

		<p>fill has been retained on one side of the boundary where ground level will be at the toe of the wall.</p> <p>WCC seeks the following amendments to the proposed definition of 'ground level':</p> <p>Ground Level means—</p> <p>(a) the actual finished surface level of the ground after the most recent subdivision <u>was completed</u> that created at least one additional allotment <u>was completed</u> (at the issue of the section 224c Certificate, or section 223 Certificate where no section 224C Certificate will be <u>issued</u>, or the previous legislative equivalents), but excludes any excavation or filling associated with the construction or alteration of a building;</p> <p>(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;</p> <p>(c) if, in any case under paragraph (a) or (b), a retaining wall or retaining structure is located on the boundary, the level on <u>the exterior surface of the retaining wall or retaining structure where the exterior surface intersects the boundary</u>. <u>Where this would include a parapet of any height, the existing surface level of the ground immediately behind the wall or structure. Where the front surface of the wall or structure is up to but not over the boundary, the existing surface level of the ground at the base (toe).</u></p>
<p>Landfill</p>	<p>means the use, or the previous use, of land for the primary purpose of the disposal of waste</p>	<p>WCC supports the proposed definition, however considers that MfE may need to also provide a definition of 'waste' which is referenced in this definition.</p>

Draft Noise and Vibration metrics Standard (CM-2)

81. The draft noise and vibration metrics standard aims to provide a consistent approach to how noise emissions are measured and to provide a consistent methodology to the measurement of vibration effects.
82. The draft standard references the latest relevant New Zealand Standards on this topic and requires these standards to be used to measure and assess noise and vibration.
83. The Council supports using the NZ Standards as the basis for noise metric and vibration standards. We also support the decision to not set noise limits for zones through the National Planning Standards. This is a local issue and should be determined by communities.
84. Notwithstanding this, the Council suggests a number of amendments to layout and wording, as shown in the table below.
85. In addition to these wording amendments, WCC also has concerns regarding New Zealand Standard 6805:1992 Airport noise management and land use planning being specified in this standard, and as a mandatory requirement.
86. While WCC supports a level of standardisation of metrics for measuring noise, we are concerned about the potential implications of this in the context of the Wellington International Airport and suggest that there be some flexibility provided to recognise particular local situations.
87. The airport is surrounded by residential housing some of which has existed since before the airport was established. As a result of decisions of the Environment Court in 1997, the New Zealand Standard 6805:1992 is applied as a guiding document alongside a range of other mechanisms to manage the effects of airport noise. These mechanisms include:
 - a specific zoning for the Airport,
 - an *Airport Noise Boundary*,
 - a requirement for a noise management plan, and
 - the establishment of the Wellington Airnoise Management Committee which is made up of representatives from WCC, the community, and Wellington International Airport Limited.
88. There are also a range of strategic mechanisms outside of the District Plan that are being led by Wellington International Airport Limited (such as their acoustic insulation program) to mitigate the effects of aircraft noise on surrounding residential properties.
89. WCC is concerned that specifying the application of the *New Zealand Standard 6805:1992 Airport noise management and land use planning* in the Planning Standards could result in re-litigation of the noise issues associated with the Wellington Airport and undo years of work to establish solutions that work for all parties outside of the District Plan.
90. The Planning Standards should recognise that there may be situations where it cannot be applied in its strictest sense.

WCC seeks the following amendments/clarification in relation to the Draft Noise and Vibration metrics standard (additions are underlined, deletions are in ~~strikethrough~~):

- Amend Point 3 as follows:

Any plan rule to manage an emission of noise must be consistent with the relevant noise

measurement methods in the applicable New Zealand Standards listed in Table 30: Acoustic New Zealand Standards below.

- Amend Table 30 as follows:

New Zealand Acoustical Standards references

- Environmental sound is measured in accordance with New Zealand Standard 6801:2008 Acoustics – Measurement of Environmental Sound
- Environmental Sound is assessed in accordance with New Zealand Standard 6802:2008 Acoustics – Environmental Noise
- The following standards provide measurement and assessment criteria:
 - New Zealand Standard 6806:2010 Acoustics – Road traffic noise – New and altered roads
 - New Zealand Standard 6808: 2010 Acoustics – Wind farm noise
 - New Zealand Standard 6809: 1999 Acoustics – Port noise management and land use planning
 - New Zealand Standard 6805:1992 Airport noise management and land use planning
- Clarify that existing situations, such as that of Wellington Airport, will not be affected by standardising the measurement of airport noise, and that this only applies where new airports are proposed.

Wellington City Council would welcome the opportunity to discuss the content of our submission further with MfE if necessary.

Submission

To: Ministry for the Environment
By email: planningstandards@mfe.govt.nz

By: Northland Regional Council

On: Draft National Planning Standards June 2018

Introduction

1. The Northland Regional Council (council) is grateful for the opportunity to comment on the draft standards.
2. We are supportive of the principle of standardising plans and their content. The submission focuses on implementation issues as we see them for the National Planning Standards (the standards), and aspects we would like retained.
3. The key concern we have is the cost of implementing the standards and opening plan content to challenge. As currently proposed, our assessment is that implementing the standards is likely to require many consequential changes beyond those allowed by Section 58I, RMA, which means these changes would need to be made via a Schedule 1 process. This will result in costs to council to run the process and defend plan content – even though we won't be changing the effect of the content. We believe it's a significant waste of ratepayer's money to pay for a process that doesn't change the effect of our RMA documents. We estimate this cost could be up to \$280,000 – which is about 1% of the rates council collects.

Submission

Timeframe for implementing

4. While we are heartened to see an extension from five years (as previously signalled) to seven years to implement the standards, we would prefer that we didn't have to implement the standards until the next 10-year review of the relevant planning document. Implementing the standards as part of the 10-year review will significantly reduce the costs of implementation (assuming there is a raft of consequential changes requiring a Schedule 1 process).
5. Our Regional Policy Statement (RPS) was made fully operative in May 2018. A seven-year deadline (2026) will be two years before the RPS is due for its review.
6. The council notified the Proposed Regional Plan for Northland (a combined regional plan) in 2017 and council decisions are likely to be released in early 2019. Assuming significant appeals, it's likely the Proposed Regional Plan won't be operative until 2021 at the earliest. This

means the Proposed Regional Plan will only be five years old before it needs to be changed to implement the standards.

7. If we are required to implement the standards before the 10-year review date of the RPS or regional plan, we'd likely include this with another Schedule 1 review. This will reduce some of the costs of the Schedule 1 process for implementing the standard (particularly the process costs), but there will still be potentially significant costs associated with the time and effort of defending challenges to content. It's difficult to provide an accurate estimate of this cost, but assuming there would need to be significant changes to our RPS and Regional Plan, a best guess is that it would be between \$60,000 - \$100,000 for the RPS and between \$120,000 and \$180,000 for the Regional Plan (including labour).

Flow on of changes from RPS

8. Something to be mindful of is that changes to the RPS (from implementing the standards) may have a flow on to local plans. The flow on effect is unlikely to be from the direct implementation of the standards - it will be from the potential changes to provisions that are opened to challenge resulting from the Schedule 1 process to deal with consequential changes.
9. The preference would be to amend the RPS first before territorial authorities amend their plans. According to the draft standards, all the Northland local territorial authorities will be required to amend their district plans within five years of gazettal. This would mean the RPS should be amended within 3-4 years. However, as discussed, we would much prefer to wait until the RPS is due for its 10-year review.
10. A solution would be for the implementation of the standards in territorial plans to be delayed until the conclusion of any Schedule 1 consequential amendments of the RPS.

Definitions and metrics

11. We are supportive of having nationally consistent definitions and metrics. However, we have some concerns about implementing them.

Schedule 1 vs Section 58I

12. In many instances, the inclusion of definitions and metrics will not be like for like. This means that if councils want to include definitions but not change the effect of rules (in particular), changes will need to be made to rules.

13. For example, the draft standards have a definition for earthworks:

means any land disturbance that changes the existing ground contour or ground level

14. The draft standards also define land disturbance:

means the alteration to land, including by moving, cutting, placing, filling or excavation of soil, cleanfill, earth or substrate land

15. The Proposed Regional Plan for Northland defines earthworks as:

The mechanical disturbance of the surface of the land by excavation, cutting and filling, blading, ripping, contouring, or placing or replacing earth, but does not include:

- 1. the placement of cleanfill material, or*
- 2. land preparation, or*
- 3. construction, repair, alteration or maintenance of bores, or*
- 4. the maintenance of walking and other recreational tracks, or*
- 5. the placement of roading aggregates during road and track works, or*
- 6. digging post holes, or*
- 7. planting trees.*

16. The notable difference between the two definitions is the list of excluded activities. If we didn't want to change the effect of the rules for earthworks, we'd need to amend the earthworks rules to ensure they don't capture the list of excluded activities. We don't think it should be necessary to make this type of change using a Schedule 1 process but it's not clear that such a change is anticipated by Section 581(3)(d)¹.

17. Section 581(3)(d) requires "...any consequential amendments to any document as necessary to avoid duplication or conflict with the amendments". Relating this back to the earthworks example, we think it would be a stretch to say that the rule changes "are necessary to avoid duplication or conflict" with the inclusion of the definition of earthworks. The wording of the rules for earthworks does not duplicate or conflict with the definition of earthworks.

18. As stated previously, we'd like to make these types of changes without using the Schedule 1 process. The solution is to amend Section 581 or to allow a longer timeframe to implement so changes can happen at the same time as the RMA required 10-year review of plan and policy provisions.

Minimising the scope of the Schedule 1 process

19. There is a risk that the increased process costs for councils to incorporate the definitions and metrics will mean that councils may look for ways to minimise the cost of the Schedule 1 process.

20. A significant driver of Schedule 1 costs is the scope of the changes and therefore the opportunity to challenge provisions. The greater the scope of the changes, the more likely people will challenge it and councils (and others) must spend resources defending it. So, if we had to make the changes to the earthworks rules to address the exceptions, it would allow anyone with a concern with the rules to challenge any aspect of the rules – even though we have no intention of changing the scope of the rules.

21. If councils are forced to undertake a Schedule 1 process to incorporate the definitions before the 10-year review then one option they may consider is doing it in a way that would avoid opening the rules to challenge. One way of doing this would be to do a plan change to change the word 'earthworks' in the operational plan to an alternative name, for example, 'land modification'.

¹ We assume that such a change wouldn't come under S581(2)(b) as definitions and metrics are not a constraint or limit.

There is still a risk that someone could argue that by changing the name in the rules, it opens the ability to challenge any part of the rules, but the risk would be a lot less compared to changing the rules to address the exceptions.

22. The draft standards state the prescribed definitions apply to synonyms. The Oxford dictionary defines a synonym as:

A word or phrase that means the same as another word or phrase in the same language

23. It could be successfully argued that changing the word 'earthworks' to (for example) 'land modification' would mean the definition is not 'the same', given the revised definition excludes a list of activities. Perversely, this could result in a situation that there is even more variation in the terms used in plans to describe activities than there currently is (at least in the short term). The approach may only be a stop gap measure until the 10-year review (or the relevant provisions are subject to a plan change for other reasons) at which time the definitions in the standards would be incorporated. This is not necessarily an option that we would use, however, it is worth noting that it is an option that any council could adopt.

Timing of Schedule 1 process vs 581 process

24. Another issue we foresee is that if the insertion of the definitions leads to changes in the way the rules effect activities, then the Schedule 1 changes to the rules will need to happen before the insertion of the new definitions. This is because the insertion of the definitions will be immediately operative, whereas any consequential changes requiring a Schedule 1 process wouldn't be operative until any challenges are resolved.
25. Using the earthworks example; if the definitions were inserted before the Schedule 1 process concluded, then the earthworks rules would apply to the exceptions, which may mean, for example, consent would be required for activities that are intended to be permitted, or vice versa. A Schedule 1 process may take, for example, two years, which means it would need to start at least two years before the cut-off date for implementation to avoid this situation.
26. A solution would be to have a mechanism to exempt the insertion of a definition into an operative plan if a plan change is notified to address consequential changes resulting from the definition.

A full package of mandatory content

27. As highlighted with the earthworks example above, the goal of achieving consistency with the definitions may not be achieved and is likely to be costly for councils to implement. If the planning standards are to prescribe content, then we think it should be the whole package of content. So, using the earthworks example, the standards could prescribe the definitions and the suite of rules (and possibly policies and objectives) for all earthworks and land disturbance activities. Councils would then have two choices – either to adopt the content as prescribed without a Schedule 1 process, or to vary the standardised content via the Schedule 1 process. Accompanying the standardised content should be a section 32 evaluation. If councils want to vary the standardised content, they would do a s32AA evaluation, that is, the focus would only

be on the variation and councils would have the section 32 to use as the reference for the s32AA evaluation.

Mandatory headings and matters addressed

28. The standards prescribe mandatory section headings and then set out the matters to be included in each section if the matters are addressed in the plan and/or policy statement. We therefore understand the direction to mean that if the plan includes a prescribed matter it must go into that section, and that the plan and/or policy statement doesn't have to include the matter if it isn't addressed in the document. We support this approach (assuming our understanding is correct).
29. We also assume councils may include additional matters into the prescribed sections. In other words, councils are not constrained to just the matters listed for the section. Again, we support this.
30. A minor point – it's not clear what happens where the plan contains none of the matters listed. For example, there is a mandatory heading for "Evaluation and monitoring" but our Proposed Regional Plan doesn't contain any such content. Would the heading be included but with no content or, because there is no content, can we exclude the heading? If the heading must be included then our approach in this situation would be to include the text "Not included" or the like. We suggest it be made clear that the heading only needs to be included if there is content under it.

Themes

31. We are comfortable with the themes prescribed for RPS's. The themes generally align with the themes of our current RPS.
32. We do however have some concerns with the themes for regional plans, particularly as they apply to rules. The themes generally make sense as they would apply to policies, but not for rules. Our view is that there should be an option for rules to be packaged by activity.
33. Most people interact with a plan via the rules with an activity in mind – not a theme. Also, rules are written for an activity – that's what the RMA requires. The most efficient and effective way is to package them by activity.
34. Packaging rules by themes is going to result in a lot of cross-referencing and a considerable amount of confusion about where best to locate rules and which sections to cross reference from. The draft guidance material states:
For example rules relating to protecting biodiversity in wetlands, can be in the water chapter, the ecosystem and indigenous biodiversity chapter and in the relevant catchment chapter. However best practice is that the rule should only be written once (to avoid confusion and possible typos) and cross-referenced as many times as needed.

35. The example could also include ‘the coastal environment’ and ‘landscape, landforms and natural character’ chapters. Each wetland rule would have four or five cross-references. This is just one example – multiplying this across a plan, it will result in hundreds of cross-references. All of this is unnecessary if the rules were packaged by activity without the need to cross-reference to the themes.

Electronic accessibility and functionality standard

36. Instruction 16 in Table 18 requires regional coastal plan provisions to be identified (Section 64, RMA). While it is a minor issue, we don’t support this because:

- It is not a legal requirement of the RMA;
- We’re not aware of any benefit to plan users; and
- Identifying the coastal marine area provisions for the purposes of the Minister of Conservation’s sign-off is an administrative issue and can be addressed outside the plan.

37. If it’s to be retained, then the reference should be amended to “*the parts that relate to the coastal marine area*” to reflect the wording of Section 64(3), RMA.

38. Instruction 3 in Table 19 requires regional plans to be “...*spatially integrated with GIS system, allowing click to drill through different map layers and specific rules that apply to particular properties or activities and infrastructure services.*” While we do not envisage any major problem implementing this, we question the value of this functionality for users of regional plans. Unlike district plans, most of the regional plan rules have no geographic variation. It’d mean that for any one location most of the same plan rules will be applicable. It’s a bit different in the coastal marine area where there are zones and overlays, but as the vast majority is not in private title, we don’t envisage there would be much demand for this functionality.

Chapter form standard

39. Instruction 3 of the Chapter form standard, says:

“Chapters within *Part 2 – Tangata Whenua, Part 3 – District-Wide Matters and Part 4 – Area-Specific Matters* must use the order of headings below.”

40. We understand that the *Part 2 – Tangata whenua* is the only relevant part applicable in instruction 3 to a regional plan or regional policy statement. We understand this to mean that *Part 2 – Tangata whenua* must include all the headings as prescribed. However, it’s not clear whether content must be included under each heading as the requirement is only that we “must consider” the inclusion of the relevant content. We could be in a position where we are required to have the heading but there is no content under it.

41. Instruction 4 says;

“*Unless otherwise stated, regional policy statement chapters, regional plans chapters and combined plan chapters may contain headings in the order provided.*”

42. We assume this means that unless otherwise stated (and we cannot find anywhere where it is stated) it is up to the council whether it chooses to include one or more of the headings. We support this.
43. Similarly, instruction 5, 6 and 7 (for example) say that “*Local authorities must consider whether...*”. We interpret this to mean that council can choose whether to include the relevant content – which we support. However, there doesn’t seem to be any direction as to how we would demonstrate that we have considered whether the relevant content is to be included. Without any direction, our approach would likely be to provide advice to council and get a council resolution.
44. Table 26 “Rule table” requires setting out the activity status when compliance with the rule is not achieved. We have some concerns with this – which we’ll highlight using the following example of a rule from our Proposed Regional Plan:

Existing structures – permitted activity

The following structures in the coastal marine area that:

- 1) existed at 30 June 2004, or
- 2) were authorised,

are permitted activities:

- 3) stormwater outlet pipes, and
- 4) road and railway culverts, and
- 5) bridges, and
- 6) aerial and submarine telephone cables, and
- 7) aerial and submarine power cables, and
- 8) suspended and submarine pipelines, and
- 9) jetties up to 10 square metres, and
- 10) hard protection structures in the coastal marine areas within enclosed waters (refer I 'Maps'), and
- 11) boat ramps and concreted slipways less than 15 metres in length and less than four metres in width, and
- 12) dinghy skids used solely for private boat launching and retrieval, and
- 13) steps, and
- 14) wharves and jetties in the Coastal Commercial Zone, and
- 15) non-habitable buildings and structures on wharves and jetties in the Coastal Commercial Zone

provided:

- 16) the structure complies with C.1.8 'Coastal works general conditions', and
- 17) the structure is not within a Marina Zone, and
- 18) the structure owner can provide, if requested by the regional council:
 - a) clear written or photographic evidence the structure existed at 30 June 2004, or
 - b) a copy of the necessary approval(s) for the authorisation of the structure.

The RMA activities this rule covers:

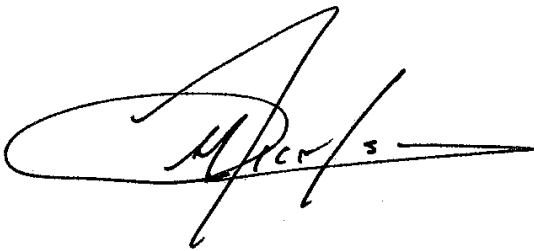
- Occupation of space in the common marine and coastal area (s12(2)(a)).

45. Firstly, it's not clear what a non-compliance is versus being beyond the scope of the rule. Referring to the example, clearly if the structure doesn't comply with clauses 16-18 then it's a non-compliance. But what about an existing structure that doesn't come within the scope of clauses 1-15? Is a jetty more than 10m² (for example) considered to be a non-compliance?
46. Secondly, there could be many activity statuses depending on which rule requirement is not complied with, for example, depending on what zone the structure is in, whether it's in an area of outstanding natural character or not, and the type of structure.
47. Our preference would be to remove the requirement to set out the activity status when compliance with the rule is not achieved.

Mapping Standard

48. It's not clear whether a symbology set will be provided to councils. We assume it will be (to ensure consistency), and in that case, it will need to be compatible with council systems (in our case ArcGIS).

Signed on behalf of the Northland Regional Council by:

A handwritten signature in black ink, appearing to read 'Malcolm Nicolson', with a long horizontal line extending to the right.

Malcolm Nicolson (Chief Executive Officer) Dated: 15 August 2018

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Canterbury

District Health Board

Te Poari Hauora o Waitaha

Submission on Draft National Planning Standards

To: Ministry for the Environment

Submitter: Canterbury District Health Board

[Redacted]

SUBMISSION ON DRAFT NATIONAL PLANNING STANDARDS

Details of submitter

1. Canterbury District Health Board (CDHB).
2. The submitter is responsible for promoting the reduction of adverse environmental effects on the health of people and communities and to improve, promote and protect their health pursuant to the New Zealand Public Health and Disability Act 2000 and the Health Act 1956.

