- 2.4.6 The symbol table identifies the National Grid Lines and National Grid Underground cables. HCC staff seek symbols for Transmission Line Structure and standard symbols for the National Grid Yard and Corridors to ensure consistency throughout the country.
- 2.4.7 The Standards identifies symbols for transmission lines but does not ensure consistency with other standard map features, such as railway lines, State Highways, and rivers. The colour of water bodies should also be set to ensure there is no conflict with and zone or symbol colours.
- 2.5 **F-5: Draft Chapter Form Standard**
- 2.5.1 Rule Table
HCC staff seek simplification of the rule table. HCC staff consider that whilst a reference to the rule requirements should be included, rule descriptors should not be included in the rule table. We have concerns that the activity status table will be too long-winded and confusing.
- 2.6 **CM-1: Draft Definitions**
- 2.6.1 Boundary Adjustment
HCC staff seek the use of the word 'allotment' rather than 'site', to ensure that boundaries between allotments can be adjusted. The definition of site can include more than one allotment, which could preclude the ability to change boundaries between allotments that may currently operate as one 'site'.

2.6.2 Cleanfill

Amend the definition of cleanfill as follows: 'Means an area used for the disposal of exclusively inert, non-decomposing material having a particle size less than 200mm and excluding any material that may present a risk to human health'. The amendment would exclude, for example, asbestos, and materials larger than 200mm, such as slabs of demolition concrete. It would ensure cleanfill materials are able to be compacted down and used for a construction base.

2.6.3 Coverage

HCC staff seek clarification on whether this broad definition precludes councils from using their own definitions for building or site coverage. This is unclear in the evaluation. In other situations (e.g. education facility) it is possible to have additional definitions.

2.6.4 Earthworks and Land Disturbance

The earthworks definition is not clear about how much the ground contour/ground level would change before it is counted as earthworks. If some material is moved around the site for a building platform but the final ground level/ground contour remains the same, is this earthwork? HCC staff request that the definition for Land Disturbance be deleted/combined with the definition for earthworks. Effects relating to contours and volumes can be managed by the rules.

2.6.5 Ground Level

Amend typo as follows: *c)...the level ~~on~~ in front of the retaining wall...*

2.6.6 Hazardous Substances

The Hamilton District Plan includes substances containing radioactive material and substances that in water have a high BOD₅ (>10,000mg/l) under the definition of hazardous substances. These substances are not captured by the HSNO legislation. It is requested that these substances be incorporated into the definition of hazardous substances.

2.6.7 Industrial Activity

HCC staff seek clarification on whether '(c)' includes passengers in transit or just goods. HCC's definition of industrial activity includes transport depots, which includes transit of both passengers and goods. However, our definition for Logistics Activities is for the transit of just goods. This may need to be amended if the industrial activity definition is to include transit of both passengers and goods.

2.6.8 Net Floor Area

HCC staff seek that all parking be excluded from the definition of Net Floor Area, not just 'required parking areas'. This is because car parking above the required number of car parking spaces can still be used to support the use of the building. In addition, the definition in the evaluation does not align with the proposed definition of Net Floor Area.

2.6.9 Net Site Area

HCC staff seek that the definition for net site area include only usable area of a site and excludes access to a duplex before it is subdivided.

2.6.10 Minor Residential Unit and Structure

HCC staff request that motorhomes which are permanently lived in be included in the Structure definition. This is so that they can be considered as a Minor Residential Unit. A permanently lived in motorhome would have the same effects as a Minor Residential Unit and should be subject to the same controls. The definition would also need to make it clear what could be considered as 'permanently' lived in.

2.6.11 Noise Standards

The noise definitions ($L_{Aeq-L_{dn}}$) refer to NZ 2008 Standards. HCC staff seek clarification on the process to update these definitions if the standards change. Can this be done without a Schedule 1 process? Will this be led by the Minister every time it happens? Can you write a standard that will allow for updates on an ongoing basis?

2.6.12 Reverse Sensitivity

HCC staff request that the definition for reverse sensitivity be amended so that it is not restricted to just existing activities. New permitted activities establishing in a zone could end up with reverse sensitivity issues.

3.0 Further Information

- 3.1 Should the Ministry for the Environment require clarification of the points raised in this submission, or additional information, please contact [REDACTED] (Team Leader Implementation and Monitoring, City Planning Unit) on 0 [REDACTED] [REDACTED] in the first instance.

Yours faithfully



Richard Briggs
CHIEF EXECUTIVE

[REDACTED]
[REDACTED]
[REDACTED]

15 August 2018

Submission on the Draft National Planning Standards

This submission on the Draft National Planning Standards is from Whetu Consultancy Group. We are a business and environmental management consultancy that provides strategic and planning services to private and public sector clients throughout New Zealand. We have a team of skilled and knowledgeable professionals, with our primary expertise being in resource management planning and policy, research, and implementation of processes and practices to incorporate Māori values and perspectives (including maatauranga Māori) in resource management frameworks.

Attached to this cover letter is our submission. In summary, we support the intent of the first set of National Planning Standards so that RMA Planning documents are easier to make and use, whilst also consistent between planning documents. However, we have expressed some concern that we believe needs further consideration by the Ministry, these are:

- The ability or flexibility to change references/text/tables within the “National direction instrument” section of Part 1 without going through a full public consultation process
- Recognising Treaty of Waitangi settlement legislation in Part 1, and separate from Part 2
- Use of a glossary for Māori terminology

The expectation is that Whetu Consultancy Group will continued to be informed or involved in any amendments to the document as stated in this submission.

Thank you for the opportunity

Kind regards



James Whetu

Director

Whetu Consultancy Group

[REDACTED]
[REDACTED]

Draft first set of National Planning Standards

SUBMISSION FORM

The Government is seeking views on the draft first set of National Planning Standards.

For more information about the Government's proposals read our National planning standards consultation document available at <http://www.mfe.govt.nz/consultation/draft-national-planning-standards>.

Submissions close at 5:00 pm on Friday 17 August 2018.

Making a submission

You can provide feedback in three ways:

1. Use the online submission form available at <http://www.mfe.govt.nz/consultation/draft-national-planning-standards>. This is our preferred way to receive submissions.
2. Complete this submission form and send it to us by email or post.
3. Write your own submission and send it to us by email or post.