Details of submission

3. We welcome the opportunity to comment on the Draft National Planning Standards. The future health of our populations is not just reliant on hospitals and health-care systems, but on a responsive environment where all sectors work collaboratively.
4. While health care services are an important determinant of health, health is also influenced by a wide range of factors beyond the health sector. These influences can be described as the conditions in which people are born, grow, live, work and age, and are impacted by environmental, social and behavioural factors. They are often referred to as the 'social determinants of health'¹.
5. Effective and efficient regulation of the natural and built environment is an important contributor to health and wellbeing outcomes. The CDHB has an interest in the Draft National Planning Standards for several reasons:
 - a) We want to be able to develop our own buildings and health services in communities in an efficient manner without the need for unnecessary resource consenting processes, so the more the Standards allow for the reasonable development of health services in communities the better.
 - b) We also have an interest in ensuring that the Standards allow for the development of community infrastructure that is positive for health and wellbeing.
6. The CDHB supports the introduction of National Planning Standards. The draft Standards proposed will provide greater consistency in plan structure across the

¹ Public Health Advisory Committee. 2004. *The Health of People and Communities. A Way Forward: Public Policy and the Economic Determinants of Health*. Public Health Advisory Committee: Wellington.

local authorities that the CDHB operates within while still providing enough flexibility to accommodate local planning considerations.

7. The CDHB supports the inclusion of a hospital zone as one of zones included in the draft standards.
8. The CDHB is keen to ensure, however, that the purpose statement for the hospital zone reflects the wide variety of activities that occur on a hospital site. In the absence of a standardised definition for hospital or healthcare facility, it is important that the final wording of the hospital zone purpose statement in the National Planning Standards is broad enough to allow for the full range of activities needed to run a hospital to occur within a hospital zone.
9. The following list of activities comes from the definition of hospital in the Christchurch City Council District Plan that the CDHB had a significant involvement in developing. It is important that the purpose statement allows for these activities in a hospital zone:

Land / buildings used for the provision of medical or surgical treatment of, and health services for, people. It includes:

- a) helicopter landing and ambulance facilities;
- b) medical research and testing facilities;
- c) first aid and other health-related training facilities;
- d) rehabilitation facilities, including gymnasiums and pools;
- e) palliative facilities;
- f) supported residential care;
- g) hospital maintenance and service facilities;
- h) mortuaries;
- i) accessory offices and retail activities, including pharmacies, food and beverage outlets and florists; and
- j) accessory commercial services, including banks and dry-cleaners.

10. The CDHB is also interested to ensure that a wide range of potential facilities and services that are health promoting for staff and visitors are not unnecessarily restricted from being developed within a hospital zone because of a narrow purpose statement or definition in the National Planning Standards. Some examples could include primary care (general practice) facilities for staff, child care facilities, and facilities to support active and public transport by staff and patients such as bus stops and cycle maintenance services.
11. The CDHB notes that there may be confusion within the health sector in the hospital zone purpose statement over the use of the word 'primary' to refer to medical facility. In the health sector the word 'primary' is commonly used to describe health services that occur in the community outside of the hospital setting e.g. general practices. So long as the activities listed above in sections 9 and 10 can be accounted for within the purpose statement, the word primary could be removed.
12. The CDHB notes that there is no standard definition for a number of activities that relate to the provision of healthcare within this draft National Planning Standards. The CDHB supports this exclusion as it allows for local definitions that reflect local service provision. For example, the most recent Christchurch City Council District Plan included a definition for Integrated Family Health Centres, after a submission from the CDHB, to reflect the changing delivery of primary care and related health and community services in the community.
13. Should there be definitions included in future iterations of the National Planning Standards that relate to the provision of health and related community services, the CDHB recommends that the definitions in the Christchurch City Council District Plan be used.
14. The CDHB notes that there is a proposed standard definition of 'community facility' within the draft National Planning Standards. The Christchurch City Council District Plan definition of community facility includes specific reference to health care facilities and care facilities (which are further defined).² The CDHB is concerned to

² Community facility means any land and/or buildings used for community activities or education activities. Community facilities include reserves, recreation facilities, libraries, community infrastructure such as community halls, health care facilities, care facilities, emergency service facilities, community corrections facilities, community welfare facilities and facilities used for entertainment activities or spiritual activities. Community facilities exclude privately (as opposed to publicly) owned recreation facilities, entertainment activities and restaurants.

ensure that any change to the definition of community facility mandated at a national level does not have adverse implications for the delivery of health care and care facilities within Christchurch City. The CDHB recommends that further consideration be given to whether this definition is required to be nationally defined and the implications of this for healthcare services across the country.

15. If the definition does remain, our focus would be to ensure that the definition of community facility be focused on the use of the facility, rather than its ownership structure, as its main purpose, to ensure that community facilities were available within communities, regardless of whether they were non-profit facilities. We would also recommend that the term 'health and wellbeing' be used within the definition which would enable health care services, care facilities and community support groups around specific wellbeing issues to be included; currently they do not appear to be captured within the definition.

16. The CDHB agrees that it is important to have consistent definitions of terms such as "drinking water" and that it is appropriate that the definitions used in the National Planning Standards are consistent with the NES for Sources of Human Drinking Water Regulations 2007. It is the understanding of the CDHB that the NES for Sources of Human Drinking Water is also under review. We would like to take this opportunity to recommend a small change to the definition of drinking water in both these documents; that is to remove the "intended" aspect of the definition so that it reads as below. This will ensure the definition is more in line with that of the Health Act.

drinking water—

(a) means water to be used for human consumption; and

(b) includes water to be used for food preparation, utensil washing, and oral or other personal hygiene

Person making the submission



Evon Currie
General Manager
Community & Public Health
Canterbury District Health Board

Date: 15/08/2018

Contact details

[Redacted contact details]

Our Ref: 7.00285



16 August 2018

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

Submitted to: planningstandards@mfe.govt.nz

Dear Sir/Madam

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

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

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

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

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

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

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

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

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

Please contact [REDACTED]
if you have any queries.

Yours sincerely



Namouta Poutasi
Acting General Manager Strategy and Science

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

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

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

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

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

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

<p>Part 2 - TANGATA WHENUA</p> <p>General S-TW Tangata Whenua (pp33,34)</p>	<p>Flexibility how to address tangata whenua matters</p>	<p>BOPRC is concerned with the fine detail included in the Part 2 opening chapters including the headings, subheadings and content. Much of this content is not required by the RMA to be included in plan content currently. As a Council we are streamlining our regional policy and regional plan content. BOPRC’s region contains 37 iwi and over 250 hapū. The level of detail set out in this section sets up an expectation this material is required in the regional plan and will be included.</p> <p>It is unclear what the mandatory Part 2 Tangata Whenua is intended to capture. The S-RP and S-TW contain mandatory sections for what appears to be largely ‘contextual’ information. The planning standards don’t appear to be anticipating objectives, policies and rules specific to tāngata whenua interests and values. The importance of this contextual information is not in question, but whether it should all sit in a RMA plan is debateable, especially in regions where there are numerous iwi and hapū groupings.</p> <p>Consequently flexibility is required to best provide for the matters set out in the description. The RPS currently has an iwi resource management chapter but also address Māori cultural values in other chapters (e.g. Matters of National Importance, Water Quantity, and Coastal Environment) as appropriate.</p> <p>It is unclear as to whether the matters following the heading are compulsory or not. For example under point 3 page 33, it states “if the following matters are addressed in policy statements or plans, they must be located in the recognition of iwi/hapū chapter”. It is unclear whether the plan must include the matters listed under 3 or not.</p> <p>There also remains uncertainty where the iwi resource management</p>	<p>Support tangata whenua standards but request the content remains optional and there is flexibility how Tangata Whenua policy direction is provided (i.e. to allow for incorporation within the theme and/or catchment chapters).</p> <p>Clarify whether matters listed under Mandatory directions 1-6 are compulsory.</p> <p>Clarify where policies and objectives for recognising tangata whenua relationships and aspirations are to be located. Separate chapter or within other relevant chapters?</p> <p>Delete content which is outside scope of section 67 RMA from the standard and support guidance about setting up compendiums for this type of material, if considered necessary.</p> <p>Support an effective cost benefit analysis of the actual overall costs relative to implementation of the standards be considered and, in particular highlight the potential costs councils will incur.</p> <p>Clarify how MfE and central government intend to support and provide councils’ with resourcing and finances that will enable councils’ to meet all mandatory standards. The level of detail listed in the standards will require staff to possess at a minimum a good knowledge base of Te Ao Māori, technical and advisory experience i.e. Māori policy advisors and planners, specialist Māori consultants, which some councils’ currently struggle with and in may not be equipped with staff with adequate expertise, capabilities and competencies to provide the required level of detail expected.</p>
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issues, objectives policies currently found in regional plans should sit: In Part 2 Tangata Whenua or in Part 3-Issues and Objectives AND the policies in Part 4 as an additional theme. This flexibility may be deliberate to reflect that some tāngata whenua prefer to see a separate section dedicated to tangata whenua issues, objectives, policies and rules and others prefer this content to be weaved throughout the plan. This should be clarified in the planning standards.

In the event the Standards listed under Mandatory directions 1-6 are adopted, BOPRC have significant concerns around the implications associated with providing such a high level of detail, in particular, the personnel resourcing and finances Councils' are expected to provide in order to fully comply with the standards.

In fact, Part 2 Section 32 pg. 37 of the MfE analysis confirms such implications as follows:

- Costs to implement
- Impact will vary depending on individual councils'
- Increased legal cost
- Time and human resource costs

Issues include overlaps between iwi rohe, recognition by some as iwi vs as hapū, Māori Land trusts wanting recognition as iwi authorities, treaty settlements in different stages for different iwi, Takutai Moana and so on. In other words painting a picture of the complexity of our 'cultural landscape' (i.e. the Bay of Plenty tangata whenua landscape) is dynamic and evolving and as such we request the flexibility for the RPS provisions to allow those to be navigated as we see fit.

BOPRC prefer using our website and compendium documents already in place to fulfil our section 35A duties. For example: Nga Whakaaetanga-a-Ture ki Te Taiao a Toi (Statutory Acknowledgements in the Bay of Plenty) is a compendium document to the Bay of Plenty Regional Policy Statement and Regional plans.

BOPRC supports mandatory identification of the following to include reference to Council and applicant responsibilities (only in terms of relevant requirements and their general purpose):

- A Council's requirement under s35 to keep a record of Iwi and Hapu
- Iwi/ Hapū resource management plans (reference where these are located with flexibility to have as a separate compendium)
- Co-governance agreements (as above reference to with the core

		<p>documents being able to be updated in a separate compendium)</p> <ul style="list-style-type: none"> • Statutory Acknowledgements (as above as it would be unwieldly to incorporate these within an RPS, a separate compendium / addendum is supported) • Applications under the Marine and Coastal (Takutai Moana) Act. • Te Mana o te Wai (NPS Freshwater Management). 	
S-TW	Tangata Whenua – local authority relationships (p33)	<p>BOPRC strongly recommends removal of listing and linking formal relationship agreements with tangata whenua within a regional plan.</p> <p>While we acknowledge the importance of these agreements they are outside of the scope of regional plan content requirements and will be problematic to maintain due to the sheer number of agreements and iwi in the region. Some iwi may support their agreements being listed while others may not. The regularity with which the material may change could require a schedule 1 process to change.</p> <p>Instead we support guidance on how councils may construct a compendium to hold material relevant to policies and plans which would achieve the intended purpose. Access is key to ensuring they are used and understood.</p>	<p>Amend standards to give Councils the discretion to include tangata whenua relationship agreements in compendium document rather than require these to be listed in a regional plan.</p>
S-TW	Iwi and Hapū planning documents	<p>Same concerns as above. Again we would support guidance on best practise for councils on how to provide this on their websites, sitting outside of the policy and plans. We have listed on our website all hapū and iwi management plans lodged with the regional council and hyperlinked to the documents where available (https://www.boprc.govt.nz/about-council/kaupapa-maori/hapuiwi-resource-management-plans/). Access is key to ensuring they are used and understood. The web page also outlines the importance of IMP's, funding available and criteria. GIS layers also show iwi rohe, statutory acknowledgement etc.</p>	<p>Amend standards to give Councils the discretion to include iwi and hapū resource management plans in a compendium document rather than require these to be listed in a regional plan.</p>
S-TW	Consultation (p34)	<p>Our view is iwi consultation material outlined in 6. should not be included in plans as it could change and then the plan will be out of date or go through a schedule 1 process to change. Each iwi will have differing ways they wish to be consulted.</p> <p>Any way we can encourage better consultation is a positive. Consultation process improvement is a positive but it needs to be generic because there are differing processes and ways to undertake consultation. Mana whakahono a rohe agreements will change this in the long term.</p>	<p>Support provided the inclusion of issues remains optional</p> <p>Support inclusion of general consultation principles or good practice guidelines to assist, i.e. working in collaboration, relationship building, face to face meetings, where possible meet on marae/or preferred venue by tangata whenua.</p> <p>Support a link to iwi and hapū resource management plans that may have relevant consultation and engagement processes – this will assist in building relationships, negate any confusion around preferred consultation process, remove the potential to offend iwi/hapū</p>

			Clarify how MfE and central government intend to support and provide councils' with resourcing and finances that will enable councils' to effectively engage and consult with iwi/hapū and tangata whenua.
S-RP PART 3: Issues and Objectives - Regional Plan structure only			
S-RP	Issues (p12)	As outlined above BOPRC has recently approved a streamlined planning approach which limits regional plan content to what is required by the RMA s.67, and some additional material if deemed necessary. Issues are not recommended as content in our streamlined plan. We appreciate and agree with having flexibility that has been built in to allow issues and objectives to be within their own parts or sit within the theme and / or catchment parts of regional planning documents.	Support provided the inclusion of issues remains optional and it is clear that where content is not addressed in a plan irrelevant part, chapter and / or section headings are not required.
S-RP	Objectives (p12)	Our plan structure lists objectives under the relevant themes and catchments, not as a separate section. The standard as currently written doesn't appear to allow objectives to sit within subchapters this is further discussed under F-5 Draft Chapter Form Standards.	Support provided the inclusion of objectives in Part 3 remains optional and it is clear that where content is not addressed in a plan irrelevant part, chapter and / or section headings are not required.
S-RP PART 4 – Themes			
S-RP	General comments on S-RP	<p>It is appreciated that flexibility has been built into the draft regional plan structure standard to accommodate parts by theme and / or catchments or even at the freshwater management unit scale and also by allowing themes for special topics which will allow a chapter for geothermal resources as an example from our region. It is further noted and appreciated that subordinate sections can be created as needed.</p> <p>We note regional plans must contain mandatory headings in the order provided in table 4 unless otherwise stated. Flexibility as to order is in the Forms Standard point 4. for theme and catchment chapters in RPS and PR is appreciated but somewhat hidden there. We suggest bringing F-5 points 3 & 4 up into S-RPS point 3 & S-RP point 3.</p> <p>The standards currently require each chapter to have all objectives, policies, methods, rules etc grouped together in one section. We support this approach, as each theme should contain the full policy cascade from objective, to policy, to rules in one section to allow best interpretation and implementation.</p> <p>However, the theme / catchments titles are very broad, and there doesn't seem to be any allowance for sub-ordinate themes within</p>	<p>Seek amendment to:</p> <p>Allow for subordinate theme chapters / topics to have their own policy cascade to keep related provisions together.</p> <p>Allow for each chapter to be broken into sections, and the sections into subsections, and for each section or subsection to have its own cascade of objectives, policies, methods, rules, which keeps all related content together.</p> <p>Example:</p> <p>Chapter - Special topics Section - Geothermal Resources Subordinate section – General Objectives Policies Rules</p> <p>Subordinate-section – Rotorua Geothermal Field Objectives Policies Rules</p> <p>Subordinate -section – Tauranga Geothermal Field</p>

		<p>chapters to have their own policy cascade although it is noted that both purposes of S-RPS & S-RP state subordinate sections can be created as needed. We think this means that the entire theme or catchment chapter must contain all objectives together, then policies etc. This separates relevant provisions from one another.</p> <p>For example, a special topic in our Regional Natural Resources Plan will be Geothermal Resources. We have several geothermal fields in our region which all require different management regimes. The provisions for each field are best located together in one subordinate section so those implementing the plan can see the full policy cascade from objective to policy to rules. Otherwise all objectives for all geothermal fields are located together, followed by policies, followed by rules. The plan user loses sight of the full policy suite. Another example where we need this level of flexibility is within the Coastal Environment theme chapter which is discussed further below.</p> <p>We acknowledge that once the plan becomes fully electronic, this type of co-location will not be necessary. However, in the interim, the paper based plan needs to remain in place and be intuitive and usable.</p>	<p>Objectives Policies Rules Etc</p> <p>Seek amendment bringing F-5 Form Standard points 3 & 4 up into S-RPS point 3 & S-RP point 3.</p> <p>Seek amendment to clarify Councils can pick and choose between theme and catchments. I.e. the whole plan doesn't need to be structured by themes or catchment but could be a combination of both including both a combined Land and Water part as Integrated Management (see points under Land & Water chapter) but also Land and Water as separate theme chapters with subordinate sections.</p>
S-RP	Coastal Environment	<p>Our Proposed Regional Coastal Environmental Plan (PRCEP) contains policies that apply to the Coastal Environment, grouped under the following headings:</p> <ul style="list-style-type: none"> o Natural heritage o Water Quality o Iwi Resource Management o Historic Heritage o Coastal Hazards o Recreation, Public Access and Open Space. <p>Following the mandatory themes set out in Part 4 of the S-RP, all of these topics could be grouped under 'Coastal Environment' theme chapter as subordinate headings. Assuming this is permissible, this would be the most straightforward approach.</p>	<p>Seek clarification within the standard or within guidance regarding the intended application of the Coastal Environment theme and assurance flexibility by using subordinate sections as outlined is permissible.</p>
S-RP	Environmental Risk	<p>The term 'Environmental Risk' is not in general use. The explanation in 'Understanding the standards' relates almost exclusively to natural hazards (although a gremlin has inserted 'air quality' into the narrative). We support "Natural hazard risk" being substituted for 'Environmental Risk'. There is no benefit in having the more generic expression 'Environmental'.</p>	<p>Seek amendment to the theme heading from 'Environmental Risk' to 'Natural Hazard Risk'</p>

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

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

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

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

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

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

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

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

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

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

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

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

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

15 August 2018
Document: 2095747

Ministry for the Environment
PO Box 10362
Wellington 6143

Attention: Draft National Planning Standards Team

Submission on Draft National Planning Standards

Introduction

The Taranaki Regional Council (the Council) thanks the Ministry for the Environment for the opportunity to make a submission on the Draft National Planning Standards.

The Council makes this submission in recognition of the purpose of local government set out in the Local Government Act 2002, and the role, status, powers and principles under that Act relating to local authorities. In particular, the Council's comments are made in recognition of its:

- functions and responsibilities under the Local Government Act 2002 and the Resource Management Act 1991 (RMA); and
- its regional advocacy responsibilities whereby the Council represents the Taranaki region on matters of regional significance or concern.

The Council has also been guided by its Mission Statement '*To work for a thriving and prosperous Taranaki*' across all of its various functions, roles and responsibilities, in making this submission.

The submission comments firstly on issues of poor problem definition and the likely costs to communities of implementing mandatory national planning standards. It recommends the RMA be amended to remove the requirement for mandatory national planning standards and that a thorough section 32 analysis of benefits, costs and alternatives be undertaken prior to any national planning standards being drafted. The submission then comments on those aspects of the national standards that are of particular interest or concern to the Council.

The Council has not followed a detailed clause by clause analysis of the planning standards but rather its comments are limited to major issues of concern that the Ministry for the Environment can consider and then make recommendations regarding changes to the RMA or to the planning standards.

Poor problem definition and costs to the community

While the Council understands the motivations of some participants under the RMA for promulgating national planning standards, there are, nonetheless, very real risks and costs to local communities of requiring the implementation of mandatory national standards that must be applied at the local level. Great care is needed, together with strong evidence-based justification, if plans are to be changed mandatorily without further consultation with local communities.

The Council considers that the national planning standards as drafted do not adequately define the problem to be addressed to the extent that justifies overriding local decision-making on issues affecting local communities.

The Council emphasises that it is the role of democratically elected members of local councils to formulate local plans designed to deal with local issues. If there is little or no flexibility to enable this to happen, many local communities will come to see national planning standards as an unwarranted imposition on their council's statutory duty to their communities.

Given this and other issues raised in this submission, the Council considers that the RMA should be amended to remove the requirement for mandatory national planning standards.

The Council also raises the issue of whether in this particular case, the benefits of having nationally defined planning standards, outweigh the costs of implementing those standards. Benefits may accrue to some users (e.g. large businesses and infrastructure providers who work across New Zealand) but there will be significant costs to councils and local communities of doing so. Local RMA professionals know their local and regional planning documents so are not assisted by the need for standardisation. Indeed, within Taranaki, some of these professionals, groups or organisations helped formulate the plans through informal and formal planning processes to suit Taranaki conditions.

The Council is concerned that the planning standards as currently designed will not achieve the stated outcome of 'less time and fewer resources required to prepare and use plans' (*National Planning Standards Consultation Document*, page 11). On the contrary, in our case, the planning standards will likely result in significant planning costs associated with detailed analysis of the Regional Policy Statement for Taranaki and the four operative regional plans to ensure there are no gaps and especially, no unintended consequences of implementing the standards. Given the significance of some of the required changes, particularly around some definitions, the Council believes that this will ultimately lead to a Schedule 1 process being followed. This is essentially requiring a re-write of our resource management planning documents.

The Council considers the issues being addressed in the national planning standards have not been adequately costed and are likely to have been significantly underestimated.

Furthermore, regional council's as a sector, will be faced with a choice of whether to invest in either complying with the national standards or continuing our efforts to improve resource management outcomes, particularly in land and water management. Councils cannot do both at the same time. The Council considers that further progress on achieving environmental outcomes is paramount and is a much superior use of resources than diverting those resources into revising provisions that have already been or will be

substantially agreed with the community. The Council notes that the Ministry's own analysis confirms that there will be no benefit to the natural environment with these changes.

Other options such as investing in the development of e-plans and promoting and encouraging more combined plans could well have been looked at or looked at more closely as part of a rigorous section 32 analysis. These could well have been adopted at lower cost with less disruption (and with a greater likelihood of achieving the desired results) in areas of the country where they were most needed. Instead, a blunt national instrument will see every local authority, (which includes all regional, district and city councils and unitary authorities), caught up in revising or changing their plans and assessing what those changes might mean for other parts of their plans, and for the future development of their districts or regions.

The Council again submits that the RMA be amended to remove the requirement for mandatory national planning standards and that a thorough analysis take place of the need for national planning standards and their benefits, costs and alternatives, prior to any national planning standards being promulgated.

The remaining parts of this submission address more specific matters of interest or concern with the draft national planning standards.

Structure standards

The Council has no great issue with the current structure standards proposed for regional policy statements and regional plans but notes that other councils may have very good reasons for adopting a different structure or adopting a different structure in future.

The Council notes that generally the structure outlined in the draft standards follows the theme-based approach used by this Council in its current regional policy statement and regional plans.

However, the Council queries several aspects of the structure standards.

Part 1 Introduction and general provisions

The Council notes that under section 59 of the RMA the main statutory purpose of regional policy statements is to state policies and methods to achieve integrated management of the resources of the region. This is the only statutory document under the RMA charged with this important role. This purpose should be given explicit recognition under Part 1 Introduction and General Provisions. The Council suggests the heading 'Integrated management' be added to the section 'How the policy statement works'.

Part 2 Tangata whenua

It is not obvious where the significant resource management issues of iwi are dealt with. Part 2 of the national planning standards deal with tangata whenua/local authority relationships and iwi and hapu planning documents etc. but it is not clear where the section 62(1)(b) obligation for a regional policy statement to state the significant resource management issues of iwi authorities, is given effect to. The Taranaki Regional Council has importantly agreed with tangata whenua to include tangata whenua issues throughout its plans in future rather than have these sitting in a separate chapter. It may be that tangata

whenever issues are dealt with in Part 4 under 'Themes' but if this is the case, it is not obvious. The national planning standards need to make this clear.

Part 4 Themes

The Council queries the scope of the 'Environmental risk' section in the structure standards for both regional policy statements and regional plans. Does this cover natural hazards or is it intended to address environmental risk issues over all themes, for example, risks to water quality from water allocation policy or the risk to indigenous biodiversity from animal and plant pests? Section 6(h) of the RMA states that the management of significant risks from natural hazards is a matter of national importance and the Council would have expected that natural hazards would have been explicitly mentioned in the national planning standards.

In addition, dealing with the effects of climate change does not appear to be explicitly mentioned, despite its inclusion in section 7(i) of the RMA. This may also be covered by the 'environmental risk' section but it is not obvious and the Council would again have expected this matter to be explicitly recognised and provided for in the national planning standards.

The Council notes that some topics included in its regional policy statement are not provided for in Part 4 of the draft national standards. Examples include the built environment, amenity values and minerals. It is not clear why some topics or issues have been left out and others included. The Council notes that the planning standards provide that other sections can be included if these are required.

The Council submits that the structure or form of regional policy statements and regional plans should follow their function. This should provide flexibility to allow these important instruments to respond to changes in the policy landscape rather than be locked into a particular structure with potential for unintended consequences.

Implementation timeframes

The planning standards propose that local authorities must amend their planning documents within 5 years of gazettal of the planning standard or within 7 years for those councils who have recently completed a plan review.

The Council considers that the national planning standards impose greater risks for regional councils if changes are made outside of the normal planning cycle. There is an enhanced litigation risk from two aspects:

- the risk of litigation from choosing to not follow the Schedule 1 process for plan restructuring and insertion of definitions; and
- the risk of required hearing time and appeals to redraft and notify planning documents using a Schedule 1 process.

In their current form, the draft standards will increase litigation risks and costs, not reduce them.

The Council submits that rather than impose an arbitrary time period (5 or 7 years) within which plans must be amended, any changes required to plans to implement national planning standards should apply at the next full review of the plan. This will ensure that the

planning standards can be adopted or considered in the context of other policy changes in a fully integrated way. The Council has not seen any evidence of the urgency for the national planning standards that suggests a specific date is needed for implementing the standards. In the Council's view it is much less risky and makes more economic sense to introduce the changes in conjunction with a full review of all provisions of a plan the provisions for which will already be factored into councils' Long Term Plans.

This will also be more cost-effective for councils as it will provide councils with more time and resources to commit to existing priorities rather than diverting resources away from more urgent policy work. In this Council's case, we are in the middle of a coastal plan review with ongoing work on the fresh water and land plans occurring with notification of a reviewed plan expected in the near future.

Any requirement to implement the standards outside of a scheduled plan review process will incur significant additional costs for councils in just having to reformat plans and these costs will be even more significant if the changes trigger the RMA schedule 1 process.

There is statutory precedent for this approach in the *National Environmental Standards for Sources of Human Drinking Water* where regional councils are not required to amend regional plans that do not comply with Regulation 10, until the next scheduled review of the plan (or a relevant plan change or variation).

The Council requests that more work be done to test implementation risks of the national planning standards and that implementation be aligned with the normal plan review cycle. This would be more efficient, reduce costs to ratepayers and allow important policy and plan making work to be delivered within existing timeframes and budgets.

Electronic accessibility and functionality (e-plans)

The national planning standards will require all councils to transition to e-plans. We understand that there is considerable variation around the country in what councils are doing in developing e-plans. Most councils have some form of web-based RMA plans but few have fully geo-spatial enabled and searchable on-line e-plans. Furthermore, councils have different software platforms to enable e-plans and there are variable costs in transitioning.

The Taranaki Regional Council is in the early stages of looking into options for a fully functional e-plan.

All councils have been left to deal with this issue themselves, which is inefficient as it involves each council separately going through the same process of assessing platform suitability, finding and procurement.

This is an area that would benefit from a more coordinated national approach and the Council submits that the Ministry take a national leadership role to facilitate the adoption of a standard set of specifications that would be common for all councils. The cost of transitioning to an e-plan platform is also potentially high and the Council strongly recommends that the Ministry create a fund to assist councils in the transition.

Spatial planning tools

The planning standards prescribe a specific set of spatial planning tools and how they must be used.

District plans must use the spatial planning tools listed in the planning standard whereas regional plans can use other types of spatial planning tools – provided they do not overlap or conflict with the spatial planning tools listed in the national planning standard.

The Council considers that in principle, listing a set of spatial planning tools that must be used and how they are to be used unnecessarily constrains councils in the range of techniques they may want to use to manage local environmental effects. They create yet another opportunity for legal challenge, added cost and further delay to the process of getting an operative plan in place. They may also discourage fresh approaches and new ideas in managing environmental effects that may hold back proposals to use, develop or protect resources.

This is an area that the Council considers should be left to councils and the community themselves as part of good planning practice in deciding what type of spatial planning tools to apply to particular issues or areas. The Council submits that spatial planning tools be removed from the national planning standards.

If this recommendation is not adopted, the Council considers that a change to the proposed planning standard for zones (with respect to regional spatial planning tools) be made. This standard limits the use of zones to within the coastal marine area (CMA). The Council cannot see why zones in regional plans must be limited to the CMA when they are a well understood spatial planning tool within some regional plans. Given the complexity of the matters that are addressed in regional plans, it seems appropriate to this Council, for this spatial tool to also be available outside of the CMA.

Definitions

The Council's preliminary estimate is that at least 37 terms in the Definitions Table of the national planning standards, are used in the Council's regional policy statement and regional plans (this excludes definitions of terms defined by the RMA which are also included in the Council's planning documents).

The mandatory definitions are potentially problematic for the Council given their prescriptiveness. The Council has not undertaken an exhaustive analysis but a number of the definitions are likely to have wide-ranging implications for objectives, policies and rules that include them. If this results in changes to plan coverage, or meaning or plan outcomes, then a Schedule 1 process will be required to 'fix' the issue.

Definitions that will require much closer scrutiny and testing for their potential legal effect on all affected plan provisions include the following:

abrasive blasting	accessory building	aquifer	bore
boundary	building	cleanfill	community facility
drain	drinking water	dry abrasive blasting	
dust	earthworks	educational facility	
fertiliser	functional need	greywater	groundwater
height	industrial activity	intensive primary production	

landfill	land disturbance	primary production
quarry	reclamation	residential activity
reverse sensitivity	rural industry	sewage sign
site	small scale renewable	electricity generation
stormwater	swale	wastewater wet abrasive blasting

Even a preliminary analysis has identified significant concerns relating to the proposed definitions. By way of example, concerns have been identified for the following two definitions, (and there will be others):

1. **Site:** The definition of site is used purely in a legal sense around land tenure, titles and lots. Site in a regional plan sometimes refers to an area where an activity is occurring and in that sense is not incongruent with the definition as proposed. However, site is also commonly used to define areas which have a common value, for example, 'sites of significance' and where the property boundary is only relevant for a resource consent application. If the current definition is retained, regional plans would have to use some other term to refer to these areas, as 'overlay' does not suit.
2. **Stormwater:** The definition of stormwater captures all precipitation, i.e. water, not just precipitation or runoff which has been concentrated in some form. As written the definition would exclude rain and stormwater which enters common stormwater management devices such as a soakage pit, or stormwater retention areas which are not necessarily a waterbody.

The Council submits that more work is required on all definitions before a decision is made to include any definitions in the national planning standards.

Conclusions

The Council again thanks the Ministry for the Environment for the opportunity to submit on the draft national planning standards.

The Council considers that the RMA should be amended to remove the requirement for mandatory national planning standards.

The Council considers that a more rigorous analysis takes place which looks critically at problem definition and the need for national consistency, prior to any national planning standards being promulgated. This should include identifying and costing all unintended, expensive and unproductive consequences that are likely to occur and that take the Council away from improving environmental quality.

Yours faithfully



BG Chamberlain
Chief Executive

Submission from NZPork

Contact information

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Submitter type*	Individual	<input type="checkbox"/>
	NGO	<input type="checkbox"/>
	Business / Industry	<input checked="" type="checkbox"/>
	Local government	<input type="checkbox"/>
	Central government	<input type="checkbox"/>
	Iwi	<input type="checkbox"/>
	Other (please specify)	<input type="checkbox"/> 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?

- X Yes
- No

While in general support for the development of National Planning Standards, NZPork makes the comment that in regard to the Mandatory Directions, significant time/cost has already been spent/committed to recent and active plan change processes. Plan changes to give effect to the National Planning Standards (particularly definitions) will invariably have significant consequential effects through planning documents that will require organisations like NZPork to again relitigate issues. The most obvious issue being the proposed definitions of Buildings and Structures.

We also note that while the standards proposed a tiered implementation timeframe for different Councils, it is only a 2 year difference so means little in planning timeframes.

2. S-RPS: Regional policy statement structure standard

NZPork supports a framework that proposes a high level of prescription at the front 'administrative' end of the Regional Policy Statement structure and becoming more flexible in the resource 'theme' chapters, where subordinate sections can be created as needed.

The framework could be improved by including a Section 'Integrated Management of Natural and Physical Resources'. Good examples include those equivalent sections from the Bay of Plenty and Northland Regional Policy Statements. The alternative could be to rename the proposed section on 'Cross Boundary Issues' which could then be included in the Section on Integrated Management.

a. Parts 3 and 4 – Core policy statement provisions

NZPork opposes the suggested option for local authorities to consider combining the Theme of Land with Water. Integrated managed of these resources should be considered under a Section on Integrated Management of Natural and Physical Resources' but given the functions, powers and duties of Regional (s30) and territorial authorities (s31), the Themes must remain separate.

b. Part 5 – Evaluation and Monitoring

[Click here to enter text.](#)

3. S-RP: Regional plan structure standard

[Click here to enter text.](#)

a. Parts 3, 4 and 5 – Core plan provisions

NZPork opposes the suggested option for local authorities to consider combining the Theme of Land with Water. Integrated managed of these resources should be considered under a Section on Integrated Management of Natural and Physical Resources' but given the functions, powers and duties of Regional (s30) and territorial authorities (s31), the Themes must remain separate.

b. Part 6 – Evaluation and Monitoring

[Click here to enter text.](#)

4. S-DP: District plan structure standard

NZPork consider that the requirement to have a Strategic Direction should be mandatory within District Plans. It is currently proposed that this only be required where a local authority is including provisions on a significant resource management matter. NZPork considers that it will always be the case that a local authority will need to address significant resource management matters and that a Strategic Direction is necessary for integrated resource management.

NZPork considers the Part 4 District Wide Matter “Natural Environmental Values’ is better termed ‘Natural Resources’.

NZPork would support a new Part 4 District Wide Matter for ‘Rural Growth’ covering rural production outcomes and accommodating people/business.

NZPork supports the proposed zoning regime.

5. S-CP: Combined plan structure standard

Comments above are relevant here.

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

[Click here to enter text.](#)

a. Introduction chapter

[Click here to enter text.](#)

b. How plan works chapter

[Click here to enter text.](#)

c. Interpretation

[Click here to enter text.](#)

d. Plan integration

[Click here to enter text.](#)

e. Formation of standards with tangata whenua

[Click here to enter text.](#)

f. National direction

[Click here to enter text.](#)

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

[Click here to enter text.](#)

- 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
[Click here to enter text.](#)

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

NZPork consider that the requirement to have a Strategic Direction should be mandatory within District Plans. It is proposed that this only be required where a local authority is including provisions on a significant resource management matter. NZPork considers that it will always be the case that a local authority will need to address significant resource management matters and that a Strategic Direction is necessary for integrated resource management.

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

[Click here to enter text.](#)

- a. Natural Environment Values Chapter

NZPork considers the Chapter “Natural Environmental Values’ is better termed ‘Natural Resources’.

- b. Environmental Risks Chapter

[Click here to enter text.](#)

- c. Community Values Chapter

[Click here to enter text.](#)

- d. Infrastructure and Energy Chapter

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- e. Subdivisions Chapter

[Click here to enter text.](#)

- f. General District Wide Matters Chapter

NZPork would support a new Chapter for ‘Rural Growth’ covering rural production outcomes and accommodating people/business.

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

[Click here to enter text.](#)

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

[Click here to enter text.](#)

12. F-1: Electronic accessibility and functionality standard

[Click here to enter text.](#)

a. Standard baseline requirements

[Click here to enter text.](#)

b. Level 5 requirements

[Click here to enter text.](#)

13. F-2: Mapping standard

[Click here to enter text.](#)

a. Zone colour palette

[Click here to enter text.](#)

b. Symbology

Click here to enter text.

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

Click here to enter text.

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

Click here to enter text.

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

Click here to enter text.

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

Click here to enter text.

a. Status of rules and other text

Click here to enter text.

b. Numbering

Click here to enter text.

18. CM-1: Definitions standard

Click here to enter text.

a. Individual definition

NZPork queries the relevance of including definitions that have the same meaning as in section 2 of the RMA.

NZPork has concerns that the majority of the proposed definitions are urban focused but with some rural references, e.g Intensive Primary Production, Primary Production, Rural Industry. In the absence of considering a broader reach of National Planning Standards for rural activities, the definitions are isolated and will require considerable work to incorporate into many existing planning frameworks.

Building

NZPork sees significant issues with this definition and the associated definition of structure which differs from the existing definition in the RMA. As proposed this would require exclusions to be assessed and listed in rule. For NZPork this will likely

mean significant time and cost required to pursue exclusions and an appropriate planning response for rural buildings and structures associated with pork production e.g moveable pig shelters, farrow hut, ecobarns.

Intensive primary production

The standards propose a definition for Intensive Primary Production. In the absence of a full package that deals with setbacks/reverse sensitivity/structures/etc the definition is isolated and will again require significant time and cost to pursue exclusions and an appropriate planning response.

Residential Unit / Minor Residential Unit

The definitions do not extend to cover farm workers accommodation a common and necessary component of many rural production activities.

Primary Production – or Rural Production?

The terms are inconsistently used through the standards and will create confusion.

Reverse sensitivity

NZPork supports the definition of reverse sensitivity to provide a consistent understanding across all planning documents.

b. Additional definitions

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

[Click here to enter text.](#)

a. Technical support

[Click here to enter text.](#)

20. Implementation

[Click here to enter text.](#)

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

Click here to enter text.

- 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?

Click here to enter text.

Releasing submissions

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- PDF
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Draft first set of National Planning Standards

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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

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Submission form

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Contact information

Name*	<input type="text"/>														
Organisation (if applicable)	<input type="text"/>														
Address	<input type="text"/>														
Phone	<input type="text"/>														
Email*	<input type="text"/>														
Submitter type*	<table><tr><td>Individual</td><td><input type="checkbox"/></td></tr><tr><td>NGO</td><td><input type="checkbox"/></td></tr><tr><td>Business / Industry</td><td><input checked="" type="checkbox"/></td></tr><tr><td>Local government</td><td><input type="checkbox"/></td></tr><tr><td>Central government</td><td><input type="checkbox"/></td></tr><tr><td>Iwi</td><td><input type="checkbox"/></td></tr><tr><td>Other (please specify)</td><td><input type="checkbox"/></td></tr></table>	Individual	<input type="checkbox"/>	NGO	<input type="checkbox"/>	Business / Industry	<input checked="" type="checkbox"/>	Local government	<input type="checkbox"/>	Central government	<input type="checkbox"/>	Iwi	<input type="checkbox"/>	Other (please specify)	<input type="checkbox"/>
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Local government	<input type="checkbox"/>														
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Iwi	<input type="checkbox"/>														
Other (please specify)	<input type="checkbox"/>														

[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

I 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, 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 components, or manufactured in a yard or factory and transported in its finished form to its destination site ('transportable buildings').

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 prefabricated housing in residential zones under 'relocatable building' rules; with no definition of 'relocatable building' (Palmerston North). It is not appropriate to require resource consent for something that is not defined.
- no additional resource consent being required due to the exclusion of new prefabricated buildings in the definition of 'relocatable buildings' (Central Hawkes Bay). This approach provides clarity.
- no rules or definitions regarding 'relocatable buildings' in residential zones, meaning that housing is not differentiated by construction method. This approach is acceptable in that it does not discriminate between prefabricated and non-prefabricated housing typologies (Auckland³).

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

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, Building Research Association of New Zealand.

³ Note that resource consent for relocated buildings may be required in heritage zones.

regarding 'relocated 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.

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, enhance opportunities to increase housing supply, and better enable the Government to achieve its KiwiBuild targets.

Individual definitions

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

Additional definition

- I **request** that a definition of '**relocatable building**' 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.*

Other comments

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

No.

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

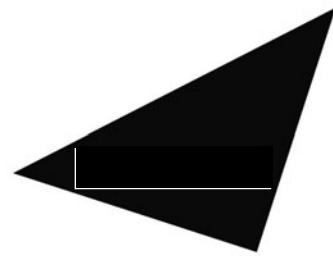
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Resource Consent Barriers for Prefabricated Housing



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



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	Business / Industry	<input checked="" type="checkbox"/>
	Local government	<input type="checkbox"/>
	Central government	<input type="checkbox"/>
	Iwi	<input type="checkbox"/>
	Other (please specify)	<input type="checkbox"/>

[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?

- Yes
- No

As a firm who deals with multiple planning documents from all over New Zealand on a daily basis, we support in principle the standardisation of plans however we have concerns regarding the following aspects of the NPS:

- Zone Framework;
- Timing; and
- Definitions.

These concerns are set out in further detail below.