Publishing and releasing submissions

All or part of any written submission (including names of submitters) will be published on the Ministry for the Environment's website www.mfe.govt.nz. Unless you clearly specify otherwise in your submission, we will consider that you have consented both your submission and your name being posted to the Ministry's website.

Contents of submissions may be released to the public under the Official Information Act 1982 following requests to the Ministry for the Environment. Please advise if you have any objection to the release of any information contained in a submission and, in particular, which part(s) you consider should be withheld, together with the reason(s) for withholding the information. We will take into account all such objections when responding to requests for copies of, and information on, submissions under the Official Information Act.

The Privacy Act 1993 applies certain principles about the collection, use and disclosure of information about individuals by various agencies, including the Ministry for the Environment. It governs access by individuals to information about themselves held by agencies. Any personal information you supply to the Ministry in the course of making a submission will be used by the Ministry only in relation to the matters covered by this consultation. Please clearly indicate in your submission if you do not wish your name to be included in any summary of submissions that the Ministry may publish.

Submission form

The questions below are a guide only and all comments are welcome. You do not have to answer all of the questions. To ensure your point of view is clearly understood, please explain your rationale and provide supporting evidence where appropriate. The structure of this form is in line with the draft first set of national planning standards as shown in the overview section tables 1 and 2.

Contact information

Name*	James Whetu
Organisation (if applicable)	Whetu Consultancy Group
Address	
Phone	
Email*	

Submitter type*	Individual	☒	
	NGO	☐	
	Business / Industry	☐	
	Local government	☐	
	Central government	☐	
	Iwi	☐	
	Other (please specify)	☒	Consultancy

* Questions marked with an asterisk are mandatory.

Draft first set of National Planning Standards

1. Do you support the draft first set of National Planning Standards?

- ☒ Yes
- ☐ No

For clarity of this submission and its support, it is understood that the first set of National Planning Standards are:

- structure and form for plans,
- definitions
- requirements for electronic functionality and accessibility of plans
- spatial planning tools,
- zone framework
- mapping, and
- metrics

We recognise that these are part of the “core structural elements” of an RMA planning documents, and the potential of planning standards to make plans easier to develop and use.

It was noted also that future standards would at other matters as identified in page 14 of the Consultation Document. It is suggested that consideration of activity status categorisations when activities do not as an additional topic to be investigated

The matters where there is some concern is where it relates to national direction instruments, Treaty of Waitangi settlement legislation, and the use of a glossary for Māori terminology. These have been addressed in the appropriate sections of the submission document.

Additionally, other matters to consider is the implementation of mandatory and discretionary directions in a manner that enables changes/amendments to RMA planning documents within sections of each Part/chapter. Further discussion on this matter is outlined in the submission document.

Overall, we see the benefits of national planning standards to achieve, in its capacity, the purpose of the Resource Management Act 1991.

2. S-RPS: Regional policy statement structure standard

Support in part

Where there are concerns that need further consideration are:

- The ability or flexibility to change references/text/tables within the “National direction instrument” section of Part 1 without going through a full public consultation process
- Recognising Treaty of Waitangi settlement legislation in Part 1, and separate from Part 2
- Use of a glossary for Māori terminology

These points are explained further in section 6 of the submission document.

a. Parts 3 and 4 – Core policy statement provisions

Support

b. Part 5 – Evaluation and Monitoring

No comment as there is no explanation in consultation documents made available.

3. S-RP: Regional plan structure standard

Support in part

Similar to the above comments on RPS structure standard in section 2 of submission document, where there are concerns that need further consideration are:

- The ability or flexibility to change references/text/tables within the “National direction instrument” section of Part 1 without going through a full public consultation process
- Recognising Treaty of Waitangi settlement legislation in Part 1, and separate from Part 2
- Use of a glossary for Māori terminology

These points are explained further in section 6 of the submission document.

a. Parts 3, 4 and 5 – Core plan provisions

Support

b. Part 6 – Evaluation and Monitoring

No comment as there is no explanation in consultation documents made available.

4. S-DP: District plan structure standard

Support in part

Where there are concerns that need further consideration are:

- The ability or flexibility to change references/text/tables within the “National direction instrument” section of Part 1 without going through a full public consultation process
- Recognising Treaty of Waitangi settlement legislation in Part 1, and separate from Part 2
- Use of a glossary for Māori terminology

These points are explained further in section 6 of the submission document.

5. S-CP: Combined plan structure standard

Support in part

Where there are concerns that need further consideration are:

- The ability or flexibility to change references/text/tables within the “National direction instrument” section of Part 1 without going through a full public consultation process
- Recognising Treaty of Waitangi settlement legislation in Part 1, and separate from Part 2
- Use of a glossary for Māori terminology

These points are explained further in section 6 of the submission document.

6. S-IGP: Introduction and general provisions standard – Part 1 of all plans and policy statements

Support in part

As outlined in previous sections of this submission document, there are concerns that need further consideration, these are:

- The ability or flexibility to change references/text/tables within the “National direction instrument” section of Part 1 without going through a full public consultation process
- Recognising Treaty of Waitangi settlement legislation in Part 1, and separate from Part 2
- Use of a glossary for Māori terminology

In addition to the comments below, an additional section in Part 1 needs to be considered to recognise Treaty of Waitangi settlement legislation in Part 1.

It is suggested/proposed that the additional section is titled “Treaty of Waitangi settlement legislation”. The new section would outline the settlement legislation relevant to the region/local authority. It is further proposed that the correlating measures/directions within that legislation, (such as statutory acknowledgments, direction setting statements/strategies/policies, and/or environmental planning documents) are elevated from Part 2 in to Part 1.

This approach of recognising Treaty of Waitangi settlement legislation in Part 1 is to acknowledge the government/Crown recognition to address historical and contemporary grievances, and to provide for cultural and commercial redress through legislation and measures within that legislation.

As proposed in the “national direction” submission section below, it should be considered that the titled Treaty of Waitangi settlement legislation section of Part 1 is mandatory so as to enable amendments to the section should further or new settlement legislation are confirmed without the need for public consultation. It is anticipated however that the consequential changes with the RMA planning document will go through a public consultation process.

a. Introduction chapter

[Click here to enter text.](#)

b. How plan works chapter

[Click here to enter text.](#)

c. Interpretation

There is a concern that there could be the simplification of Māori terminology to fit the convenience of RMA planning documents (and its process), as well as the local authority in charge of preparing/having a RPS/Regional Plan.

There are generally more than one iwi within a region, and each iwi in most cases will have a different expression/interpretation of particular Māori terms if they were to be applied in a RMA planning document.

Not all Māori terminology can be simplified or collectively agreed, and tangata whenua should not be pressed to do so for the convenience of local authorities and RMA planning documents. For example, there is a spread of coastal marine, freshwater, urban, and rural environments within regions and a RPS. The expression and use of the Māori terminology of “kaitiakitanga” for example, will differ for

tangata whenua within those respective environments.

It is considered that having a glossary of Te Reo Māori terms needs to be on a basis of acknowledgement by local authorities the different/traditional/contemporary nature of Māori terminology when used by tangata whenua in a kaitiaki role within a RMA planning document framework, and/or in a partnership role with local authorities.

d. Plan integration

[Click here to enter text.](#)

e. Formation of standards with tangata whenua

Comments outlined in section 7 of submission document

f. National direction

There is a concern that the national direction section of Part 1 will not be agile to be amended so as to keep current to any new National Policy Statement and/or National Environmental Standard introduced.

This section in Part 1 needs to have the ability to references to any new NPS or NES without going through a full public consultation process. It is not clear, or possibly not found, whether a section in Part 1 can be deemed a mandatory direction, therefore not requiring going through a full public consultation process when any new NPS or NES is gazetted.

It is considered that the consequential changes (to provisions in the RPS/Regional Plan) resulting from giving effect to the new NPS, will go through public consultation process.

My understanding of National Planning Standards is to provide a number of benefits and to reduce unnecessary variation in RMA Planning documents so that these plans are easier to make and use. The ability to change the national direction section in Part 1 in a RPS/Regional Plan without going through a full public consultation, will be helpful and will ensure that plan users are informed (when thinking of use of e-plans) that a NPS or NES is relevant for consideration until consequential changes are carried out.

7. S-TW: Tangata whenua structure standard – Part 2 of all plans and policy statements

Support in part

It is considered that Part 2 is primarily focused on identifying iwi/tangata whenua and their status and relationship with the region, which is important and provides plan users and professionals a narrative of iwi/tangata whenua. In this capacity we support this S-TW.

As highlighted in section 6 of this submission document, we wish to suggest that an additional section in Part 1 that identifies Treaty of Waitangi settlement legislation, and statutory acknowledgments as well as other important measures that inform and guide/direct on matters important to iwi/tangata whenua. These measures are in addition to the role and identity of iwi/tangata whenua, and are measures that have either been negotiated or developed so as to express environmental practices and positions in managing their environment, and should be offered a status that is not just about tangata whenua identity.

There is a concern that there could be the simplification of Māori terminology to fit the convenience of RMA planning documents (and its process), as well as the local authority in charge of preparing/having a RPS.

Support 7(a) – (d)

a. Recognition of iwi/hapū chapter

[Click here to enter text.](#)

b. Tangata whenua local-authority relationships chapter

[Click here to enter text.](#)

c. Iwi and hapū planning documents chapter

[Click here to enter text.](#)

d. Consultation chapter

[Click here to enter text.](#)

e. Use of te reo Māori

As shared in earlier submission point, there are generally more than one iwi within a region, and each iwi in most cases will have a different expression/interpretation of particular Māori terms if they were to be applied in a RMA planning document.

8. S-SD: Strategic direction structure standard – Part 3 of District plans

Support in part

Concern is similar to the submission outlined for RPS/Regional Plan that there needs to be further consideration regarding the:

- The ability or flexibility to change references/text/tables within the “National direction instrument” section of Part 1 without going through a full public consultation process
- Recognising Treaty of Waitangi settlement legislation in Part 1, and separate from Part 2
- Use of a glossary for Māori terminology

9. S-DWM: District wide matters standard – Part 4 of District plans

Support

a. Natural Environment Values Chapter

[Click here to enter text.](#)

b. Environmental Risks Chapter

[Click here to enter text.](#)

c. Community Values Chapter

[Click here to enter text.](#)

d. Infrastructure and Energy Chapter

[Click here to enter text.](#)

e. Subdivisions Chapter

[Click here to enter text.](#)

f. General District Wide Matters Chapter

[Click here to enter text.](#)

10. S-ASM: Draft area specific matters standard – Part 5 of District plans, Part 6 – Combined plans

Support

- a. Zone framework (individual and range)

[Click here to enter text.](#)

- b. Purpose statements

[Click here to enter text.](#)

- c. Additional special purpose zones and criteria

[Click here to enter text.](#)

- d. Precincts chapter

[Click here to enter text.](#)

- e. Development areas chapter

[Click here to enter text.](#)

- f. Designations chapter

[Click here to enter text.](#)

11. S-SAM: Schedules, appendices and maps standard – Part 6 – Regional policy statements, Part 7 – Regional plans, Part 6 – District plans, Part 8 – Combined plans

Support

12. F-1: Electronic accessibility and functionality standard

Support

a. Standard baseline requirements

[Click here to enter text.](#)

b. Level 5 requirements

[Click here to enter text.](#)

13. F-2: Mapping standard

Support

a. Zone colour palette

[Click here to enter text.](#)

b. Symbology

[Click here to enter text.](#)

14. F-3: Spatial planning tools (Regional) standard

Support

a. Range of tools

Click here to enter text.

b. Zone

Click here to enter text.

c. Overlay

Click here to enter text.

d. Specific control

Click here to enter text.

e. FMU

Click here to enter text.

f. Airshed

Click here to enter text.

g. Area

Click here to enter text.

15. F-4: Spatial planning tools (District) standard

Support

a. Range of tools

Click here to enter text.

b. Zone

Click here to enter text.

c. Overlay

Click here to enter text.

d. Precinct

Click here to enter text.

e. Specific control

Click here to enter text.

f. Development areas

Click here to enter text.

g. Designation

16. F-5: Chapter Form standard

Support

a. Chapter form

[Click here to enter text.](#)

b. Rules

[Click here to enter text.](#)

c. Rule tables

[Click here to enter text.](#)

17. F-6: Status of rules and other text and numbering form standard

Support

a. Status of rules and other text

[Click here to enter text.](#)

b. Numbering

[Click here to enter text.](#)

18. CM-1: Definitions standard

Support in part

a. Individual definition

The use of kaitiakitanga as a standard term.