2. S-RPS: Regional policy statement structure standard

[Click here to enter text.](#)

- a. **Parts 3 and 4 – Core policy statement provisions**

[Click here to enter text.](#)

- b. **Part 5 – Evaluation and Monitoring**

[Click here to enter text.](#)

3. S-RP: Regional plan structure standard

[Click here to enter text.](#)

- a. **Parts 3, 4 and 5 – Core plan provisions**

[Click here to enter text.](#)

- b. **Part 6 – Evaluation and Monitoring**

[Click here to enter text.](#)

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[Click here to enter text.](#)

- d. **Plan integration**

[Click here to enter text.](#)

- e. **Formation of standards with tangata whenua**

[Click here to enter text.](#)

- f. **National direction**

[Click here to enter text.](#)

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

[Click here to enter text.](#)

- 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
[Click here to enter text.](#)

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

[Click here to enter text.](#)

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

[Click here to enter text.](#)

- 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

[Click here to enter text.](#)

- a. Zone framework (individual and range)

We anticipate that existing zones in most plans would be largely consistent with the prescribed zones, meaning that implementation is unlikely to cause significant issues. However, the Auckland Unitary Plan is a possible exception, given the plethora of zones, in particular residential zones, designed to account for the significant growth and associated housing pressures being experienced.

While some of these zones may fit within the prescribed residential zones, others (for example the Mixed Housing Urban Zone or Mixed Housing Suburban Zone) would more appropriately be identified as a sub-zone rather than a precinct or overlay (which Auckland Council would need to use to differentiate between similar density zones for different areas). Given the resource applied to the creation of the current zones, simply removing them or subsuming even some of them into the prescribed zone seems unnecessary. While overlays and precincts could assist in distinguishing these zones, using these tools to affect what is really a zoning matter seems akin to trying to fit a square peg into a round hole.

Our solution would be to amend the timeframes for implementation of the prescribed zones to the point when the relevant Council is undertaking its next full review.

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

[Click here to enter text.](#)

12. F-1: Electronic accessibility and functionality standard

[Click here to enter text.](#)

a. Standard baseline requirements

[Click here to enter text.](#)

b. Level 5 requirements

Click here to enter text.

13. F-2: Mapping standard

Click here to enter text.

a. Zone colour palette

Click here to enter text.

b. Symbology

Click here to enter text.

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

Click here to enter text.

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

Click here to enter text.

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

Click here to enter text.

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

Click here to enter text.

a. Status of rules and other text

Click here to enter text.

b. Numbering

Click here to enter text.

18. CM-1: Definitions standard

The implementation of certain definitions is likely to cause significant problems for councils where a definition has an impact on the wider operation of the relevant plan. In some instances, any change will require widespread amendment not just to the definition, but to the rules themselves. In a number of cases, both the existing definitions and the way they are used in the

relevant Plan have been subject to significant debate and consideration by submitters and Councils/Panels in the course of their review. Consequently it makes little sense to us for those definitions to be replaced with the proposed definitions (and the consequent amendments required to the relevant rules) until such time as the relevant district plan is scheduled for review as a whole.

We therefore consider that implementation of the prescribed definitions (other than those already defined in the RMA and the relevant National Policy Statements) should occur only when a council next undertakes a full review of its Plan. This would avoid replacing definitions with new provisions which have been developed without reference to each particular setting in which they will operate, avoiding wasting the significant resource expended to create the existing definitions.

a. Individual definition

“Building” is one example of a prescribed definition which, if included in the Christchurch District Plan for example, will require consequential amendments to many other rules simply in order to make those rules coherent. The current definition of “building” in the Christchurch District Plan includes “any erection, reconstruction, placement, alteration or demolition of any structure or part of any structure within, on, under or over the land”. In that sense, the definition effectively operates as a rule in itself. The prescribed definition of “building” in the standards however is: “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”. Consequently, if the prescribed definition is included in the Christchurch District Plan, any activity description for “building” must also be amended (possibly using the Schedule 1 process) to include the action of erection, reconstruction, placement, alteration or demolition of any structure.

There are a number of other examples of prescribed definitions which will not only impact on the operation of the wider plan, but which may also inadvertently exclude activities which have relied on existing definitions to establish in certain areas. The prescribed definition of “community facility” for example requires the facility to be “non-profit”, a somewhat arbitrary characteristic which does not feature as an exclusive requirement in the Auckland Unitary Plan definition or the Christchurch District Plan definition.

b. Additional definitions

[Click here to enter text.](#)

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

[Click here to enter text.](#)

a. Technical support

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20. Implementation

If a council has recently completed its plan (and therefore has seven years to implement the changes under the proposed rules), implementation should not occur until that council undertakes its review of its plan as part of its normal process. This will avoid a re-draft of rules before the next plan review.

a. ePlanning implementation

[Click here to enter text.](#)

b. Timing

Councils who have been identified as having seven years until implementation should not be required to comply with the NPS until the time the relevant plan is next up for review. This is particularly crucial for Auckland and Christchurch, where both councils have recently completed extremely expensive and intensive plan reviews, comprising appointed Judges and panels under special legislation. To require the resultant plans to be amended prematurely is a disservice to the process used to enable those plans to become operative and fails to acknowledge the particular drivers in those locations that necessitated the expedited processes.

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

[Click here to enter text.](#)

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?

As RMA specialists we support the intent of the planning standards however we consider that for the full value to be realised they must be implemented in a practical manner that ensures resources are not expended for limited return. We do not think the current implementation requirements meet that test.

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

Vicky Robertson
Chief Executive
Ministry of Environment
PO Box 10362
WELLINGTON 6143

Dear Vicky

DRAFT NATIONAL PLANNING STANDARDS CONSULTATION DOCUMENT – SUBMISSION BY PALMERSTON NORTH CITY COUNCIL

Thank you for the opportunity to provide a submission on the Draft National Planning Standards (DNPS) and for facilitating discussion with local government and other key stakeholders during the consultation period.

The overarching feedback from Palmerston North City Council (PNCC) regarding the DNPS is that they will act as a distraction to achieving the primary purpose of the Resource Management Act 1991, with little or no benefit to resource management and city planning outcomes on the ground.

It is unclear from the information presented how the DNPS will assist the Government with achieving progress of its three priority areas for the environment – freshwater, climate change, and urban development.

PNCC is generally supportive of the Government priorities for the environment. Given the significance of these issues to the country and the globe, it is not clear why Government is promoting national planning standards that will absorb precious time and resources to address matters such as the name of zones and colours used on planning maps.

PNCC has recently developed a new vision and a suite of supporting strategies and plans which align well with the Government priorities for the environment. Despite our Sectional District Plan Review reaching a conclusion in the coming months, PNCC has an ambitious schedule of plan changes to deliver on its new vision and strategic direction. The focus of these plan changes is housing supply and choice and improving the quality of the urban environment. PNCC also has a series of significant projects underway to improve freshwater quality and mitigate the effects of climate change. Delivering on the proposed national planning standards will act as a significant distraction to this important work.

PNCC understands that the objective of the DNPS is to promote simpler and more consistent District Plans across the country. While this is an objective PNCC supports, the benefits of the DNPS do not exceed the costs for the following reasons:

- a) Many plans have recently been reviewed, including the PNCC District Plan.
- b) The introduction of standard definitions will trigger a significant number of plan changes due to the consequential amendments required to plans and there is no control and other definitions being used to replace the role played by the standard definition.
- c) Standard names for zones do not affect zone content. There is also no limit on overlays or precincts. Standard names for zones is nothing more than promoting plan changes so we can judge a book by its cover.
- d) National Environmental Standards already exist and are a more effective tool that can be tailored to address specific resource management issues.
- e) Plan consistency is better addressed for discrete topics such as hazardous substances and network utilities where there is less justification for local variation.
- f) Plan users who use multiple plans across the country generally employ professionals to interpret and apply plans.
- g) Most non-technical plan users employ a technical expert to navigate a plan and generally only ever engage with one plan. A small percentage of all consents require approval from two planning authorities.
- h) Many countries that already have planning standards have a far less permissive planning regime than New Zealand which allows plans to be simpler and address high level outcomes via planning standards. The expectation is that New Zealand District Plans are permissive by nature (and should be more permissive). This means plans are filled with detailed performance standards to address local or site-specific issues while maintaining a permissive approach to development. Simpler plans would best be achieved by a new planning regime which details high level outcomes and triggers more discretionary planning assessments like the UK model.

The impression gained from the DNPS consultation material and roadshow discussion is that the Ministry for the Environment is required to give effect to a legislative requirement passed by the previous Government but is attempting to water it down as much as possible. It would be more effective for the Government to focus its resources on reform that will drive performance relative to its priority areas for the environment.

PNCC supports the LGNZ submission on this topic.

PNCC would welcome the opportunity to discuss the contents of this submission further with officials from the Ministry for the Environment. If you require any further information on the content of this submission please contact David Murphy, Acting General Manager – Strategy and Planning on [REDACTED]

Yours sincerely



Heather Shotter
CHIEF EXECUTIVE

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*	Jackie St John
Organisation (if applicable)	Oceana Gold (New Zealand) Limited
Address	[REDACTED]
Phone	[REDACTED]
Email*	[REDACTED]

Submitter type*	Individual	<input type="checkbox"/>
	NGO	<input type="checkbox"/>
	Business / Industry	<input checked="" type="checkbox"/>
	Local government	<input type="checkbox"/>
	Central government	<input type="checkbox"/>
	Iwi	<input type="checkbox"/>
	Other (please specify)	<input type="checkbox"/>

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* 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

Oceana Gold (New Zealand) Limited (OGNZL) understands that a first set of national planning standards must be developed and gazetted by April 2019. Most of the matters contained in the draft first set of standards appear reasonable and sensible, and when given effect to through policy statements and plans around the country will assist plan users like OGNZL to navigate the instruments.

There are however two principal areas relating specifically to extractive primary industry in which OGNZL submits the draft needs to be amended in order to avoid confusion or unintended outcomes. Those areas are:

- the importance of providing for special purpose extractive zones to enable mineral development and restrict incompatible land use activities (and related to that the need to address the draft standard's current requirement that mining is to be addressed as a district-wide rather than location-specific matter);
- some overlaps, inconsistencies and omissions in the draft definitions standard, particularly in relation to "mining", "primary production" and "quarry".

OGNZL is New Zealand's largest gold mining company, producing the vast majority of New Zealand's gold exports from its two operating mines at Macraes (principally in the Waitaki District) and Waihi (in the Hauraki District). Each of the Macraes and Waihi mines deliver significant social and economic benefits to the districts within which they operate (as demonstrated in an independent report "OceanaGold's contribution to New Zealand" KPMG, October 2017), and they do so with the enabling assistance of special purpose extractive (mining) zones in the relevant district plans (Waitaki and Hauraki), as well as with the benefit of suites of regional and district resource consents. As with the majority of larger scale extractive land uses throughout the country, the Macraes mine is in a rural environment. The Waihi mine is in an urban environment. OGNZL therefore has considerable experience in dealing with the planning issues that arise in relation to extractive industry in both rural and urban contexts.

From OGNZL's reading of the documents that have been published by the Ministry for the Environment to support the draft standards, it appears that there has not been any direct consultation with the extractives area within the primary sector. Reference is made to consultation with a Rural Sector Interest Group in relation to Spatial Planning Tools (SPTs) and Zones which does not appear to have included representatives from the extractives sector. Reference is made to consultation with industry groups including infrastructure providers, rural sector representatives, and the NZ Airports Association in relation to Definitions, but as far as OGNZL is aware the consultation did not include representatives from the extractives sector as part of either the infrastructure providers or rural sector representative groups. It also appears that the various pieces of research commissioned by the Ministry (Boffa Miskell; PLANZ and 4Sight) to analyse the way district plans use different zone types and other spatial planning tools have not considered the Waitaki and Hauraki District Plans.

OGNZL provides specific comment on aspects of the draft standards in the form requested by the submission template, but given the apparent lack of consultation with our sector to date we would welcome the opportunity to meet with officials charged with the ongoing development of the first set of national planning standards to further discuss the matters of concern.

2. S-RPS: Regional policy statement structure standard

[Click here to enter text.](#)

- a. Parts 3 and 4 – Core policy statement provisions

[Click here to enter text.](#)

- b. Part 5 – Evaluation and Monitoring

[Click here to enter text.](#)

3. S-RP: Regional plan structure standard

[Click here to enter text.](#)

- a. Parts 3, 4 and 5 – Core plan provisions

[Click here to enter text.](#)

- b. Part 6 – Evaluation and Monitoring

[Click here to enter text.](#)

4. S-DP: District plan structure standard

Part 4 – District-Wide Matters makes it mandatory for district plans to include a section on “mining” in a general district-wide section of the plan if this is an activity that needs to be managed by a local authority. It is unclear why mining is included as a general district-wide matter as it does not sit well with the other matters included under this heading (temporary activities, noise and light, earthworks, signs, and activities on the surface of water). Those other matters can all be considered as generic effects of land use that will have application district-wide, whereas mining is a specific land use activity that may give rise to some of the effects covered by specific and general district-wide matters. By way of contrast it is noted that other specific activities that may or may not be addressed by special purpose zoning such as ports, stadiums and education areas are not also required to be addressed as general district-wide matters. There is therefore an apparent inconsistency in the treatment of mining as a land use activity compared with all other land uses. Why is this? The land use effects of mining are not unique and are in common with many other land uses. Questions of the scale and significance of those effects will vary from place to place and from one proposal to another, just as is the case with other types of land use. There is no sound basis for singling out mining in district wide matters. Where mining constitutes an especially significant activity in a district it is able to be enabled (and potentially conflicting land uses controlled) via zoning.

OGNZL suggests that further consideration needs to be given to whether ‘mining’ fits appropriately in this section of the standard.

Part 5 – Area-Specific Matters includes Special Purpose Zones, listing eight specific zones that are available for a local authority to choose (such as Port, Hospital and Stadium), and an ability to have zones for additional special purposes.

In the National Planning Consultation Document at page 18 it is noted that “Councils can create other ‘special purpose’ zones, but only in unique circumstances for specific one-off purposes that do not overlap with the purposes of the other zones, for example an ‘Open-cast Mining Zone’.”

As discussed later in this submission in connection with the Definitions Standard, there is an overlap between the definitions of ‘mining’ and ‘quarry’ that needs to be reconciled. OGNZL submits that it would be more helpful to include in the list of Special Purpose Zones a ‘Mineral extraction’ zone. This will make it clear that, as is presently the case in the Waitaki and Hauraki

districts, inclusion of special purpose zoning to enable mineral extraction is appropriate to promote sustainable management.

By not explicitly listing 'Mineral extraction zone' as a permissible special purpose zone a local authority will have to include such a zone as an additional special purpose zone, and this is subject to an additional and unclear test contained in Direction 7 of the Area Specific Matters Standard (S-ASM):

"An additional special purpose zone must 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."

Given that such zones already exist in various plans (albeit not plans that appear to have been analysed for the purpose of developing the list of allowable zones in the draft Standards) OGNZL is not aware of any reason why a decision to include a mineral extraction zone in a plan should be subject to a different test than a decision to include a port, hospital or stadium zone.

OGNZL understands that there may be a broad concern that if a zone is listed in the Standard that may set up an expectation that it has to be used. OGNZL does not consider that listing 'Mineral extraction zone' as a permissible special purpose zone will result in any districts that do not need to manage mineral extraction activity being compelled to have such a zone in their plan.

5. S-CP: Combined plan structure standard

[Click here to enter text.](#)

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

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a. Introduction chapter

[Click here to enter text.](#)

b. How plan works chapter

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c. Interpretation

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d. Plan integration

[Click here to enter text.](#)

e. Formation of standards with tangata whenua

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f. National direction

[Click here to enter text.](#)

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

[Click here to enter text.](#)

a. Recognition of iwi/hapū chapter

[Click here to enter text.](#)

b. Tangata whenua local-authority relationships chapter

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c. Iwi and hapū planning documents chapter

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d. Consultation chapter

[Click here to enter text.](#)

e. Use of te reo Māori

[Click here to enter text.](#)

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

[Click here to enter text.](#)

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

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a. Natural Environment Values Chapter (S-NEV)

There is a reference in Direction 6c to safeguarding the life supporting capacity of 'these systems' but there is no indication what systems are being referred to. The same comment applies to Direction 7b.

Direction 7a refers to "landscapes, landforms and natural character that are outstanding, significant or valued by the community". 'Landforms' is not defined in the Standard and is not a term used in the RMA. The phrase "features and landscapes" is used in Directive 7c, suggesting maybe 'natural features' as is referenced in s6(b) RMA is what is meant by 'landform'. Consideration should be given to providing clarity, for instance by changing 'landform' to 'natural features' or by defining 'landform' if it means something other than 'natural features'. 'Significant' and 'valued by the community' are not terms ordinarily associated with landscapes or natural character – please consider whether use of this terminology aligns with the RMA.

Local authorities must implement the Definitions Standard therefore we submit the defined terms should reflect the way that components of the environment are described in Part 2 of the RMA because the meanings of those terms are well understood and have a body of jurisprudence behind them. This approach should be taken in preference to using the more generic but less certain terms set out in s31 RMA to describe territorial authority functions – the extent of these functions is not as well understood.

Direction 9 refers to "biodiversity" which is not a term used in the RMA. Consider clarifying that "biodiversity" means the same as 'biological diversity' as defined in the RMA.

b. Environmental Risks Chapter

'Hazardous substances and contaminated sites' are listed as Environmental Risks. The Resource Legislation Amendment Act 2017 removed references to "the prevention or mitigation of adverse effects from the storage, use, disposal or transportation of hazardous substances" as a function of territorial authorities under s31 of the RMA. These functions are addressed by other regulators under other legislation and duplication of this responsibility is unhelpful. It seems inconsistent that this responsibility should be re-introduced via the Standard. We submit that 'Hazardous substances and contaminated sites' should be removed.

c. Community Values Chapter

[Click here to enter text.](#)

d. Infrastructure and Energy Chapter

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e. Subdivisions Chapter

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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

[Click here to enter text.](#)

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

Zone Chapters (S-Zones) Direction 7 requires that additional special purpose zones can only be included in a plan when the land use is significant to the district or region, and it cannot be enabled by any other zone or spatial planning tool.

OGNZL submits that this is not an appropriate test for the following reasons:

- an activity can always be enabled to an extent in a zone that is primarily directed toward enabling other land uses by using various SPT's and rules, but the question is whether in a section 32 sense a special purpose zone to enable the activity is more appropriate. The test in Direction 7 appears inconsistent with the requirements of section 32 and could lead to situations where less appropriate planning techniques are employed.

- there is no apparent justification for why additional special purpose zones should have to meet the test in Direction 7 when the listed special purpose zones do not. In both cases OGNZL submits the test should be whether the proposed zoning is the

most appropriate way, in terms of efficiency and effectiveness, to give effect to the plan's relevant objectives and policies.

- the test in Direction 7 is vague and uncertain. What exactly does 'enable' mean in this context? How is significance to the region or district determined?

-it is not clear if one or all criteria in Direction 7a., b., and c. must be met to qualify for a special purpose zone. Clarification is desirable.

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

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[Click here to enter text.](#)

a. Standard baseline requirements

[Click here to enter text.](#)

b. Level 5 requirements

[Click here to enter text.](#)

13. F-2: Mapping standard

[Click here to enter text.](#)

a. Zone colour palette

[Click here to enter text.](#)

b. Symbology

[Click here to enter text.](#)

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

[Click here to enter text.](#)

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

Click here to enter text.

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

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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

[Click here to enter text.](#)

a. Status of rules and other text

[Click here to enter text.](#)

b. Numbering

[Click here to enter text.](#)

18. CM-1: Definitions standard

a. Individual definition

There is some further clarity needed around the definitions of 'mining' and 'quarry'.

The definition of 'mining' is the same as that contained in the Crown Minerals Act. The definition excludes prospecting and exploration, which each have defined meanings in the CMA but are not defined in the draft Definitions standard. What is the purpose of defining mining in terms of the CMA definition while not also defining prospecting and exploration? Typically, these latter activities have minor or less than minor adverse effects and should be enabled in most areas within districts. The actual extraction and processing of minerals (i.e. mining or quarrying) is more likely to be associated with effects that require management, thereby lending this activity to enabling zoning and/or controls on adverse effects while at the same time giving rise to the need to protect extractive activities from reverse sensitivity issues.

It would be helpful in avoiding confusion if it was clear in the definition that 'mining' includes the processing of minerals and the storage or disposal of overburden and waste material.

The term 'quarry' is defined, but not otherwise referred to in the draft Standards so it is unclear to OGNZL what purpose the drafters intend that the definition should

serve. As defined the term 'quarry' covers all land where any 'mining' activities occur, other than when the 'mining' is in relation to liquid or gaseous minerals (the definition of 'quarry' refers to solid natural substances). The planning justification for the distinction between solid and other state minerals is unclear.

As with the definition of mining it would be helpful, assuming the definition of 'quarry' is retained, to make it clear that the term also includes the storage and disposal of overburden and waste material.