If there is an open and earnest attempt to include tangata whenua, and to recognise their role, then tangata whenua should have the ability to define kaitiakitanga.

b. Additional definitions

[Click here to enter text.](#)

19. CM-2: Draft noise and vibration metrics standard

Acknowledged

a. Technical support

[Click here to enter text.](#)

20. Implementation

Support

a. ePlanning implementation

[Click here to enter text.](#)

b. Timing

[Click here to enter text.](#)

c. Support

[Click here to enter text.](#)

d. District plan structure guidance

[Click here to enter text.](#)

e. Regional policy statement and regional plan structure guidance

[Click here to enter text.](#)

f. District plan spatial planning tools and zone framework guidance

[Click here to enter text.](#)

g. Regional plan and policy statement spatial tools guidance

[Click here to enter text.](#)

h. Chapter form and status of rule and other text numbering guidance

[Click here to enter text.](#)

i. Additional guidance materials required

[Click here to enter text.](#)

21. Future content for standards

Support

a. Utilities provisions

[Click here to enter text.](#)

Other comments

22. Do you have any further comments you wish to make about the Government's proposal?

There should also be an evaluation on the cost and benefits to tangata whenua

Releasing submissions

Your submission may be released under the Official Information Act 1982 and will be published on the Ministry's website. Unless you clearly specify otherwise in your submission, we will consider that you have consented to both your submission and your name being posted on the Ministry's website.

Please check this box if you would like your name, address, and any personal details withheld. ☐

Note that the name, email, and submitter type fields are mandatory for you to make your submission.

When your submission is complete

If you are emailing your submission, send it to PlanningStandards@mfe.govt.nz as a:

- PDF
- Microsoft Word document.

If you are posting your submission, send it to National Planning Standards, Ministry for the Environment, PO Box 10362, Wellington 6143.

Submissions close at 5:00 pm on Friday 17 August 2018.

13 August 2018

Planning Standards
Ministry for the Environment
PO Box 10362
By email: planningstandards@mfe.govt.nz

Dear Sir/Madam

Re: Consultation on the Draft First Set of National Planning Standards

Please find attached a submission from the Wellington City Council on the draft first set of National Planning Standards.

The Council generally supports the draft first set of National Planning Standards but seeks some amendments and points of clarification.

The Council would welcome the opportunity to discuss our submission with the Ministry in more detail. Should you require any further information, please contact [REDACTED] Principal Advisor Planning on [REDACTED]

Yours sincerely



Kevin Lavery
CHIEF EXECUTIVE

Introduction

1. Wellington City Council's ('the Council' or 'WCC') submission is in response to Ministry for the Environment's ('MfE') Draft National Planning Standards ('the planning standards').
2. The Council is generally supportive of MfE's objectives of providing greater consistency across policy statements and plans produced by local authorities under the Resource Management Act 1991. In particular, the Council is supportive of the proposed timeframe of 5 years to implement this first set of standards.
3. Notwithstanding this, WCC notes that implementation of the planning standards will still have significant cost and resourcing implications for Councils who do not plan to undertake a full plan review, and for whom a rolling review is more achievable given resourcing constraints. MfE should consider building in more flexibility and assistance for those councils who lack the resources to undertake a full review.
4. Council is also supportive of MfE limiting the first set of planning standards to structure, format and defining common terms. We are pleased that the draft standards do not specify mandatory plan content (i.e objectives, policies and rules) as this is something that should be developed by local authorities in collaboration with their communities.
5. WCC will be undertaking a full review of its District Plan over the next 3 to 4 years and the planning standards will assist the Council in undertaking this full review as it will focus the review on plan content rather than structure and form elements of the Plan.

Structure Standards

6. The draft National Planning Standards provide a common framework for plan provisions that all plans must use. WCC understands that the proposed structure standards reflect existing and common practice in planning documents across New Zealand, and on this basis supports standardisation of plan structure generally.

Draft District Plan Structure Standard (S-DP)

7. The purpose of the Draft District Plan Structure Standard (S-DP) is to provide a consistent structure for District Plans. The standard prescribes the name and order of key parts, chapters and sections of district plans. Councils can add chapters that are specific to the local context if required.
8. The standard divides plan structure into 6 key parts, as follows:
 - Part 1: Introduction and General Provisions
 - Part 2: Tangata Whenua
 - Part 3: Strategic Direction
 - Part 4: District-Wide Matters
 - Part 5: Area-Specific Matters e.g. zones, precincts, development areas, designations
 - Part 6: Schedules, Appendices and Maps
9. These parts are then divided into chapters, and within these, sections.

10. The chapters that have been included in this draft first set of planning standards are appropriate and the Council does not consider that additional chapters are necessary. WCC considers that the ability for councils to add additional chapters, if deemed necessary, is appropriate. The proposed District Plan structure is logical and user friendly and will enable plan users to easily navigate to the relevant sections of the plan.

Draft Tangata Whenua Structure Standard (S-TW) and Draft Strategic Direction Standard (S-SD)

11. The Council is supportive of including a chapter in the District Plan structure relating to tangata whenua. The purpose of the draft Tangata Whenua structure standard is to provide a consistent way of considering and presenting tangata whenua values, objectives, policies, and methods, and issues of importance within RMA planning documents. The content of these matters is not prescribed, and this approach is supported as it is of course a local matter.
12. However, this standard appears to be duplicated to some extent by the draft Strategic Direction Standard by requiring the inclusion of details of how the Māori resource management provisions in Part 2 of the RMA 1991, and Treaty of Waitangi (Te Tiriti o Waitangi) principles as identified through consultation with tangata whenua will be implemented through the plan. WCC considers that rather than repeating this information, where a district plan includes a specific tangata whenua plan section, a simple cross-reference should be provided to direct the reader to the tangata whenua section.

WCC seeks the following amendments to the Draft Strategic Direction Standard (S-SD):

- Insert a direction that states that where a policy statement or plan includes a tangata whenua section, that there must be a cross reference to this section in the Strategic Direction section.