Colloquially, 'quarrying' is generally understood as the mining and processing of rocks, stones and gravels whereas the more generic term 'mining' refers to the same activity but relating to other minerals. The important point to understand is that the environmental effects of a quarry and a mine (assuming for example the former relates to the extraction of aggregate and the latter to extraction of another mineral such as gold) may be very similar, and both are best seen as examples of mineral extraction.

OGNZL submits that in the absence of some planning justification (and none is provided in the documents that support the draft standards) the definition of 'quarry' should be removed and replaced with an expansion of the definition of 'mining' that clarifies that a 'mine' is an area of land where mining occurs. As discussed above, the definition needs to encompass extraction, processing and disposal of overburden and waste material.

The definition of 'primary production' is problematic. Mineral extraction is excluded from the definition even though minerals are a primary product and mining is clearly part of the primary sector (see for example the analysis of the primary sector's contribution to the New Zealand economy as reported on The Treasury website [<https://treasury.govt.nz/publications/wp/contribution-primary-sector-new-zealands-economic-growth-pp-05-04-html#child-15>]). No adequate justification is provided for this exclusion. The reference to the RMA definition of 'production land' in the Evaluation Report Proposed National Planning Standards – Definitions [at page 116] and the statement that the definition of 'primary production' attempts to 'link' to the RMA definition of 'production land' is unhelpful. As far as OGNZL is aware the only reference to production land in the RMA is found in the section 2 definition of 'industrial and trade premises'. That definition excludes production land, with the consequence that the section 15(1)(c) and (d) restrictions on the discharge of contaminants do not apply to production land. This provides no proper basis for excluding mineral extraction from the definition of primary production.

While the Standards do not provide any indication of the purpose of defining 'primary production' OGNZL presumes it is intended to be a convenient shorthand way of describing activities that may typically be provided for or enabled in rural areas. On the basis that this is correct, OGNZL submits it is important that the definition is inclusive of all primary production activities, including those relating to mineral extraction. Primary production, including relating to minerals, is important to the social and economic wellbeing of New Zealand's people and communities. Most primary production, including mineral extraction, occurs in rural areas. There is no planning justification for excluding mineral extraction from the definition.

If the exclusion of mineral extraction activities from the definition of primary

production is being made on the basis that these activities necessarily have different and significantly more adverse effects on the environment than other forms of primary production OGNZL submits that this is untrue. While mineral extraction can and does have effects on other values such as landscape and biodiversity, those effects are typically much less when measured at a district or regional scale than the effects of other primary production activities such as agricultural, pastoral or forestry activities.

The recent Christchurch District Plan Review provides an example of mineral extraction (in this case quarrying, which is the primary extractive activity in the city) being included as a rural productive activity. A major part of the Christchurch District Plan Review focused on the definition of 'rural productive activities' and the role of quarrying within this definition. The outcome was that quarrying was considered appropriate to include within the definition of 'rural productive activities' ("rural productive activities means farming, plantation forestry, intensive farming and quarrying activities") and is a legitimate activity within the Rural Zones. The Standards definition of 'primary production' captures all elements of the Christchurch District Plan Review 'rural productive activities' definition except quarrying. The list is exhaustive therefore there is no opportunity to argue that quarrying is 'primary production'. As the definition of 'rural industry' in the Standards only includes industrial activities where the principal function supports 'primary production' it is not clear where quarrying would fit under the planning framework.

Consideration should be given to extending the definition of 'Industrial activity' to include reference to 'industrial or trade premises' (and consequentially 'industrial or trade process') as defined in s2RMA. This will ensure that the full variety of industrial activity is encompassed by the Definition standard.

b. Additional definitions

Consideration should be given to providing Crown Minerals Act definitions of 'prospecting' and 'exploration'.

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

[Click here to enter text.](#)

a. Technical support

[Click here to enter text.](#)

20. Implementation

[Click here to enter text.](#)

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**

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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

[Click here to enter text.](#)

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?

A significant concern is that the draft Standards appear to have been developed without adequate consultation with the extractives part of the primary production sector, and without considering the existing district plans that make use of zoning for extractive industry. The result is that the draft Standards make inadequate provision for the needs of extractive industry.

OGNZL welcomes the opportunity to provide this submission and would welcome the opportunity to engage further with Officials in relation to the way the Standards provide for extractive industry.

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.

17 August 2018

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

Email: PlanningStandards@mfe.govt.nz

Christchurch City Council submission on the draft first set of National Planning Standards

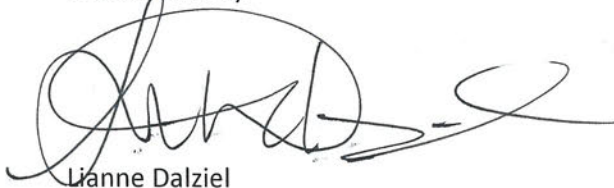
Christchurch City Council (the Council) thanks the Ministry for the opportunity to provide comment on the draft first set of National Planning Standards.

The Council shares the Ministry's aspirations for policies and plans that are simple and intuitive to read, interpret and understand and that are conveniently accessible for everyone. It acknowledges the significant amount of work that has gone into the development of the standards to date and appreciates both the efforts undertaken by the Ministry to engage with stakeholders and to respond to feedback and suggestions.

The Council also welcomes opportunities for further discussion with the Ministry on any points raised in this submission or on proposed amendments to the Planning Standards.

For any clarification on points within the attached submission please contact [REDACTED] at [REDACTED] or [REDACTED]

Yours faithfully



Lianne Dalziel
MAYOR
Christchurch City Council



Draft first set of National Planning Standards

Contact information

Name*	Dr. Karleen Edwards	
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Submitter type*	Individual	<input type="checkbox"/>
	NGO	<input type="checkbox"/>
	Business / Industry	<input type="checkbox"/>
	Local government	X
	Central government	<input type="checkbox"/>
	Iwi	<input type="checkbox"/>
	Other (please specify)	<input type="checkbox"/> 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
- X In part

The Christchurch City Council (the **Council**) welcomes the opportunity to submit on the proposed first set of National Planning Standards (**Planning Standards**).

The Council has included the majority of its comments in **Attachment A**. The key comments are summarised below. In some instances, the Council has suggested amendments or alternative approaches but would also support other methods that achieve the same outcome.

The Council shares the Ministry for the Environment's (**MfE's**) aspirations for policies and plans that are simple and intuitive to read, interpret and understand and that are conveniently accessible for everyone. It recognises the cost savings and efficiencies that could potentially be achieved for plan users who work in multiple jurisdictions and for councils undertaking a review of their district plans. Increased standardisation will assist in creating "apples to apples" comparisons for the purposes of plan monitoring. Some standards also represent an opportunity to benefit from nationally recognised best practice.

However, the Council considers that any national consistency should not be achieved at the expense of loss of flexibility for local authorities to respond in the most appropriate way to local planning conditions and issues.

The Council acknowledges that standardising policies and plans is an enormous and difficult task in part because of the variety of planning issues that face different local authorities; the risk of standard provisions conflicting with local provisions and resulting in relitigation of issues that may have taken years to resolve; and the complications involved in staging reviews of interdependent plans and policies.

If district plans are reviewed before or at the same time as regional policy statements, to which they must give effect, this can result in conflicting provisions between the documents and increase the cost and complexity of consenting processes. Conflicts can also arise where a regional policy statement has been reviewed and contains updated definitions that are not consistent with district plan definitions.

The Council opposes specific aspects of the proposed planning standards to the extent that they:

- a. introduce an additional and unnecessary level of complexity to plan making or reduce flexibility for territorial authorities to respond to local planning matters in the most efficient, effective and user-friendly way;
- b. do not provide clear directions to territorial authorities on what must be included in plans and/or inadvertently drive content decisions;
- c. increase costs by generating unnecessary work; or
- d. require a format that is not compatible with or does not make best use of ePlanning or GIS technology.

Plan complexity

Plans are complex because planning issues can be complex. In many cases, complex rules are attempting to avoid unnecessary resource consent triggers or notification processes by making a nuanced distinction between activities that require regulation and those that do not. Reducing the complexity of the plan itself can also increase the complexity of the process (including costs) for plan users, drafters and administrators.

Imposing a standard plan format and definitions will not necessarily reduce plan complexity. Instead, that complexity may shift from the standardised part of the plan (which may be the most logical and

intuitive place to locate it) and be placed instead in a part of the plan that is more likely to be overlooked or will require additional work to ensure that provisions are not conflicting. For example:

- limiting the number of zones will increase the number of overlays, precincts and development areas which increases the number of different parts of the plan that users must refer to;
- requiring very general definitions that cannot be adapted to local circumstances may require councils to create new subdefinitions that do not necessarily use the most obvious or intuitive term (e.g. “commercial activity” “industrial activity”);
- standardising definitions like “height” to not include exclusions for things like aerials and chimneys mean that these exclusions need to be repeated dozens of times in the rules instead or placed in the District Wide Matters section where they will be less likely to be seen; and
- standardising definitions without standardising the subdefinitions they rely on does not really standardise the definition and can create conflicts. For example, the definition of “community facility” relies on undefined terms for “recreational activity”, “cultural activity”, “safety and welfare activity”, “religious activity” and “community purposes”. It also inherently excludes entertainment activities that are not cultural activities, educational activities and health services to the extent that they are not “safety and welfare activities”. Depending on how those subdefinitions are defined, the activities that are captured by the “community facility” definition can vary considerably.

Even in an ePlanning format provisions still need to be found, read and quoted. Placing all of the appendices together requires users to scan through a large number of irrelevant subtopics to find the appendix of interest. Placing a number of exceptions or qualifications in the rules means more time required to find the correct rule, read it and cut out irrelevant content when it is quoted in a report. Having the same rule repeated in a number of places creates more work when the rule needs to be updated.

The Council is concerned that some of the proposed requirements, as discussed in Attachment A, will generate a significant amount of work to ultimately arrive at a plan that is just as complex and no easier to use. This risk would be reduced if the proposed standards were amended to enable councils to use more discretion in creating zones and amending definitions to suit local circumstances.

Clarity

National directions can be a very blunt instrument to apply to complex plan drafting situations that require familiarity with the specific circumstances and professional judgment. Where mandatory directions are not very clear in their intent or are unnecessarily prescriptive, they can give rise to additional costly debate and legal process or result in perverse outcomes. For example:

- it is not clear if inclusion/selection of definitions is a mandatory or discretionary direction and what the implications are for notification of the Plan where there are mandatory directions for things that the Council “may” include; and
- Councils are restricted in their ability to introduce terms that are synonyms of terms defined in the planning standards. However, what constitutes a synonym can be open to debate.

The Council is also concerned that the wording of some standards can be interpreted as unintentionally prescribing policy direction or content.

For example, some of the standards are worded in a way that does not provide sufficient certainty about what matters trigger the requirement to amend the plan to comply with the standard and

what needs to be done as a result. For example¹, in S-DWM Direction 17: “If the following matters are addressed in the plan, they must be included in the *Historic Heritage* section: (d) cross reference to a schedule in the schedule chapter that provides a list of the specific location of historic areas and sites... with a description of why or what in each area or site requires management.” It is not clear if this direction is requiring:

- a) a description of specific heritage values in the Plan if a schedule is included (i.e. statements of significance to be included in the Plan); or
- b) if a schedule is included it must be located in the Heritage section.

The directions would be clearer if they specified which matters triggered a need to amend the plan (i.e. inclusion of provisions relating to historic heritage) and then set out what councils are required to do in response (i.e. locate those provisions in the Historic Heritage section).

The Council is also concerned about the introduction of zone purpose statements. S-ZONES Direction 8 requires that “Each zone option contains a purpose statement which the zone provisions must fulfil.” This introduces a new requirement for District Plans that objectives and policies “must fulfil” the zone purpose. In some cases, these purpose statements will open proposed provisions up for debate as to whether or not they are fulfilling the purpose of the zone.

For example:

- the direction that “The purpose of the Medium-density residential zone is to provide primarily for residential activities in areas of urban character” opens councils up to challenge that their provisions are not sufficiently enabling of a density that fulfils the undefined “urban character” described in the purpose of the zone.
- the zone purpose statements for the commercial centres do not enable a centres-hierarchy approach. Objectives and policies to give primacy to the central city commercial area could be read as not “fulfilling” zone purpose statements which suggest that the same range of activities should be enabled in every commercial centre.
- The zone purpose statement for the Commercial zone is to “provide for activities that are not sensitive to the effects generated from commercial activities”. This could potentially make it more difficult for plans to enable residential activities in commercial zones.
- The zone purpose statement for the Rural Production zone includes the direction to provide for “associated rural industry”. This could lead a range of industrial activities to anticipate that they would be able to locate in a rural environment even where councils have other strategic directions to manage urban sprawl.

The Council notes that the Consultation Guidance and other explanatory material does not indicate that there is any intention by MfE to introduce any mandatory content through the planning standards other than the definitions. This suggests that the other planning standards (and the zone purpose statements in particular) need to be carefully reviewed and, where necessary, amended to ensure that planning standards are not driving strategic decisions that should be considered at the local level.

The proposed Planning Standards should be amended to clarify which directions are mandatory and which are discretionary; what matters trigger consideration of a mandatory direction; and what needs to be included in the plan as a result. Zone purpose statements should be renamed “zone explanations”, included in the guidance material only, and should not be given any statutory weight.

¹ Other examples include: S-DWM Direction 23c (reverse sensitivity provisions); S-GDW Directions 33, 34 and 35 (cumulative effects); S-CV Direction 18d (sites of significance to Māori)

Costs

The Council supports a timeframe for implementation that will allow any required changes to be integrated into its next regular District Plan review rather than requiring additional costly processes.

The proposed Planning Standards under “mandatory directions”² note that the Christchurch District Plan must be amended in accordance with section 58I of the RMA within 7 years of gazettal of the planning standards.

The Council anticipates that it would implement the Planning Standards through its next District Plan review and that that review, generally, would go through a Schedule 1 process but the notified Plan would note that aspects of the Plan could not be submitted on because they were implementing the Planning Standards.

In addition, many of the changes required to implement the Planning Standards would need to go through a Schedule 1 process in any event either because they would require amendments beyond what is needed to avoid duplication or conflict with the standard (s58I(3)(d)) or would be in response to discretionary directions (s58I(4)).

An example is the discretionary direction to select zones (S-Zones Direction 8). This is essentially a prerequisite plan making decision that would trigger a Schedule 1 process for all councils to implement the standards. Likewise, if the Planning Standards are amended as the Council recommends to acknowledge that selection of definitions is a discretionary direction, this would also trigger the requirement for a Schedule 1 process. Since more or less every plan will have zones and definitions, more or less every plan will still need to go through a Schedule 1 process.

While the Council would still be able to identify aspects of the plan that could not be submitted on, teasing out, identifying and communicating to submitters which aspects can or cannot be changed also imposes significant costs. For example, if changes to the definition of building mean that the Council’s natural hazards rules need to be substantially rewritten to recapture structures that are no longer covered by the building definition, this would arguably go beyond a consequential amendment to avoid duplication or conflict. It would be significantly less complex for the Council to simply undertake a first principles review of its natural hazards rules and then include or not include activities as appropriate with respect to the Planning Standards definition of building and then notify the entire proposal under Schedule 1.

It will also be extremely difficult to communicate to submitters that they cannot submit on the definition itself but can submit on the choice of terms used (i.e. “building” or “structure”), the choice not to introduce a subdefinition, how the definition sits in the rules and any changes to the rules that go beyond the effect of the previous plan. Arguably, however, in a first principles full plan review submitters should be able to submit on rules that they oppose even if those rules reflect a consequential amendment to the previous plan to implement the Planning Standards.

As a result of the probability that the Council would need to go through a Schedule 1 process for its next District Plan review in any event, the Council may not have certainty about when the provisions would become operative. The Council also considers that MfE’s Economic Evaluation of the Introduction of National Planning Standards overestimates the benefits of being able to implement Standards without a Schedule 1 process and underestimates the additional costs and complexity that will be introduced as a result of requirements to implement mandatory vs discretionary directions including additional costs for submitters trying to understand what they can and cannot submit on.

² For example, S-DP Direction 2

The Council suggests instead that the direction be amended to require notification of the proposed Plan within 7 years of gazettal of the planning standards.

The Council remains concerned, however, that some aspects of the planning standards will introduce ongoing and/or unnecessary costs regardless of when the standards are implemented. For example:

- directions³ for plan makers to “consider” plan elements that are not required to be included in District Plans under s75(1) of the RMA including what could be read as a requirement to reconsider the inclusion of those elements in plan changes processes after the plan template has already been established⁴;
- rewriting rules to reintroduce exemptions that are currently contained in the definitions;
- translating existing zones into overlays because the number of zones is limited;
- moving the existing ePlan into a new chapter template that does not enable the same relationship between provisions as the existing plan; and
- identifying and communicating to submitters on proposed plans what they can and cannot submit on as a result of mandatory directions to implement the definitions standard.

The Council requests that the proposed Planning Standards be amended to remove requirements that go beyond the requirement of the RMA, distinguish between directions that apply specifically to plan reviews and directions that apply to all planning documents, enable councils to amend definitions as required to maximise the efficiency of their plan making and maintenance processes, and retain flexibility for councils to develop and use a chapter rule template that is best suited to their plan.

The Council also recommends that careful consideration be given to enabling councils to undertake full district plan reviews in a more holistic way, for example by clarifying that choice of definitions and decisions around introducing subdefinitions are a discretionary rather than a mandatory direction.

Format

The Council generally supports the proposed plan structure (Standard S-DP) but opposes the chapter form (Standard F-5). The chapter form does not enable the Council to efficiently or clearly connect the activity status, specific matters of discretion and notification requirements to proposals that do not meet specific rule requirements. This is an example of a streamlined plan format increasing the complexity of the consenting process by requiring applicants and administrators to scan through and determine which matters of discretion relate to their activity out of a long list of unrelated matters.

Aspects of the required chapter form structure will also reduce the usability of the plan in the Council’s current ePlanning software. The chapter form will lead to multiple tables within tables which are more difficult to read and to create and edit in the software. In some case, implementing the requirements of the chapter form will no longer allow the Council to use the menu bar to link to different parts of the plan to best effect. The Council’s ePlanning software also does not allow hyperlinking into the middle of tables so strict adherence to the required chapter form would not enable effective cross-referencing.

Aspects of the required map symbols will also make the plan less readable and more difficult to scale. The proposed map symbols do not anticipate the range of planning issues, or their complexity, particularly for large urban authorities.

³ For example, F-5 Directions 5, 6, 11, 13 and 14.

⁴ RMA s58(2)

Summary

In summary, the Council generally supports:

- a. a consistent format for district plans;
- b. the proposed timeframes for implementation;
- c. the proposed district plan structure, subject to more flexibility being provided to introduce zones;
- d. standards to improve plan accessibility and usability;
- e. standardised zone colours but not symbols; and
- f. standardisation of definitions for technical terms with a generally agreed meaning.

The key changes that the Council recommends are to:

- a. remove limits on the number of zones and conditions on the creation of new zones;
- b. clarify mandatory directions and what is required to be included as a result;
- c. change implementation of definitions to a discretionary direction;
- d. remove the zone purpose statements or amend them so that they do not have statutory weight;
- e. remove the required chapter form standard for district plans (F-5) or replace it with a range of options that are fit for purpose for more nuanced rules and District Wide Matters; and
- f. reflect consultation with ePlanning software providers on technical constraints as they relate to the chapter template; and timeframes with respect to the implementation of the required accessibility standards.

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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- Microsoft Word document.