Draft District Wide Matters Standard (S-DWM)

13. The purpose of the draft District Wide Matters Standard is to ensure that the chapters contained within Part 4 of the proposed District Plan Structure (District Wide Matters) are located consistently within plans. District Wide matters include provisions relating to the natural environment, natural hazards, heritage, and noise which are not specific to one part of the City.
14. The requirement to provide one location for provisions that cover district wide matters is supported, however MfE should consider providing further guidance to assist Councils in ensuring appropriate cross-referencing occurs between the area-specific chapters (e.g. zones) and the relevant district wide matters sections.

WCC seeks the following amendment to Draft District Wide Matters Standard (S-DWM)

- Insert a direction that ensures that District Plans provide sufficient cross-referencing from area-specific chapters to the district wide matters chapters.

Draft Area-Specific Matters Standard (S-ASM)

15. The area-specific matters standard intends to provide a consistent way of structuring the chapters that relate to zones and other planning tools (such as overlays and precincts).
16. The draft Standard prescribes a set of 27 zones and high level purpose statements for each zone. Councils must choose at least one zone from this set, and cannot create additional zones. The zones

are grouped into zone families: residential, rural, commercial, industrial, open space and recreation, and special purpose zones.

17. The Council is supportive of the standard set of zone names and generally supports the high level purpose statements associated with each. The range of zones generally aligns with our current zone framework and there is sufficient flexibility for the Council to pick zones that are appropriate for our local context.
18. However, the Council does question the use of the terms 'urban' and 'suburban' to distinguish between the general 'residential zone' and the 'medium density'/'high density' residential zones. This distinction is subjective and the terms are often used interchangeably.

Zone	Purpose statement
Residential	The purpose of the <i>Residential zone</i> is to provide primarily for residential activities in areas of suburban character.
Medium-density	The purpose of the Medium-density residential zone is to provide primarily for residential activities in areas of urban character.
High-density	The purpose of the <i>High-density residential zone</i> is to provide primarily for residential activities in areas of high density, urban character.

19. WCC suggests that MfE reconsiders the terminology as the proposed purpose statements could have unintended consequences as Councils implement these zones in their local contexts.
20. The draft zone framework also provides the following zones in relation to open space, recreation and conservation values:

Open space zone	The purpose of the <i>Open space zone</i> is to provide primarily for a range of passive and active recreational activities, along with limited facilities and structures, and opportunities for relaxing and socializing.
Sport and active recreation zone	The purpose of the <i>Sport and active recreation zone</i> is to provide primarily for indoor and outdoor active recreation and sports and associated facilities, including large scale buildings and structures.
Conservation zone	The purpose of the <i>Conservation zone</i> is to provide primarily for the ongoing management of land that has a particular conservation focus.

21. The Open Space and Sport and Active Recreation zone are both focused on recreational activities while there is only one zone that focuses on environmental and ecological considerations (the Conservation Zone).
22. The WCC District Plan provides 3 types of Open Space Zones:
 - a. Open Space A focuses on recreation activities
 - b. Open Space B manages natural character values and informal open spaces
 - c. Open Space C covers the Inner Town Belt which is valued for its historic, social and cultural importance.
23. The Plan also includes a zone to manage Conservation Sites. These sites are significant areas of Wellington's natural heritage and require protection.

24. WCC considers that the range of zones proposed in the draft planning standards does not sufficiently provide for the range of open space and conservation matters that we currently manage through the District Plan. The proposed Open Space Zone should be broadened or an additional zone added to cover areas where landscape and ecological values are significant and where recreation also occurs (e.g. a scenic reserve), but where these values do not meet the threshold for the Conservation zone.

WCC seeks the following amendments to the zone purpose statements:

- Review the use of the terms 'suburban' and 'urban' character to distinguish between the residential, medium-density and high-density residential zones.
- Broaden the purpose of the 'Open Space' zone to include landscape and ecological values or add a new zone to provide for these values.

Form Standards

25. The draft planning standards also include a number of requirements in relation to how the plan provisions should be labelled and set out in specific chapters of a plan. This includes:
- Minimum standards for providing plans electronically online.
 - Standards for maps (i.e. zone colours and symbology)
 - A standard set of 'spatial planning tools'
 - Prescribing how plan chapters should be set out including rules tables and numbering

Electronic accessibility and functionality Standard (F-1)

26. The draft Electronic Accessibility and Functionality standard prescribes the requirements for providing planning documents in an electronic form and to improve current practice in this area of planning.
27. The Standard provides for a gradual progression from providing District Plans in PDF form on a Councils website, through to an advanced ePlan format that reflects advances in technology. All Councils will be required to meet the baseline requirements within 12 months of the first set of planning standards being gazetted.
28. The standard then provides an 'ePlan Electronic Accessibility and Functionality Scale' (0-7) to explain the required transition from the baseline requirements through to an advanced ePlan that links with online consenting and other information (e.g. information for LIM reports). Councils will be required to meet 'Level 5' on this scale within 5 years of the Planning Standards being Gazetted.
29. WCC has an existing ePlan and can easily meet the requirements of 'Level 5' in the draft standard. This level is considered to be an appropriate, mandatory standard to set within the proposed 5 year timeframe.
30. However, WCC seeks amendments to the draft standard to provide greater clarity about what is required by specific instructions in the standard.

Table 18 – Instructions 11 and 12

31. Table 18 of the draft standard sets out a number of instructions that all councils must meet within 12 months of the national planning standards being gazetted.
32. Instruction 11 states that 'all versions of the current plan since first becoming operative must be available from the local authority website'. Instruction 12 requires that 'a copy of all previous plans under

the RMA both at the time they first became operative and the final version before being superseded by the replacement plan must be available from the local authority website (PDF format)'.

33. We understand that the intention of these instructions is to make it easier for resource consent applicants to establish whether or not 'existing use rights' apply. However, it is not clear from these instructions whether all versions of entire plans need to be made available for download, or if simply providing all completed plan changes and supporting documents will suffice.
34. WCC currently includes all completed plan changes on the District Plan section of the Council website, and this includes the hearing and decision reports with changes to the provisions tracked for each stage. If, however, MfE is suggesting that all individual versions of the entire plan since it was made operative in 2000 must be made available online, this would mean we need to provide 80+ versions of our plan on the Council website which would take substantial resource with limited benefit. WCC cannot support such an approach.
35. The final Planning standard must be clearer as to what is intended by these instructions, and sufficient guidance will need to be provided to Councils to support this.

Guidance

36. MfE should provide further guidance to support all councils in implementing this standard, in the form of workshops with individual councils and written guidance on the MfE or Quality Planning websites.
37. Guidance should also be provided about how these electronic accessibility and functionality requirements will apply within the plan change (RMA Schedule 1) process. Would paper copies still need to be provided? Or would supplying an ePlan which users can view at libraries and council offices fulfil this requirement?
38. More generally, and particularly for other, less resourced councils, guidance on how to begin the process of transitioning from a paper copy District Plan to an ePlan will be imperative. This is not an easy or quick process and so ongoing support from MfE on this matter will be essential.

WCC seeks the following amendments/further information on the Draft Electronic Accessibility and Functionality planning standard:

- Clarify what is intended by Instructions 11 and 12 of Table 18 – Councils should only be required to provide copies of completed plan changes, not every version of the entire plan
- Guidance should be developed in time for the Gazettal of the final standards on:
 - How to implement this standard and transition from PDF plans to an ePlan environment
 - How the new ePlan requirements should operate in a Schedule 1 process and whether paper copies of plans will still be required

Mapping (F-2)

39. The draft mapping standard sets out a standard set of zone colours and symbols that Councils must use for their planning maps. The intention of this standard is to provide a consistent approach across all plans in how district plan maps are displayed.
40. WCC generally supports the standards for mapping. Notwithstanding this, we have some specific comments and suggestions on the zone colours and map symbols.

Zone colours

41. We have tested the proposed zone colours against the existing WCC District Plan zoning, and have found that the colours function well, cover an appropriate range of zones, and are generally easily distinguishable. However, it is difficult to distinguish between the 'neighbourhood commercial' and 'city centre zone' colours when zoomed out to a large scale. WCC considers that the neighbourhood commercial zone colour should be changed to R 255, G 92, R 92.

Symbols

42. The symbols should be made available for download from the MfE website (or similar) as these are not available in ArcMap. If they are available then instructions in the planning standard on how to access them would be beneficial.
43. The standard provides a single symbol to cover Coastal, Flood, Volcanic, and Fault Hazards. WCC considers that each of these hazards should have its own symbol to provide greater clarity to the plan user as to which hazards apply to a particular area.
44. Additionally the pale blue colour of this symbol does not adequately reflect the significance of the layer. WCC considers that if MfE retains the approach of having one symbol to cover these hazards, consideration be given to providing a bolder colour that reflects the layers' significance.
45. Symbols relating to the natural environment overlays should also be added, particularly for Significant Natural Areas. These areas are increasingly being added to plans by many councils. This could be a polygon layer with a blank fill and a green outline.

WCC seeks the following amendments/further information in the Draft Mapping Standard:

- Change the colour for the 'Neighbourhood Commercial Zone' to R 255, G 92, R 92 so that it can be better differentiated from the City Centre zone colour
- Ensure the proposed standard set of symbols is made available for download from the MfE website as they are not standard ArcMap symbols.
- Provide separate symbols for Coastal, Flood, Volcanic, and Fault Hazards OR change the colour of the symbol from pale blue to a bolder colour that expresses the significance of the layer.
- Consider the addition of a standard polygon layer for natural environment features e.g. Significant Natural Area.

Spatial Planning Tools (district) (F-4)

46. The draft Spatial Planning Tools standard provides a consistent approach to the use of 'spatial planning tools' in district plans.
47. We understand spatial planning tools (SPTs) to mean the different ways of defining an area where specific rules apply in a plan. Zones are the most common tool Councils use, but there are also site-specific controls, and provisions that cross many zones and which require a different type of notation on a plan.
48. The draft standard prescribes a set of tools which Councils can choose from as needed, and a description of the purpose of each tool.
49. Under the proposed standard, Councils may only use the following spatial planning tools in their plans:
- a. Zones

- b. Overlays
- c. Precincts
- d. Specific controls
- e. Development areas
- f. Designations
- g. Heritage orders

50. Councils cannot create additional spatial planning tools.
51. WCC currently uses zones, overlays that apply within zones (e.g. the 'pre-1930s' demolition control overlay within the Residential Zone), overlays that apply across the city (e.g. natural hazards) and a range of site specific provisions (shown in appendices).
52. The Council generally supports the standardisation of spatial planning tools (SPTs) as there remains sufficient flexibility to apply the tools in a local context. However, WCC seeks some amendments to provide further clarity on the application of these SPTs.

Site specific controls

53. The WCC District Plan has several appendices that include site specific controls. Many of these controls are required in the Wellington context due to the topographical constraints of the City. The areas where these site specific controls apply are then labelled to inform the plan user that they need to refer to the relevant appendix. It is not clear whether the planning standard will still allow for this approach as the link between this draft standard and the mapping standard is unclear. While the draft standard indicates that polygons should be used for these controls, it is not clear exactly how the site specific controls are to be shown – can Councils create their own colours and symbology for this?

Development areas

54. 'Master plans' should be added to the list of plans that are covered by this SPT. Master plans show a greater level of detail than a concept or structure plan and so warrant specific inclusion in the definition of this SPT. WCC undertakes master planning exercises with local communities which involve significant engagement with the assumption that these plans may be incorporated into the District Plan. As such, WCC considers that these are a legitimate tool that should be provided for in the Planning Standards.
55. It is not clear what process applies once 'development areas' are no longer required i.e. once development has occurred. Currently the draft standard simply says the tool must be removed – but it must be replaced with something. In the WCC District Plan our existing structure plans require that the land be rezoned to residential once development is complete. As such, the planning standards should state that the relevant new zone from the zone SPT layer be applied in place of the development area SPT, or that some other trigger is provided in the plan. It is also not clear whether local authorities will be required follow a Schedule 1 process to make these changes.

Precincts and Overlays

56. The precinct layer applies where 'two or more additional provisions apply. This arguably could be the same trigger for an overlay. One interpretation is that precincts apply only where a provision involves one zone, whereas overlays cross multiple zones, but this is not clear.
57. For example, what SPT should be used for heritage areas? Heritage is generally a district wide matter and therefore an overlay could be used. But the current wording for a 'precinct' could also mean that a precinct should be used to show heritage areas.