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

Attachment A: Specific Comments and Decisions Requested

ID	Proposed standard/direction	Comments	Decision Requested
General Comments			
1	Seven year period to amend plan (S-DP Direction 2, et al)	<p><u>Support</u></p> <p>i. The Council supports a timeframe for implementation that would allow the Planning Standards to be integrated into its normal plan review cycle.</p> <p><u>Oppose</u></p> <p>i. If the Council integrated implementation of the Planning Standards into its next District Plan review, it would likely be using a Schedule 1 process to notify the new Plan (noting that it will also need to identify aspects of the Plan that cannot be submitted on because they are implementing the Planning Standards).</p> <p>ii. As a result of the need to use a Schedule 1 process and the difficulties in separating out aspects of the Plan that are implementing the standards or not (e.g. rules that potentially cannot be submitted on because they are consequential amendments to inclusion of definitions), the Council may</p>	<p>1. Amend the directions to implement the Planning Standards to require notification of a replacement District Plan within 7 years of gazettal of the first set of Planning Standards for local authorities which have recently concluded plan reviews.</p> <p>For example: “Documents of t<u>The local authorities listed below must be amended notify plans and/or policy statements</u> in accordance with section 58I of the RMA within 7 years of gazettal of this planning standard.”</p>

ID	Proposed standard/direction	Comments	Decision Requested
		<p>require more than seven years to arrive at an operative plan that is in accordance with the planning standards.</p>	
2	<p>Mandatory directions and content (S-IGP Direction 4; S-DWM Directions 21-23, F-5, et al)</p>	<p><u>Support</u></p> <p>i. The Council is not opposed to mandatory directions that do not curtail its ability to respond flexibly and in the most efficient and effective way to local planning issues and conditions. However, it considers that mandatory directions need to be clear and carefully worded to avoid creating additional uncertainty and/or unnecessary work.</p> <p>ii. The Council supports some standardised definitions as discussed in the definition section below.</p> <p><u>Oppose</u></p> <p>i. The wording of some directions does not always make it obvious what is discretionary and what is mandatory content or what the prerequisites triggering a mandatory direction are. For example, in S-DWM Direction 17: “If the following matters are addressed in the plan, they must be</p>	<ol style="list-style-type: none"> 1. Amend the mandatory directions beginning with the phrase “If the following matters are addressed in the plan” or “If relevant to the local authority” to distinguish between “matters” which trigger the requirement and the plan elements that need to be included as a result. For example: “If provisions relating to {the protection of historic heritage} are included in the plan, then those provisions must: {a.) be included in the Historic Heritage section; b.) include an identification of heritage resources including a description of why or what in each area or site requires management; c) include a cross reference to a schedule...}” 2. Delete Standard F-5 Directions 5, 6, 11, 13 and 14 and make any consequential amendments required or clarify that these plan elements and demonstration in s32 reports of consideration of their inclusion are voluntary aspects of the standards. 3. Delete Planning Standards that duplicate requirements already set out in other legislation including S-DWM Directions 21 and 22.

ID	Proposed standard/direction	Comments	Decision Requested
		<p>included in the <i>Historic Heritage</i> section: (d) cross reference to a schedule in the schedule chapter that provides a list of the specific location of historic areas and sites... with a description of what or what in each area or site requires management.” It is not clear if this direction is requiring a description of specific heritage values or if it is directing that if that description is included in the plan it must be located in the Heritage section.</p> <p>Other examples include: S-DWM Direction 23c – it is not clear whether this is directing councils to include provisions managing reverse sensitivity for infrastructure where they may not already include these. S-DWM Directions 33, 34 and 35 – it is not clear whether this is directing councils to include provisions managing the cumulative effects of earthworks, signage and activities on the surface of water bodies even if they are not already doing this. S-DWM Direction 18d – it is not clear whether this is directing a specific description of values in Sites of significance to Māori if</p>	

ID	Proposed standard/direction	Comments	Decision Requested
		<p>ii. unspecified “matters” are included in the plan. For plans that use silent files, this potentially directs a different approach to management of Wāhi Tapu.</p> <p>The wording “If relevant to a local authority, the following matters must be addressed...” is ambiguous. For example, in S-DWM Direction 23 there is a direction to include objectives, policies and rules relating to the operation, maintenance, upgrading and development of street furniture “where relevant”. The Council has street furniture, but chooses to manage it primarily through methods other than the District Plan including policies and bylaws. It is not clear whether the “relevance” in the planning standard refers to the location of the asset within the district (triggering the requirement for plan rules for any district with that asset) or the choice of the council to manage that asset through the District Plan.</p> <p>iii. Standard F-5 Directions 5, 6, 11, 13 and 14 are mandatory directions that the Council consider whether its chapters should include an</p>	

ID	Proposed standard/direction	Comments	Decision Requested
		<p>introduction statement, issues, anticipated environmental results and monitoring. Section 75(1) of the RMA only requires district plans to include objectives, policies and rules (if any). It is not clear what the benefits are of a mandatory direction for plan drafters through a planning standard to “consider” plan elements that they are not required to include under the RMA or what form that consideration needs to take particularly in the context of plan changes. The Council does not consider that this is a necessary or efficient step to introduce into the plan making process.</p> <p>iv. Some of the mandatory directions require councils to include provisions that they are already directed to include through the RMA (for example, to give effect to National Policy Statements (s75(3)(a)) and avoid duplication and conflict with National Environmental Standards (s44A(5))). Where the planning standard includes a mandatory direction to give effect to specific NPSs and NESs (e.g. S-DWM Directions 21 and 22), this creates</p>	

ID	Proposed standard/direction	Comments	Decision Requested
		<p>potentially conflicting directions if and when those specific national directions are updated or repealed. The planning standard would then also need to be amended.</p>	
3	<p>Circumstances under which form and structure elements must be considered (F-5 Directions 5, 6, 11, 12(b), 13, et al)</p>	<p><u>Oppose</u></p> <p>i. Sections 58I(1) and 58I(2) require the Council to ensure that any of its documents, including plan changes, are amended to ensure that they are consistent with the Planning Standards. Some of the mandatory directions require consideration of plan form and structure issues which it would not be efficient to also reconsider at the plan change stage once the plan template has been established. For example, Standard F-5 Directions 5, 6, 11, 12(b) and 13 require local authorities to consider whether the section should include an introduction, issues, methods, a rule overview table and/or a rule requirement table; and an anticipated environmental results section. Standards like S-DWM Directions 8, 20 and 36 require consideration of additional plan sections. These are more appropriate considerations at the</p>	<p>1. Amend the standards to distinguish between structure and form elements that must be considered through a plan review process, or in establishing a district plan template and style guide, and directions that are required to be explicitly revisited and reconsidered whenever subsequent documents are developed.</p>

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		<p>plan review stage when the template is being established and should not need to be revisited with each plan change.</p>	
4	<p>Directions requiring content to be located in specified sections of the plan (S-DWM Directions 9, 12, 17-19, et al)</p>	<p><u>Support</u></p> <p>i. The Council acknowledges that as general best practice guidance it is better to group similar provisions together (e.g. noise, signage, earthworks) particularly where this will reduce repetition of complex standards that apply to multiple areas or provide better line of sight to the relevant objectives and policies. However, it considers that a mandatory direction to this effect may result in perverse outcomes and reduce the usability of the plan.</p> <p><u>Oppose</u></p> <p>i. There are a number of directions in the Planning Standards for councils to locate content in a specific section¹. This is sometimes not practical, for example, where provisions could genuinely sit within multiple sections (e.g. water body setbacks in Christchurch</p>	<p>1. Remove mandatory directions to locate all content relating to a specific topic in that topic chapter and replace with voluntary guidance to the effect that the purpose of that section is to include all related provisions to the extent practicable.</p>

¹ S-DWM Directions 9, 12, 17, 18, 19

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		<p>manage both natural character protection and environmental risks) or where a very discreet set of rules that only apply to one development area would be better placed with the rules for that area instead of the District Wide Matters section. For example, where the Christchurch District Plan has vegetation clearance rules that only apply to specific activities in one zone the rules are more likely to be seen if they are placed in that zone instead of the District Wide Matters relating to Ecosystems and Indigenous Biodiversity. Likewise, development plans may have provisions to develop roads or protect trees or sites of significance to mana whenua. It makes more sense to locate the provisions with the other rules for that development plan instead of with the other rules for infrastructure, trees or cultural activities.</p>	
S-DP Draft District Plan Structure Standard			
5	Proposed District Plan Structure (pp15-18)	<p><u>Support</u></p> <ul style="list-style-type: none"> i. The proposed standard grouping District-wide and Area-specific standards is helpful and logical. ii. The Council generally supports the 	<ul style="list-style-type: none"> 1. The number of zones is not limited (i.e. delete S-ASM Direction 6 and consequential amendments). 2. Standardised zone names are voluntary content or can be amended to provide greater specificity (for example, the Special Purpose (Education) Zone can be split into a

ID	Proposed standard/direction	Comments	Decision Requested
		<p>proposed District Plan structure except as noted below.</p> <p><u>Oppose</u></p> <p>i. Limiting the number of zones and managing local variation through overlays and precincts will increase plan complexity and the amount of work required to ensure conflicts do not arise between rules in the zone and (potentially) multiple overlays and district wide rules. While the Council recognises the intention to simplify plans by limiting zones, it considers that in an ePlan most users will generally go directly to the relevant zone of interest to them, that the number of other zones in the plan does not affect this, and that finding all of the relevant rules in that zone chapter is easier than having to navigate multiple overlays.</p> <p>ii. Creating additional Special Purpose zones for new open space (or other) zones not provided for in the planning standards would separate them artificially from the group of zones with which they otherwise belong and share many objectives and policies. This will result in unnecessary duplication and lack of clarity.</p> <p>iii. Prescribed zone names limit plan flexibility particularly where more</p>	<p>Special Purpose (Schools) Zone and Special Purpose (Tertiary Education) Zone or the Conservation Zone can be split if required into Coastal, Hills and Water Body and Margins Conservation zones).</p> <p>3. Add a New Neighbourhood or Greenfields Zone option.</p> <p>4. Add a Transport Zone option.</p> <p>5. Include a District Wide Matter for Transport rules with the General District Wide Matters.</p> <p>6. Add a Residential Hills Zone option.</p> <p>7. Rename the “Activities on the surface of water” subchapter “Water bodies” or similar.</p> <p>8. If standardised zone names are mandatory content, the naming convention should group similar zones for the purpose of cross referencing from other rules, and the zones in that group begin with the same name (e.g. Residential Medium Density Zone instead of Medium Density Residential Zone).</p> <p>9. Councils have the option to locate precincts, development areas, schedules and appendices with the relevant zone rules or district wide matters rather than grouping them together.</p> <p>10. Councils retain discretion to introduce subsections to the Development Areas chapter to distinguish between different kinds.</p> <p>11. The noise and lighting provisions are provided for in separate subsections.</p>

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		<p>granularity is required. For example the Council has two “Education zones”, one for primary and secondary and another for tertiary education, because of the much larger scale and regional function of the latter facilities. Also, those tertiary facilities (University of Canterbury and Ara Institute) specifically submitted against having the same objectives and policies as schools in the recent District Plan review. Councils may also have several Future Urban zones (e.g. with different timing attached), or several Māori Cultural Zones that need to be differentiated.</p> <p>iv. The Council recommends inclusion of an option for a New Neighbourhood or Greenfields Zone where the shared standard provisions, including objectives and policies, for greenfield developments could be included in combination with development plans for each specific area. This would be more efficient and easier to use than having potentially multiple underlying zones with a greenfields overlay and a development plan.</p> <p>v. The Christchurch District Plan differentiates between Outline Development Plans (ODPs - related to growth development areas and</p>	

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		<p>required by the Canterbury Regional Policy Statement) and Development Plans (DPs - predominantly for existing areas that have additional controls). These are distinguished because there are specific criteria in the Regional Policy Statement for the creation of ODPs but not for DPs. In the first instance, the Council would prefer to be able to locate ODPs and DPs with the relevant zone rules. However, if a Development Area chapter is retained, Council suggest the ability to distinguish between kinds of development areas as subsections of the Development Area chapter. It is not clear from S-DP Direction 3 and the instructions for Part 5 that this ability is retained.</p> <p>vi. The Council suggests that transport rules (including carparking and access requirements) are an important District Wide Matter and are one of the most frequently used parts of the plan. The standards do not specify whether these provisions should sit under the Infrastructure and Energy section or the General District-Wide Matters section. This would be useful guidance, particularly if the standards are specifying the location of less commonly including provisions like</p>	

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		<p data-bbox="779 236 875 264">Mining.</p> <p data-bbox="696 272 1254 655">vii. The Council suggests that a Transport zone that can cover road and rail corridors be listed as one of the possible zones. A number of district plans have a Transport Zone and listing it as one of the possible zones would better acknowledge this option. It would also be more efficient to be able to call this the Transport Zone instead of the Special Purpose (Transport) Zone.</p> <p data-bbox="696 667 1254 1198">viii. Christchurch has separate zones for the hilly areas of the City compared to the flat areas. This is because hilly terrain requires different density and rule standards to accommodate privacy and landscape concerns, and to maintain the visual dominance of the Port Hills rural environment as a backdrop to the City. While a “low density residential zone” with a “hills” overlay could be suitable, it could be worth adding a “Residential Hills” type zone to the four zones being proposed, as this will be a relatively common situation in New Zealand.</p> <p data-bbox="696 1209 1254 1374">ix. The Council would prefer that the “Activities on the Surface of Water” subsection be renamed – potentially something like “Water Bodies”. It may be more efficient to combine provisions</p>	

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		<p>relating to activities on the surface of water with esplanade reserves and water body setback provisions that control activities on the adjacent land. A broader name for the subchapter would provide more future flexibility to combine provisions where appropriate.</p> <p>x. The Council prefers its current naming convention (e.g Residential Medium Density Zone rather than Medium-Density Residential Zone). This makes it easier for groups of similar zones to be efficiently crossreferenced in other parts of the plan (e.g. the noise rules can easily capture “all open space zones” without requiring repeated additional clarification that this also captures the Conservation Zone and the Special Purpose (Stadium) Zone.) Starting the zone names with their grouping category also makes the plan menu easier to scan.</p> <p>xi. Schedules, Precincts and Development Areas should be located with their zone or topic chapters instead of sitting in separate plan sections with unrelated content. They are really just a refinement/ modification of the underlying zone and it is much clearer and more efficient for the Plan user to view those modifications in that zone, as they are likely to start in the</p>	

ID	Proposed standard/direction	Comments	Decision Requested
		<p>underlying zone chapter. Otherwise they will need to scan through numerous unrelated provisions to find the relevant one. It also avoids having to repeat the many objectives, policies and rules that apply equally to both the underlying zone and the precinct/development area (as would be required by S-ASM Directions 11 and 15). It also makes the objective and policy framework clearer, with less chance for uncertainty, if modifications/ exceptions to the underlying zone objectives and policies for the precincts/development areas are set out in the context of those underlying zone objectives and policies. This is particularly important when resource consents or private plan changes are being considered.</p> <p>xii. The structures of the noise and lighting provisions do not lend themselves to being combined into a single subchapter. The noise subchapter, in particular, is already generally very complex without combining it with unrelated lighting provisions that will not be relevant to most applicants.</p>	
S-IGP: Draft Introduction and General Provisions Standard			
6	Structure of introduction and general provisions chapter	<p><u>Support</u></p> <p>i. The Council generally supports the</p>	<p>1. Delete Standard S-IGP Direction 4(b) and Tables 7, 8 and 9 and/or provide an option for councils to locate</p>

ID	Proposed standard/direction	Comments	Decision Requested
	(pp27-31)	<p>requirements in the S-INTER standard subject to resolution of the matters discussed below.</p> <p>ii. The Council supports having separate Definitions and Abbreviations sections and their placement at the beginning of the plan.</p> <p>iii. Incorporating a glossary of Te Reo Māori terms in the District Plan Introduction section would assist plan users.</p> <p><u>Oppose</u></p> <p>i. Most councils have a change register on their websites on the homepage for the district plan instead of within the district plan itself. As they will need to upload plan change documents onto their website in any event in order to provide a link for Table 7. Requiring the change register to also be located in the district plan results in unnecessary double handling and makes the register more difficult to update, correct and amend.</p> <p>ii. It is not clear whether S-IGP Direction 4(d) is requiring all contents pages to be included in the Introduction chapter. Including contents pages for each subsection</p>	<p>change registers on their websites instead of in the district plan.</p> <p>2. Amend S-IGP Standard 4 to clarify that contents pages can be located in any part of the plan.</p> <p>3. Clarify Directions 17 and 18 to specify that if a te reo Māori term is relied on in an objective, policy or rule it must be defined in the definitions section as opposed to listed in the glossary of te reo Māori terms. The glossary of te reo Māori terms can be used when terms are relevant to the understanding of Maori perspectives on resource management perspectives within the region but are cannot be linked to a provision with statutory effect.</p> <p>4. Adopt a consistent approach to the required identification in-situ of defined words/terms, abbreviations and te reo Māori terms</p> <p>5. Clarify Direction 21 to specify that this applies only where the reference to the other legislation is relevant to the interpretation of the term for the purposes of the district plan.</p> <p>6. Delete Standard S-IGP Direction 22 or amend to provide the option to include these tables on council websites instead of in the district plan.</p> <p>7. Delete requirements in S-IGP Direction 22 to include a tabular analysis of the relative stringency of district plans rules compared with provisions in National Environmental Standards.</p> <p>8. Where an abbreviation is defined in other New Zealand legislation, reference to the other legislation must be included in the abbreviations table in the same manner as prescribed by Definitions Standard (CM-1), i.e.: “X has the same meaning as in section Y of the Z (as</p>

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		<p>generally increases plan readability as many users will skip directly to the provisions they are interested in and the contents pages allow users to navigate easily within that subsection.</p> <p>iii. S-IGP Directions 17 and 18 seem to direct that te reo Māori terms be defined both in the definitions section (if used as a rule) and in the glossary of te reo Māori terms (if used in other text). If any word or term, Māori or otherwise, is relevant to the interpretation of objectives, policies and the associated rules to achieve those objectives and policies, the term should be located in the Definitions section.</p> <p>iv. The Council acknowledges the usefulness of providing a table setting out how and at what stage it has implemented national directions. Locating this table in the District Plan, as opposed to on the Council's website potentially requires a plan change when it needs to be updated including to acknowledge a new Planning Standards which the District Plan has not yet had an opportunity to incorporate. For example, how can</p>	<p>set out in the box below)"</p>

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		<p>the Council insert Instruction 4(e) “No review undertaken yet” into Table 14 if it only updates the table after the review has occurred (Instruction 2)? The Council suggests that instead the Planning Standards direct the inclusion of the national directions instruments material on council websites rather than in the plan.</p> <p>v. Given the length and complexity of the provisions in the National Environmental Standard for Telecommunication Facilities (as an example) it would not be practicable in the table format required to list every rule and assess its relative stringency compared with District Plan rules. In some cases, the degree of stringency is location specific with dozens of potential variations depending on which overlays apply. While this is a valuable exercise for Councils to undertake and make available as advice to applicants as needed, incorporating this assessment into the District Plan itself would increase plan complexity unnecessarily and would not be cost effective.</p> <p>vi. The Council recommends a</p>	

ID	Proposed standard/direction	Comments	Decision Requested
		<p>direction in S-INTER relating to the format of definitions which are adopted from other legislation specifying that these definitions need to quote the full text of the adopted definition.</p>	
S-TW Draft Tangata Whenua Structure Standard			
7	Tangata Whenua Structure Standard (pp. 33-34)	<p><u>Support</u></p> <p>i. The Council supports the inclusion of a Tangata Whenua Chapter, its proposed location in the plan and the flexibility provided to plan makers in selecting which content to include.</p>	<p>1. Retain the Tangata Whenua Structure Standard.</p>
S-SD Draft Strategic Directions Structure Standard			
8	Strategic Directions Standard (pp. 36)	<p><u>Support</u></p> <p>i. The Council supports the option to include a Strategic Directions Part, its proposed location in the plan and the flexibility provided to plan makers in selecting which content to include.</p> <p><u>Oppose</u></p> <p>i. Does the decision to include or not include a Strategic Directions chapter constitute a discretionary rather than a mandatory direction and if so what are the implications for requiring a Schedule 1 process?</p>	<p>1. Retain the option to include a Strategic Directions part.</p> <p>2. Clarify whether the decision to include or not include a Strategic Directions Part constitutes a mandatory or discretionary direction.</p> <p>3. Clarify in the directions what happens to the plan numbering where councils choose not to include this Part (i.e. for plans that do not have a Strategic Directions chapter).</p>

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S-DWM Draft District Wide Matters Standard			
9	General directions for District Wide Matters including S-DWM Directions 3, 6(b)(c)(d), 7(b)(c), 10, 15, 17(a), 19(a), etc.	<p><u>Oppose</u></p> <p>i. The Council is only required by s75(1) to include objectives, policies and rules (if any). Instructions in the Planning Standards worded as “this chapter must include objectives, policies and methods, including rules (if any)” goes beyond the requirements of the RMA. The Council currently has several chapters that only include additional objectives and policies to be considered for activities where rules in other chapters trigger a resource consent requirement. It would not want Direction 3 to be read as requiring it to include or repeat rules in objective and policy chapters (e.g. its Coastal Environment chapter).</p>	<p>1. Amend instances of ““this chapter must include objectives, policies and methods, including rules (if any)” to “this chapter must include objectives, policies and rules (if any)”.</p>
10	Natural Environment Values chapter (S-NEV p.38)	<p><u>Oppose</u></p> <p>i. There will potentially be considerable variation between territorial authorities in the values identified and the management approaches that communities and mana whenua will want to take.</p> <p>ii. The Council is concerned to some</p>	<p>1. Provide more flexibility for councils to determine which Natural Environment Values subsections it requires and how provisions should be incorporated within or divided between them, for example by deleting the proposed names for the subsections of the Natural Environmental Values and Community Values chapters other than the Coastal Environment subsection.</p>