58. There is also a link with the proposed District Plan Structure which requires that all heritage related matters (including heritage areas) be located within one section of the Plan. But if a 'precinct' is intended to be applied to heritage areas, the provisions relating to the heritage area would have to be located in the 'Precinct chapter' and therefore separated from all other heritage provisions. This would not support the objective of providing easier to use plans. The planning standards need to be amended to make the function of the precinct and overlay SPTs clearer.
59. The Precinct requirements also allow for the inclusion of references to a design guide, or other guidance material. WCC considers that a similar provision should be provided for zones and overlays as our District Plan makes extensive use of design guides across many chapters of the Plan.

Heritage Orders

60. WCC considers that it is unnecessary to provide a specific SPT for Heritage Orders as this could be sufficiently covered via an overlay, where a council chooses to map these.

WCC seeks the following amendments and points of clarification to the Draft Spatial Planning Tools Standard:

- Provide clarification as to how site specific controls should be depicted on Planning maps by providing sufficient instructions in the Mapping Standard
- Add 'master plans' to the list of plans that can be referenced in a 'development area'
- Clarify in the instructions what standard or process applies once 'development area' SPTs are no longer applicable and are removed from the plan, and whether a RMA Schedule 1 process must be followed to make this change.
- Provide a clearer distinction between precincts and overlays
- Include a direction under the 'zones' spatial planning tool that design guides can be referenced as is already provided for precincts
- Delete the heritage orders SPT.

Draft Chapter Form Standard (F-5)

61. The draft Chapter Form Standard is intended to provide a consistent location and format for plan content i.e. the Plan objectives, policies, and rules.
62. The standard specifies:
- a. the order of the key headings within these chapters.
 - b. that all objectives be grouped together
 - c. that all policies be grouped together.
 - d. The use of tables to display rules and specific directions for how to set out the content of the rule table
63. The Council supports the use of tables to display rules and the standards that apply to development as this provides an easy to read format.
64. Notwithstanding this, we have concerns about the level of prescription in the standard and make the following specific comments to make about this standard:

Page orientation

65. While it is unlikely to be relevant in an ePlan context, it is noted that the draft standard is set out in a 'portrait' orientation. However, once councils begin inserting their plan content into this table a landscape orientation will be necessary. The draft standard does not appear to specify a particular orientation, but it is noted that in the current form, a landscape page orientation for paper/PDF plans is much more readable than portrait.

Table 25: Rule Overview Table

66. WCC considers that the rule overview table should include an additional column that states the activity status of each activity – without this the table is somewhat superfluous for the plan reader. WCC's existing District Plan uses similar tables in each of the rule chapters which provide a quick reference guide to the activity status of the key rules.

Table 26: Rule Table:

67. The second column of Table 26 requires the activity status to be shown, followed by reference to 'where'. This word is in bold type which means this is mandatory text. However, it is unclear what information should be located here and this could be limiting in terms of the text that follows. The terminology suggests a spatial reference (i.e. an activity is permitted 'where' it is located in a certain place). This could equally indicate a contextual reference (i.e. where a building was constructed prior to 1930).
68. If the intention is to provide for both spatial and contextual criteria then alternative wording should be provided, or the 'where' should not be mandatory. A simple prompt of 'insert rule detail', as is already provided, is sufficient. This also potentially duplicates the list to be provided under the heading 'where this activity complies with the following rule requirements...'
69. WCC also seeks clarity as to whether councils can list 'exclusions' from the rule, perhaps as an alternative to the 'where' heading. These exclusions may still be necessary, particularly as councils apply the standard set of definitions in their local context. The rules may need to specifically exclude certain matters where a relevant definition does not 'fit' within the local context. It is not clear where this could be located in the proposed table format.

Rule Requirements

70. The Council does not support the terminology 'rule requirements' as a replacement for 'performance standards'. This appears to be a new term in the NZ planning system and the Council does not support changing terminology that is well understood and is used across multiple planning documents. The term 'performance standard' is actually a positive expression that suggests 'attainment and expectation' whereas 'rule requirement' is regulatory and minimalist. The proposed terminology in the draft standard could also create confusion with the rules themselves.
71. WCC therefore seeks an amendment to the planning standards to replace the term 'rule requirements' with 'performance standards'.
72. The WCC Plan also currently includes 'conditions' which are similar to performance standards but only apply to specific rules (typically with a restricted discretionary status) e.g.:

Matters of discretion are restricted to:

1. *The effects generated by the rule requirements that are not met:*
 - a. *Fixed plant noise*
 - b. *Vehicle parking*

c. Site access

Subject to compliance with the following condition:

Noise emission levels under rule requirement 5.6.1.2 (fixed plant noise) shall not be exceeded by more than 5 decibels. This condition does not apply to temporary activity noise

73. It is unclear whether Council will be able to continue using this approach in the proposed format – is this an additional provision that Councils can add, if required?

Numbering

74. While WCC supports a simplified system for numbering plan provisions, the lists that will be required under the 'where' and 'where this activity complies with the following rule requirements' are currently proposed to be numbered in normal sequential numbering (i.e. 1, 2, 3). WCC questions how this system of numbering will work in, say a resource consent reporting situation, when the report is referencing a) a provision under the 'where' list and b) the 'where this activity complies with...' list. WCC considers that for ease of referencing, the numbering should be amended, as shown below.

Relevant policies

75. The WCC District Plan currently lists the policies that are relevant to each rule underneath the rule itself. This assists the resource consent applicant and the planner in their assessment of the effects of a proposal and determining the consistency or otherwise with the Plan's policy framework. WCC considers that Councils should retain the ability to list the policies in this manner, if they choose to do so. It is not clear from the rule table whether this approach could still be taken.

WCC seeks the following amendments/clarification in relation to the draft Chapter Form Standard:

- Add an additional column to Table 25 that shows the activity status of each rule
- Make the following amendments to the text in the centre column of Table 26 (additions are underlined, deletions are in ~~strikethrough~~):

This cell is required for permitted activities

Activity status: Insert activity status. If abbreviated use a mandatory abbreviation

a) Where: Insert rule descriptor

1 insert rule detail

2 insert rule detail

3 insert rule detail.

b) Where this activity complies with the following performance standard rule requirements:

1 insert reference to performance standards ~~rule requirement/s~~.

- Clarify whether Councils can add additional content to the table such as:
 - Rule 'exclusions' from the rule
 - A list of policies that are relevant to the rules
 - Rule conditions
- Replace the term 'rule requirements' with 'performance standards'.

Content and metric standards

Draft Definitions Standard (CM-1)

76. The Draft Definitions Standard sets out 109 mandatory terms and definitions that must be used in plans if those terms are used. The intention is to improve plan consistency and enable greater certainty around the meaning of terms across the country.
77. WCC supports the concept of providing consistency in plan definitions, but notes that for some terms, the definitions will require a departure from locally specific terms which have been defined to reflect local circumstances. In some cases this will mean a change in approach to how the plan provisions are implemented. A full plan review process will enable these implications to be identified and addressed more comprehensively. However, the Council considers that careful consideration should be given to the implications for councils of adding any further terms to this list either through this process or future versions of the planning standards.
78. WCC also understands that the scope of submissions on future plan changes/full plan reviews will be limited to how the Council applies the standard definitions in the local context, and submitters will not be able to seek amendments to the definitions that are included in the planning standard. The Council is concerned that there may be cases where definitions from the planning standard do not work in the local context.
79. It is noted that Councils retain flexibility to use the plan rules to accommodate those scenarios where the standard definition does not work in the local context. However, WCC considers that the planning standard for definitions should also incorporate a mechanism that provides certainty of national, standard definitions, while being responsive to new circumstances and local variations. This may be the case where, through our full Plan review submissions show that the standard definitions are clearly unworkable in Wellington City.
80. A possible solution is to allow Councils to add qualifiers to the standard definition when they are applied locally, or similar. WCC would appreciate the ability to work with MfE when these situations arise.

WCC seeks the following amendments to the draft Definitions Standard (CM-1)

- Amend the draft planning standard on definitions so that the standard can be responsive to new circumstances and local variations as Councils apply these definitions in the local context.
- Consider the comments and proposed amendments to specific terms, as shown in the table below (additions are shown underlined, deletions in ~~strikethrough~~)

Term	Proposed definition	Comment
Access strip	has the same meaning as in section 2 of the RMA (as set out in box below) means a strip of land created by the registration of an easement in accordance with section 237B for the purpose of allowing public access to or along any river, or lake, or the coast, or to any esplanade reserve, esplanade strip, other reserve, or land owned by the local authority or by the Crown (but excluding all land held for a public work except land held, administered, or managed under the Conservation Act 1987 and the Acts named in Schedule 1 of that Act)	The draft standard adopts the RMA definition of 'access strip'. The focus of this definition is on the provision of public access rather than access that may be provided to private property. WCC currently uses the term 'access strip' to mean an access leg or area of land to provide access to a property. Given the different focus of these definitions, WCC considers that it would be appropriate to use the term '<u>public</u> access strip' as this better reflects the focus of the definition. This would then allow councils who currently use the term 'access strip' in relation to private land, to insert the word 'private' in front of 'access strip' i.e. 'private access strip'.
Footprint	means the total area of structures at ground floor level and the area of any section of any of those structures that protrudes directly above the ground	This definition requires amendment to provide clarity around what is meant by 'protrudes directly above the ground'. WCC suggests the following amendment: <i>means the total area of structures at ground floor level and the area of any section of any of those structures that protrudes occupies airspace directly above the ground.</i>
Gross floor area	means the sum of the total area of all floors of all buildings on the site (including any void area in those floors, such as service shafts or lift or stairwells), measured from the exterior faces of exterior walls or from the centre lines of walls separating 2 buildings and, in the absence of a wall on any side, measured to the exterior edge of the floor	WCC notes that this definition is similar to that of our current District Plan. It is noted that the proposed definition provides for those instances, such as a mezzanine floor, where it would be unreasonable to measure from the exterior walls (i.e. '....in the absence of a wall on any side it shall be measured to the exterior edge of the floor'.) WCC supports this addition, however considers that some additional words may be of assistance for interpretation to be clear that this is what is meant by this sentence. The following amendment is suggested:

		'.....and, in the absence of a wall on any side (<i>for example, a mezzanine floor</i>), measured to the exterior edge of the floor.'
Ground level	means— (a) the actual finished surface level of the ground after the most recent subdivision that created at least one additional allotment was completed (at the issue of the section 224c Certificate or the previous legislative equivalent), but excludes any excavation or filling associated with the construction or alteration of a building; (b) if the ground level cannot be identified under paragraph (a), the existing surface level of the ground, excluding areas of cut or fill associated with the construction or alteration of a building; (c) if, in any case under paragraph (a) or (b), a retaining wall or retaining structure is located on the boundary, the level on front of the retaining wall or retaining structure where it intersects the boundary	This definition requires further clarity as follows: • The definition needs to clearly articulate what 'on the boundary means'. • The definition has been tied to subdivision, but only references s224(c) Certificates. Section 224(c) only applies where there are conditions imposed on the consent (e.g. for earthworks). So the definition does not cover those subdivisions where no conditions were imposed. WCC considers that the definition should also include reference to section 223 certificates to ensure that all subdivision consents are captured (not just those where conditions are imposed under s224). • An alternative approach would be to amend clause (a) of the proposed definition to refer to Computer Freehold Register so that the starting point for measuring ground level is when the subdivision plan is deposited and titles are issued. Subdivision is not 'completed' until that stage. WCC has issued many section 224 certificates for plans which have not been deposited for a variety of reasons, and because of this these subdivisions have never been 'completed'. • The wording 'excludes any excavation or filling associated with the construction or alteration of a building' is too open to interpretation. It is unclear what MfE is trying to achieve here for example, what is the scope of 'associated with the construction of'? Does this include driveways, landscaping, or just the works relating to foundations? • Clause (c) – WCC suggests amendments and additional wording be added to this clause to clarify what is intended. These amendments mean that it will not matter which exterior face intersects the boundary. Parapets on retaining walls should also be excluded as these can be very high at times, and this change would ensure that where a parapet is intersected by the boundary, it is the surface of the retained land behind the wall that is used for the measurement. Finally, the last sentence of the suggested additions to the definition covers those situations where