ID	Proposed standard/direction	Comments	Decision Requested
		<p>extent that the directions to split natural environment-related matters may work against a more integrated approach. For example, many sites of significance to Māori under the Community Values chapter will also be managing natural character and ecosystem values.</p> <p>iii. The split between natural character and ecosystems is not always straight-forward. For example, Policy 13 of the NZCPS acknowledges that biophysical and ecological aspects are one element of natural character. Provisions to protect the natural character of water bodies might sit under either the Landscape, landforms and natural character section or the Ecosystems and indigenous biodiversity section.</p>	
11	Environmental Risks chapter (pp.38-39)	<p><u>Support</u></p> <p>i. The Council is not opposed to an Environmental Risks chapter that combines natural hazards and hazardous substances and contaminated land sections.</p> <p><u>Oppose</u></p> <p>i. It is not clear the extent to which</p>	<p>1. Clarify in S-DWM Direction 14 and in the Instructions in S-DP the extent to which councils retain discretion to replace section headings where required or to introduce additional subsections.</p>

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		<p>councils retain the discretion to introduce subsections below the third level shown in S-DP or to replace sections with multiple related subsections (e.g. if the council wants to have Flood Hazard, Slope Stability and Liquefaction subsections under or in lieu of the Natural Hazards Section).</p>	
12	Community Values chapter (p.39)	<p><u>Oppose</u></p> <p>i. The title of the chapter is not especially intuitive. Other sections (e.g. ecosystems and indigenous biodiversity) address matters that can also be “community values”. The Council recommends a more specific descriptor such as “Heritage and Cultural Values”. This would not capture protected trees but they might be better placed with “Landscapes, Landforms and Natural Character” if it were renamed “Landscapes, Landforms and Natural Features”.</p> <p>ii. It is not practicable for statements of “why or what in each area or site requires management” to be included within schedules because these statements potentially include a lot of information and would end up being oversimplified.</p>	<ol style="list-style-type: none"> 1. Change the title of the section to something more descriptive such as “Heritage and Cultural Values”. If prescribed section names are retained for this chapter, consider moving protected trees to “Landscapes, Landforms and Natural Character” and rename it “Landscapes, Landforms and Natural Features”. 2. Amend S-CV Direction 17d to remove potential requirements for what must be included in a heritage schedule, e.g. “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, and sites subject to a heritage protection order with a description of why or what in each area or site requires management” 3. Amend S-CV Direction 17d to allow heritage protection orders to be located with designations. 4. Councils retain the ability to introduce a third level of subsections within the District Wide Matters or to replace subchapters with multiple subchapters on the same theme. It is not clear the extent to which S-DP Direction 3 enables this. 5. Amend S-CV Direction 18d to remove the requirement

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		<p>Changing factual details in heritage statements of significance that do not influence the effect of the rules should not require a plan change. Statements of significance should be enabled to sit outside the District Plan.</p> <p>iii. Heritage Protection Orders are introduced into the plan using a similar mechanism to designations and, in most plans, generally sit with them instead of with the heritage rules.</p> <p>iv. The Christchurch District Plan includes three categories of Sites of Significance to Māori (Wāhi Tapu / Wāhi Taonga; Ngā Wai and Ngā Tūranga Tūpuna). It is not clear from the standards whether these could be provided for as separate subsections or replacements for the “Sites of significance to Māori” section.</p> <p>v. It is not clear whether Direction 18(d) requires schedules to list the specific values requiring management in Sites of Significance to Māori. For plans that use silent files, this would potentially not enable mana whenua to keep details about protected sites confidential, which is likely to</p>	<p>to include information on specific values in Wāhi Tapu sites, e.g. “cross referencing to 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 or site requires management”.</p>

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		discourage future information sharing.	
13	Infrastructure and Energy chapter (p.40)	<p><u>Support</u></p> <p>i. The Council supports the inclusion of a separate Infrastructure and Energy chapter and standardisation of noise metrics.</p> <p><u>Oppose</u></p> <p>i. It is not sufficiently clear in the Standard itself whether or not Direction 23 is intended to be a content direction to include provisions to manage reverse sensitivity effects on infrastructure. Is “relevance” triggered because the district has infrastructure that is vulnerable to reverse sensitivity or because the Council has chose to include provisions to manage reverse sensitivity? If the intention is the former, the standard does not sufficiently specify at what scale of effects and for which infrastructure provisions need to be provided.</p>	1. Clarify that S-DWM Direction 23 relates only to the location of provisions within the plan and does not direct the inclusion of any content.
14	Subdivision chapter (p.40)	<p><u>Support</u></p> <p>i. The Council supports inclusion of a subdivision chapter and Direction 27 which clarifies that it retains</p>	1. Retain the subdivision chapter directions as notified.

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		discretion to introduce additional subsections.	
15	General District-Wide matters chapter (pp.40-41)	<p><u>Support</u></p> <p>i. The Council supports inclusion of a General District-Wide Matters chapter including sections for Temporary Activities, Earthworks and Signs.</p> <p><u>Oppose</u></p> <p>i. Directions 30-35 seem to suggest that the sections in District Wide Matters are discretionary whereas S-DP Direction 3 seems to require these subsections. While most plans will have temporary activities, earthworks and signs sections, these instructions could be simpler/more consistent particularly if the intention is that some councils may not have a separate temporary activities section.</p> <p>ii. As discussed above, the Council does not support combining the noise and light subchapters. These issues will be triggered by different activities, will have different objectives and policies and include complex technical standards that will be less readable if combined.</p>	<ol style="list-style-type: none"> 1. Clarify the instructions in S-DP for Part 4 that councils can choose which subsections to include in General District-Wide Matters. 2. Do not combine the noise and light subchapters. 3. Amend directions as follows: <ul style="list-style-type: none"> “33. If the following matters are addressed in the plan, they must be located in the Earthworks section: a. objectives, policies and methods, including rules (if any) to manage earthworks including but not limited to cumulative effects 34. If the following matters are addressed in the plan, they must be located in the Signs section: a. objectives, policies and methods, including rules (if any) to manage signs including but not limited to cumulative effects. 35 If the following matters are addressed in the plan, they must be located in the Activities on the surface of waterways section: a. objectives, policies and methods, including rules (if any) to manage the effects of activities on the surface of water bodies including but not limited to cumulative effects”

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		<p>iii. Amend wording of the directions to avoid potentially prescribing provisions that must be included. While many councils will include provisions to manage the cumulative effects of earthworks, signs or activities on the surface of waterways, other councils may choose not to include these provisions.</p> <p>iv. See also comments on 'Proposed District Plan structure' above</p>	
S-ASM Draft Area Specific Matters Standard			
16	Zone purpose statements (pp 43-44)	<p><u>Oppose</u></p> <p>i. The Council is concerned that the zone purpose statements create an additional level of unnecessary complexity, particular where there is a mandatory direction for zone provisions to “fulfil” them. These purpose statements potentially drive content to the extent that Councils must include at least one zone and the zone objectives, policies and rules cannot be inconsistent with the zone purpose statement.</p> <p>Some of purpose statements are open to interpretation. “Urban character” or “suburban character” in Christchurch will not be the same</p>	<p>1. Directions requiring zone provisions to fulfil the zone purpose statements (S-ASM Direction 8) are removed. Zone purpose statements are renamed “zone explanations”, moved to the guidance material and do not carry any statutory weight.</p>

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		<p>as Auckland or Gisborne. This will open any provisions up for debate as to whether or not, for example, the standards in the Christchurch Medium-Density Residential Zone anticipate a density that is in line with what would be considered “urban character” in Auckland. The Council could be challenged that its provisions are not fulfilling the purpose statement because the density or mix of activities provided for is not sufficiently “urban”. See also additional comments on the zone purpose statements below for examples of statements that inadvertently drive or curtail specific policy approaches.</p> <p>ii. It is not clear what the relationship is between the zone purpose statements and the objectives and policies in overlays, precincts, development areas or other spatial planning tools that could later be applied to the zones.</p>	
17	Residential zones (p.43)	<p><u>Support</u></p> <p>i. The Council supports the general categories of the four residential zones proposed in terms of their hierarchy of anticipated density but is concerned that only four</p>	<ol style="list-style-type: none"> 1. The residential zone purpose statements do not reference “urban” or “suburban” character. 2. Use of the low-density residential zone is not limited to areas with undefined constraints on urban density.

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		<p>residential zones does not sufficiently recognise the range of other outcomes that might be sought for them (e.g. small settlement zones that are distinct in character from suburban areas, hill zones, etc.)</p> <p><u>Oppose</u></p> <p>i. Collapsing the Council’s current ten residential zones into four will be a significant exercise in terms of rewriting of District Plan provisions, and amendments to Planning Maps. Even if this is done as part of the next District Plan review there would need to be personal notification of “what is changing to what” to the vast majority of ratepayers, which will be potentially very costly. It will also affect a large number of residents who have fought for years to retain specific densities as a general determinant of characters of their areas. While overlays can be used, there are likely to need to be a number of these across the Plan on a variety of topics to make up for the lack of zone differentiation. This will not achieve greater plan simplicity.</p>	

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		<p>ii. For councils with a strategic objective to manage urban sprawl, the zone purpose statement that the “low-density residential zone” is “primarily for residential activities where there may be constraints on urban density” could be used to argue that unless there is an identified environmental constraint, that zone should not be used.</p> <p>iii. As discussed above, references in the zone purpose statements to “suburban” and “urban” character are interpretive and venture into content that could prescribe the provisions that are later developed for those zones.</p>	
18	Rural zones (pp.43-44)	<p><u>Oppose</u></p> <p>i. It is not clear how “rural production” is defined for the purposes of the Rural Zone purpose statement. Does this include tourism and conservation activities? The Christchurch District Plan provisions promote the concept that farming and biodiversity activities are not mutually exclusive but the proposed zone purpose statements seem to reinforce this gap.</p>	<ol style="list-style-type: none"> 1. Define “rural production” for the purposes of the Rural Zone purpose statement. 2. Clarify that the Rural zone can also provide for tourism and conservation activities. 3. Amend the purpose statement for the Rural production zone to read: “<i>The purpose of the Rural production zone is to prioritise primary production activities that rely on the productive nature of the soils, intensive primary production, and also providing for associated ancillary rural industry.</i>”; or “<i>The purpose of the Rural production zone is to prioritise primary production activities that rely on the</i>”

ID	Proposed standard/direction	Comments	Decision Requested
		<p>ii. The undefined word "associated" in the zone purpose statement for the Rural Production Zone (as in "also providing for associated rural industry") means a wide range of industrial activities could expect to be permitted because they have some connection/association with the produce from the site. This contrasts with the wording for the general Rural zone which is intended to cover the less valuable soils, which at least indicates that activities which are not primary production activities will be limited. At the very least the purpose statement should be "ancillary", i.e. subordinate, to the primary production occurring on the site.</p> <p>iii. If the purpose of the Rural Production Zone is to manage areas with the most versatile soils then it is potentially not appropriate to enable large scale industry/buildings to establish on those soils.</p> <p>iv. Regarding the zone purpose statement for the Rural Settlement Zone, many small rural settlements do not have, nor are intended to have "commercial, light industrial, and community activities". The Council would use local commercial</p>	<p>productive nature of the soils, intensive primary production, and also providing for associated rural industry."</p> <p>4. Clarify the purpose of the Rural Settlement Zone as distinct from residential, commercial and/or industrial zones scaled for a rural environment.</p>

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		<p>or light industrial zoning where this was appropriate potentially with a “rural settlement” overlay if specific provisions were required.</p>	
19	Commercial zones (p.44)	<p><u>Support</u></p> <p>i. The Council generally supports the use of zones to identify the different types of commercial areas/centres typical in most towns and cities and sees merit in translating its two tier hierarchy of zones and centres into a single hierarchy of zones which reflects their relative functions and catchment sizes. However there are concerns with the way the zone purpose statements are currently drafted that may preclude the Council from adopting this approach as described below.</p> <p><u>Oppose</u></p> <p>i. The zone purposes are not currently ‘fit for purpose’ because they do not provide sufficient clarity to plan users to understand the intended outcome or purpose of each commercial zone and the differences between them, particularly because those differences relate to more than just</p>	<ol style="list-style-type: none"> 1. Revisit the commercial zone purpose descriptions to reflect their intended role/function within a hierarchy of centres expressed through the activities enabled in them. 2. Alternatively enable reference to a centre hierarchy as a spatial tool that can be used by councils to distinguish between different commercial centres. 3. Add a new zone or the ability to add a new zone: Large-format retail or Retail Park Zone. The purpose could read: “The Commercial Retail Park Zone is made up of those areas that provide for larger format commercial activities less suited to traditional commercial zones.” 4. Delete the 2nd sentence of the Commercial Zone purpose or recognise that “sensitive activities” including housing, schools and hospitals are appropriate in commercial zones. 5. Amend local and neighbourhood commercial zones such that local is the smaller (size, function, catchment, range of activities) of the two. I.e. local supports residents in a part of a neighbourhood, neighbourhood supports a whole neighbourhood. 6. Add a new zone or the ability to add a new zone: Commercial Office Zone. This is how the Christchurch Replacement District Plan describes these zones: “The Commerical Office Zone recognises and enables office activities in existing office park areas at

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		<p>the <i>activities</i> they enable. It is unclear how some of the zones differ at all which will not aid plan users.</p> <p>ii. The zone purpose descriptions do not capture the reason <i>why</i> we provide for centres of different types and sizes and which relates to the function of the zone and the relative catchments that they serve (which has its origins in central place theory and commercial economic efficiency). The type, range and depth of activities, their scale and their relative accessibility and amenity, all fall out of that overarching purpose.</p> <p>iii. The zones should reflect the following hierarchy (from smallest to largest): local, neighbourhood, district/town (depending on whether standalone or part of a wider city), city centre, mixed use.</p> <p>iv. Christchurch City’s strategic framework for managing commercial activities is entirely dependent on this centres based framework so the zone types need to accommodate that so as not to undermine that strategy.</p> <p>v. The alternative might be to adopt only a single ‘commercial zone’ and</p>	<p>Addington and Russley. These areas have lawfully established large scale office activities which have located in less than optimal locations and are discouraged from expansion in support of a centres based strategy for commercial development in the City.”</p> <p>7. Introduce a zone that is appropriate for “sinking lid” provisions or amend the zone purpose statement for the Mixed-use Zone to clarify that it can be used for this purpose.</p>

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		<p>provide for differences between commercial zones by reference to their centre types in the centre's hierarchy (i.e. retain a two tiered approach to zones and centre types) however it appears that this is potentially precluded by the direction that "no further spatial planning tools may be created". Council supports enabling this as a spatial tool if the zone descriptions cannot be amended to accommodate a commercial centre hierarchy zoning approach.</p> <p>vi. The commercial zone is presently too generic to understand how it differs from other commercial zones. It is also unclear why there is reference to sensitive activities in this zone, when there is no corresponding reference to sensitive activities in local and neighbourhood centres. Indeed, this would suggest that residential activity cannot operate successfully in commercial zones which of course it can in almost all zones perhaps with the exception of very small local centres.</p> <p>vii. The city centre zone should include reference to entertainment, cultural and civic activities which</p>	

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		<p>are increasingly pivotal aspects of central city prosperity (if these activities are not included within the definition of community facilities which as currently defined must be non-profit).</p> <p>viii. A new zone is needed to cater for large format retailing. Most plans have a zone to cater for bulky goods, car dependent retailing etc that have very different scale, design, amenity, accessibility standards and often a more limited range of activities enabled than typical commercial zones.</p> <p>ix. The Christchurch Replacement District Plan includes a Commercial Office Zone which does not fit within the commercial zones identified by the planning standards. The CO Zone comprises three large areas of formerly industrial zoned land that were developed under previous plan rules for large scale offices. Large-scale offices are no longer permitted in industrial zones and these areas are not suitable locations for further commercial activity. An overlay would create unnecessary clutter to the plan which could be avoided by an</p>	

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		<p>additional zone. Other councils may have office parks which may similarly benefit from this zone.</p> <p>x. The zone purpose statement for the Mixed-use Zone could create conflicts where this zone has been used to encourage a transition from primarily one type of activity to another while still enabling the existing activity. For example, an objective for a mixed-use zone might be to gradually reduce the size of a struggling commercial or industrial area and encourage new housing. That objective may not “fulfil” a zone purpose statement that the Mixed-use Zone must “provide primarily for a mix of residential, commercial, light industrial, recreational and community activities.”</p>	
20	Industrial zones (p.44)	<p><u>Support</u></p> <p>i. The proposed Industrial zones generally recognise a clear progression in terms of potential effects on neighbouring zones with sensitive activities.</p> <p><u>Oppose</u></p> <p>i. The Industrial zone purpose statement specifies that it also</p>	<p>i. Amend the “Industrial Zone” explanation to recognise that activities which are not sensitive to its effects may still not be appropriate in that zone for other reasons.</p> <p>ii. Add an “Industrial Park Zone” with a purpose explanation similar to: “The Industrial Park Zone recognises and provides for industrial activities in high technology and other similar industries that seek to locate in a high amenity environment, dominated by open space</p>

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		<p>provides for "associated activities that are not sensitive to the effects generated from industrial activities". In addition to the undefined use of the term "associated", some of those non-industrial activities that are not "sensitive to the effects from industrial activities" may not be appropriate for other reasons, (e.g. retailing may be restricted to support the function of commercial centres). It would be better not to suggest that all activities not sensitivity to industrial activities will be allowed.</p> <p>ii. There is currently no provision for high amenity Industrial Park zones. The alternative would be to provide for these activities via an overlay, which would be less clear and more cumbersome than having a specific zone.</p>	<p>and landscaping. These activities have the potential to generate higher volumes of traffic than other industry, while having negligible effects in terms of noise, odour or the use and storage of hazardous substances."</p>
21	Open space zones (p.44)	<p><u>Support</u></p> <p>i. The Council supports having a grouping of open space zones but does not support a limit on their number.</p> <p><u>Oppose</u></p> <p>i. It makes more sense for the Special</p>	<ol style="list-style-type: none"> 1. Group the Special Purpose (Stadium) Zone with the Open Space zones. 2. Amend the zone purpose statement for the Conservation Zone as follows: "The purpose of the Conservation Zone is to provide primarily for the ongoing management of land that has with a particular conservation focus." 3. Clarify what values the Conservation Zone is intended

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		<p>Purpose (Stadium) Zone to be included with the Open Space zones because it will likely share many of the same objectives and policies.</p> <p>ii. The zone purpose statement of the Conservation Zone could be confusing. The purpose should be to provide for a conservation focus in the management of land. Land itself does not have a conservation focus.</p> <p>iii. It is unclear which land the Conservation Zone could be applied to. Is it land with natural values only or could it be land with heritage or cultural values?</p> <p>iv. Limiting the number of zones to three open space related zones and an SP Stadium zone does not account for the range of conservation values which different open space zones may be seeking to achieve (e.g. for zones managing appropriate activities for the coastal environment as opposed to Banks Peninsula or the Waimakariri floodplains). It would potentially be inefficient to try to manage the provisions for such diverse zones through overlays.</p>	<p>to conserve.</p> <p>4. Add the option for a Coastal Zone (distinct from the Coastal overlay) and for other forms of Conservation Zone.</p>

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22	Special purpose zones (pp.44-45)	<p><u>Support</u></p> <p>i. The Council supports the ability to introduce additional Special Purpose Zones as required but does not support criteria in order to do this.</p> <p><u>Oppose</u></p> <p>i. Direction 7 requires specific criteria to be met before new Special Purpose Zones can be created. This includes the requirement to demonstrate that the Special Purpose Zone could not be enabled by any other zone or the introduction of an overlay, precinct, designation, development area or specific control. The Council considers that the decision to introduce an additional zone should be determined by an informed judgment of the extent to which the proposed provisions duplicate what is already contained in another zone compared with the number of provisions that will be unique to the new zone. It is very difficult to establish that the area *could not* be managed through a zone or overlay. Instead, the decision comes down to what is most readable and least</p>	<ol style="list-style-type: none"> 1. Councils retain discretion to introduce additional Special Purpose Zones without having to meet criteria (i.e. delete Standard S-ASM Direction 7). 2. If zone purpose statements are retained, amend the statement for the Special Purpose (Airport) Zone to: "The purpose of the Airport zone is primarily to enable the ongoing and future development of airports and aerodromes and their associated activities". 3. Separate Special Purpose (Schools) and Special Purpose (Tertiary Education) Zones (or provide the clear option to replace the Special Purpose (Education) Zone with these).

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		<p>repetitious.</p> <p>ii. The zone purpose statement for the Airport Zone is somewhat wordy and repetitive particularly compared with the other zone purpose statements.</p> <p>iii. The provision in the Airport Zone purpose statement for non-operational activities "associated with airports" could provide for almost anything. As an extreme example, just because some retailing often occurs at airports does that meaning any retailing should be provided for, even if it has serious impacts on other existing commercial centres?</p> <p>iv. The activities and effects associated with primary and secondary schools as opposed to tertiary education providers can be quite different. It would be more appropriate to have separate Special Purpose (Schools) and Special Purpose (Tertiary Education) Zones (or the option to replace the Special Purpose (Education) Zone with these.)</p> <p>v. Having only one Māori cultural zone does not anticipate the range of activities that may need to be provided for. For example, this would require the Council to</p>	

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		<p>combine provisions for both its current Papakāinga/ Kāinga Nohoanga zone which provides for a range of housing and economic development opportunities on Māori communal land and customary land and the Specific Purpose (Ngā Hau e Whā) Zone which provides for the National Marae but is not located on ancestral land. These zones do not share the same objective and policy framework and would be more complex if managed through overlays instead of separate zones.</p>	
23	Future urban zones	<p><u>Support</u></p> <p>i. The Council supports the option to include a Future Urban Zone.</p> <p><u>Oppose</u></p> <p>i. The zone purpose statement is not time based. It could be taken to mean land that is suitable for urbanisation right now, in which case it should be given an operative zoning. Words such as “at some point in the future” should be added to the first sentence, in regard to land which is suitable for urbanisation but is awaiting a trigger event e.g. the provision of a bulk sewer.</p>	<p>1. “The purpose of the <i>Future urban zone</i> is to identify land as suitable for urbanisation at some point in the future. The Future Urban Zone is a transitional zone.”</p>

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24	Precincts (p.45)	<p><u>Oppose</u></p> <ul style="list-style-type: none"> <li data-bbox="730 272 1274 480">i. In some cases it makes more sense to include precincts in topic or zone chapters rather than in their own separate chapter depending on the number of provisions that differ from the standard zone provisions. <li data-bbox="730 480 1274 735">ii. Some precincts may have shared objectives and policies, for example where there is a group of entertainment and hospitality precincts with mostly shared provisions and some precinct-specific provisions. <li data-bbox="730 735 1274 903">iii. In some cases, trying to name a precinct in a way that includes the purpose of the precinct would result in a name that is too long and cumbersome. 	<ul style="list-style-type: none"> <li data-bbox="1330 229 2054 336">1. Councils retain the option to integrate precinct rules with zone or topic rules where the differences are relatively minor. <li data-bbox="1330 336 2054 408">2. Amend S-PREC Direction 11 to enable grouping of related precincts with shared objectives and policies. <li data-bbox="1330 408 2054 552">3. Councils retain discretion to name precincts according to their own judgment. Amend S-ASM Direction 11(a) to read “Each precinct must have a unique name indicating the purpose of the precinct.”
25	Development Areas (p.45)	<p><u>Oppose</u></p> <ul style="list-style-type: none"> <li data-bbox="730 991 1274 1342">i. The Council would prefer to have the option to place development areas with their related zones as this provides better line of sight for shared objectives and policies. However, where development areas relate to multiple zones, it would also be useful to have the option of a separate plan section for them. <li data-bbox="730 1342 1274 1382">ii. Some groups of development areas 	<ul style="list-style-type: none"> <li data-bbox="1330 951 2054 1023">1. Councils retain discretion to place development plans either in the zone chapters or in a combined chapter. <li data-bbox="1330 1023 2054 1094">2. Amend S-DEV Direction 15 to enable groups of development areas with shared objectives and policies. <li data-bbox="1330 1094 2054 1126">3. Delete S-DEV Direction 17.

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		<p>may have shared objectives and policies.</p> <p>iii. The Council questions the necessity of a planning standard requiring development plans to be removed when the development is completed. In some cases, it is not clear cut that a development is complete and the plan can act as a record of principles for future redevelopment. The plan may also continue to apply to any potential redevelopment/alterations.</p>	
26	Designations (p.46)	<p><u>Support</u></p> <p>i. The Council generally supports the format of the designation table and the items included except as discussed below.</p> <p>ii. The approach broadly aligns with the approach taken in the Auckland and Christchurch Plans.</p> <p><u>Oppose</u></p> <p>i. S-DES Direction 18 should clarify that a separate designation table should be used for each designation, not each requiring authority. The Council's eplanning software menu system does not allow linking to internal lines of tables from the menu so placing all</p>	<ol style="list-style-type: none"> 1. S-DES Direction 18 "A separate designation table must be used for each Requiring Authority designation and use the form outlined in table 16 below." 2. Amend S-DES Direction 18 to enable councils to add additional information to the designation table as required. 3. Amend S-DES Direction 18 to allow the Conditions and Additional Information sections to sit outside the table in a normal text format. 4. Delete S-DES Direction 21.

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		<p>the designations belonging to each requiring authority in one table will make it more difficult for plan users to navigate to the specific designation of interest to them. Some requiring authorities have hundreds of designations that users would then have to scroll through manually to find the correct one.</p> <p>ii. Some plans include a row for legacy plan references for designations. This can be very useful for keeping track of the designation in older documents when the plan reference number has changed. The proposed standard does not appear to enable councils to add additional information like this to the table and there does not seem to be a good reason not to allow it.</p> <p>iii. Designation conditions often include maps and images which are difficult to embed into tables in ePlanning software. The Council suggests a format similar to Auckland and Christchurch Plans where conditions are free text.</p> <p>iv. Designation conditions need to sit with the designation, not with the rest of the District Plan schedules. Directions 18 and 21 also contradict each other on this point.</p>	

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S-SAM Draft Schedules, Appendices and Maps Standard			
27	Schedules (p.48)	<p><u>Oppose</u></p> <p>i. As discussed above, the Council considers that schedules should sit with the relevant topic or zone chapter. This reduces the amount of unnecessary scanning of irrelevant schedules for plan users interested in a specific topic.</p> <p>ii. The proposed required table format (Table 17) does not include sufficient flexibility for the many types of scheduled items (scheduled activities, trees, heritage items, landscapes, road classifications, etc.) some of which also have subcategories (e.g. public realm vs private realm trees, different types of heritage classification, different categories of scheduled activity, different types of sites of ecological significance). Councils should retain discretion to adapt each of these tables to the subject matter so that it can be provided in the most readable and informative format.</p> <p>iii. Christchurch has hundreds of kilometres of waterways which it is currently managing with setback rules. The Council would likely need</p>	<ol style="list-style-type: none"> 1. Delete standard S-SAM 4 and Table 17 and do not prescribe a schedule format. 2. Delete standard S-SAM 6.

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		<p>to turn these setbacks into an overlay if the proposed planning standard were adopted because of the restriction on spatial planning tools. Standard S-SAM Direction 6 requires that “All the sites/areas and their values that have been identified in a district wide overlay must be listed within a schedule.” It is not practicable to schedule each water body in the District and to catalogue its specific values, which are continually changing. It is more effective and efficient to include this information via maps and general classifications of water bodies.</p>	
28	Appendices (p.48)	<p><u>Oppose</u></p> <ul style="list-style-type: none"> i. It is more user friendly to include appendices after the relevant topic or plan section. Even in an ePlanning format, placing appendices with the topic removes the need to scan unrelated topic appendices to find the correct one. ii. It is not clear what constitutes a “topic” or a “separate section” for the purposes of S-SAM Direction 7. iii. Direction 8 potentially limits the ability of councils to include design guidance as an appendix. For 	<ul style="list-style-type: none"> 1. Delete S-SAM Direction 7. 2. Delete S-SAM Direction 8.

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		<p>example, the Christchurch District Plan includes design guidance for some outline development plan areas, character areas and temporary workers accommodation for earthquake recovery. There is also non-statutory guidance related to tree species selection. The District Plan does not include a requirement to “comply” with this guidance but in some instances may require development to be generally in accordance with it.</p>	
F-1 Draft Electronic Accessibility and Functionality Standard			
29	Timeframes (p.50)	<p><u>Support</u></p> <p>i. The Council supports standards that will increase access to its plans for a wider segment of the community.</p> <p><u>Oppose</u></p> <p>i. The Electronic Accessibility and Functionality Standard, Table 18, is required to be achieved in 12 months by all Councils. Some parts seem likely to require considerable additional work, particularly for councils that are not already meeting a number of these standards. This may be difficult to</p>	<p>1. MfE consult with ePlanning platform providers to determine an appropriate timeframe for their products to be upgraded to comply with the required Web Accessibility and Web Usability standards and amend the deadline for council compliance to reflect this.</p>

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		<p>achieve in 12 months without diverting considerable resources. The Council's current ePlan software does not meet the Web Accessibility and Web Usability standards (although the Council's website generally does). It is likely that more time would be required to work with our software provider to meet this standard and suggest that MfE should discuss with the two ePlan platform providers in New Zealand whether and when this functionality could practicably be provided.</p>	
30	Plan accessibility and functionality	<p><u>Support</u></p> <p>i. The Council support standards that will make it easier to access, search, download and print plans and policy statements.</p> <p><u>Oppose</u></p> <p>i. Direction 4 can be read as only applying to regional plans and policy statements.</p> <p>ii. The Council's website includes links to a number of legacy plans that are hosted on a different platform and which it would not be practicable for the Council to update to comply with the standard</p>	<ol style="list-style-type: none"> 1. Clarify that Standard 4 applies to district plans as well as regional plans. 2. Clarify that F-1 Direction 4 applies to currently operative and future plans, not to legacy plans linked from council webpages. 3. Amend F-1 Direction 4 as follows: "All currently operative plans and regional policy statements and plans on local authority websites must comply with Department for Internal Affairs' Web Accessibility Standard 1.0 and Web Usability Standard 1.2 or their successors." 4. Delete F-1 Direction 7. 5. Amend F-1 Direction 11 as follows: 6. "All versions of the current plan since first becoming operative must be available from the local authority website." "The local authority's website must make

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		<p>given the costs involved weighed against the frequency with which these plans are referenced.</p> <p>iii. Council will not be able to comply with <i>successors</i> to the current Web Accessibility and Web Usability Standards within 12 months of the gazettal of the Planning Standards (i.e. April 2020) as per Direction F1(1) because those standards may not have been created yet. A reasonable timeframe needs to be provided for councils to comply with future standards and that timeframe cannot be determined without knowing what is required by them. The Planning Standards will need to be amended when subsequent requirements are developed.</p> <p>iv. Direction 7 requires district plans to hyperlink to the provisions of any other plan that also requires consent for the same activity. In addition to the significant costs required to monitor and analyse these connections and maintain hundreds of hyperlinks to documents maintained by other organisations when both documents are regularly being changed and updated, the other</p>	<p><u>available a version of the plan as it existed when it first became operative as well as the currently operative version of the plan.</u></p> <p>7. Clarify whether line-of-inquiry is a required function at “Level 5”. If this is the intention, consider making this function part of “Level 6”.</p>

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		<p>document may not be in a format that will allow for direct hyperlinks to the specific provisions in question. The Council does not consider that the costs required to do this outweigh the benefits to users who can easily google the most up to date version of other plans referenced in the District Plan. This also reduces the risk of an out-of-date hyperlink taking users to the wrong version of a plan.</p> <p>v. Direction 11 requires the Council to make available all versions of the current plan since first becoming operative. This is not practicable because the Council's ePlanning software does not enable it to publicly display a version of the plan as it existed at any particular date. There would also be significant costs and difficulties associated with capturing versions of GIS maps every time there is a plan change or Clause 20A minor amendment. The Council can provide a change register, copies of plan changes and a version of the plan and maps as they existed when the plan first became operative.</p>	

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		<p>vi. In Figure 1, Level 5 on p.52 “allowing click to drill through different map layers and specific rules that apply to particular properties or activities and infrastructure services” could be read as requiring either:</p> <p>a. plans must be searchable by either property or activity; or</p> <p>b. plans must be searchable by both property and activity.</p> <p>Please clarify which requirement is intended. The Council currently allows for searching by property but not activity. It has investigated offering a “line of inquiry” function allowing searching by activity and may develop this over the course of the next few years but this is a significant project and expenditure which should potentially be a “Level 6” functionality.</p>	
F-2 Draft Mapping Standard			
31	Mapping (F-2)	<p><u>Support</u></p> <p>i. The Council acknowledges that having standardised zone colours on the maps will assist plan users who work in multiple districts.</p> <p><u>Oppose</u></p> <p>i. The symbols in Table 22 do not</p>	<ol style="list-style-type: none"> 1. Maps symbols should be voluntary best practice guidance. Standard F-2 Direction 4 and Table 22 should be deleted. 2. If map symbols are retained as a standard clarify how variation can be provided for and how scaling can be achieved on online maps. 3. Amend the colours in Table 21 to reduce confusion between zones (see comments iv and v).

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		<p>provide sufficient flexibility (for example where there are overlays for multiple kinds of natural hazards, multiple flood hazard overlays, multiple airport noise contours, multiple categories of protected tree, etc.). The Christchurch District Plan includes 17 natural hazard overlays managing different hazards in different degrees. Likewise the Council currently has several categories of trees with different symbols (Significant Individual, Street Trees and Park Trees which have different rules). There are also several types of designations. For example, land related to the Lyttelton tunnel is subject to two designations. These designations have different colour coding for future works. The directions do not seem to enable variations of the symbols required to reflect different subcategories.</p> <p>ii. There is no guidance on how overlays and precincts are to be differentiated from each other. If hatchings are used, too many overlays quickly become indecipherable.</p> <p>iii. There is a need to provide enough</p>	

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		<p>variation in colour and pattern of polygon to ensure the information is clear and the areas differentiated on the map when overlain. It is not practical to provide for the range of overlays, precincts and other notations required with such a narrow range of colours and shading requirements.</p> <p>iv. Councils need more flexibility in order to produce readable maps – particularly if there are going to be significantly more overlays as a result of limiting the number of zones.</p> <p>v. There will be too much variation between districts in the number and purposes of overlays to prescribe the map symbols through a national standard.</p> <p>vi. The tree and heritage item symbols will not scale well online. A tree symbol was trialled in the recent CCC Plan review and did not work because an irregular shape is more prone to overlap than a regular one. Where different councils are using different GIS software, they should retain the flexibility to use whichever symbols and overlays maximise the readability of their maps. The directions do not specify</p>	

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		<p>whether symbols can be left off at particular scales. A literal reading of Direction 4 would seem to imply that every tree notation must be included even on the District-wide scale maps. This would render the maps unreadable.</p> <p>vii. Where the symbols for Designations, Heritage Areas, Natural Hazards and Statutory Acknowledgement Areas do not have fill, they will not be visible when the maps are zoomed in entirely within their boundaries.</p> <p>viii. The semi-transparent colour of the natural hazards overlay will change the zone colour sitting under it. The Local Commercial zone (pale pink) with the blue natural hazards overlay sitting over it looks like the purple Light Industrial zone colour.</p> <p>ix. The following pairs of zone colours are too similar to each other to be able to be easily distinguished, particularly if there is no zoning of the second of the pair in the field of view/planning map being viewed:</p> <ol style="list-style-type: none"> a. Low-density residential & Medium-density Residential, b. Rural Residential and Rural Settlement. <p>x. The commercial zone colours</p>	

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		<p>should scale in intensity like the industrial and open space zone colours do (i.e. the lightest intensity zone has the lightest shade and the highest intensity zone has the darkest shade).</p> <p>xi. The descriptions of the line widths in Table 22 do not include the relevant units. For example, the “outline width” for a designation is 2.0 but it is not clear if this is mm, pixels or points.</p> <p>xii. The Council prefers its current use of polygons for both heritage items and heritage areas as this gives a more accurate indication of the area covered by the heritage item rules.</p>	
F-4 Draft Spatial Planning Tools (District)			
32	Spatial Planning Tools (District) (F-4)	<p><u>Support</u></p> <p>i. The Council is not significantly concerned about a limit on spatial planning tools but considers that more clarity around how this is defined would assist.</p> <p><u>Oppose</u></p> <p>i. The Council has a hierarchy of commercial centres (Key Activity Centres, District Centres, Neighbourhood Centres and Local</p>	<ol style="list-style-type: none"> 1. Define what a spatial planning tool is. 2. Note in the far right column of Table 24 that some provisions for zones are also located in District Wide Matter subchapters. 3. Amend the standards so that councils retain the flexibility to create District Wide Matter subchapters to deal with Specific Controls (e.g. for scheduled activities). 4. Clarify in direction 4 that subcategories of the permitted spatial planning tools can be created.

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		<p>Centres) which do not align entirely with the zoning for those centres. This hierarchy does not appear on the maps – it is primarily expressed in the policies and rules – but the Council would not want to be in a position of not being able to categorise centres this way because it was captured by a restriction on the use of “spatial planning tools”.</p> <p>ii. Table 24 requires specific controls to be located in the relevant zone chapter. Assuming currently scheduled activities would be managed as specific controls instead of Special Purpose Zones, locating the rules for scheduled activities in the zone chapters would result in significant cluttering up of zone rules with site specific provisions.</p> <p>iii. It is not clear the extent to which there is discretion to create subcategories of development areas (i.e. to have both outline development plans and development plans).</p>	
F-5 Draft Chapter Form Standard			
33	Chapter Form (F-5) (pp 64-66)	<p><u>Support</u></p> <p>i. A rule overview table would assist with plan navigation and the format</p>	<ol style="list-style-type: none"> 1. Delete the Draft Chapter Form Standard and include as voluntary guidance instead (preferred). 2. Alternately, provide a choice of chapter forms that are

ID	Proposed standard/direction	Comments	Decision Requested
		<p>(Table 25) is workable.</p> <p><u>Oppose</u></p> <p>i. Whilst acknowledging the intention to provide all of the provisions related to an activity within one row of a table, the Council considers that the proposed chapter form standard will reduce readability of the plan by introducing significant repetition of material (particularly matters of discretion) and requiring multiple tables within tables which could more helpfully be combined.</p> <p>ii. Table 27 is not fit for purpose for District Wide Matters which need a different and sometimes variable format. It will increase plan complexity and reduce readability by requiring multiple tables nested within tables (e.g. noise, transport and signage rules). For example, the Christchurch water body setback rules and the setback distances in which they apply vary based on the type of water body (8 types) and the zone (3 categories). Trying to capture this in the table provided would require 24 variations of the rule set out in the row for each activity. For the noise,</p>	<p>appropriate to different kinds of provisions, including District Wide Matters, and that provide appropriately for more nuanced rules.</p> <p>3. Provide an alternative matrix structure for complex rule situations, to reduce repetition, (e.g. slope stability management areas in the District Plan, which provide for multiple hazards, multiple levels of risk and multiple activities possible); or multiple kinds of landscape overlays.</p> <p>4. Provide an alternative structure with matters of discretion sitting in their own section and cross-referenced from the rule table.</p> <p>5. Provide a structure that enables different zones to share matters of discretion.</p> <p>6. Provide a structure that enables different activity statuses to be assigned to activities that do not meet different rule requirements and to different degrees of non-compliance.</p> <p>7. Provide a structure that enables matters of discretion to be specified where specific rule requirements are not met.</p> <p>8. Provide a structure that enables notification requirements to differ depending on which rule requirements are not met.</p> <p>9. See recommended alternative chapter form in Attachment C as a minimum for providing a standardised template for zone rules. This chapter form would still not be appropriate for District Wide Matters.</p>

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		<p>natural hazards, landscape, transport, scheduled activities and signage provisions, Table 27 would also significantly affect the usability of the plan.</p> <p>iii. Even in an ePlanning format it is more efficient to have one set of matters of discretion shared by multiple zones so that, if any amendments need to be made, they can be made in one place instead of dozens.</p> <p>iv. See also comments in Attachment B which provides an example of the current Christchurch District Plan rules in the proposed planning standards template.</p>	
F-6 Draft Status of Rules and Other Text and Numbering Form Standard			
34	Status of Rules and Other Text and Numbering Form Standard (F-6) (pp69-70)	<p><u>Support</u></p> <p>i. The Council generally supports the naming convention for plan components but suggests a requirement that these be completely capitalised.</p> <p><u>Oppose</u></p> <p>i. The proposed numbering format for the schedules and appendices does not provide sufficient flexibility to add new schedules or appendices as a result of plan</p>	<ol style="list-style-type: none"> 1. Councils retain discretion in how they organise schedules and appendices, or alternately, the mandatory structure should allow for the creation of subheadings so that schedules and appendices can be organised by topic. 2. Naming convention for plan components to require complete capitalisation (e.g. RES – Medium-density Residential Zone). 3. Inclusion of the abbreviated names of the chapters and sections in the Abbreviations section of the Interpretation Chapter. 4. In Direction 9, do not require a “D” to be added to the abbreviation for designations.

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		<p>changes into the same approximate part of the plan as the other related schedules. This will reduce plan readability because users will have to spend more time scanning the entire list of schedules or appendices to ensure they have considered all of the relevant ones.</p> <p>ii. In point 9, matters associated with designations, requiring a 'D' in the abbreviation appears to make something already shortened longer again. Also, for example, will MCRD1-Invercargill Prison be shown like this on planning maps?</p> <p>iii. The numbering standards on p 69 (e.g. Directions 6-11) should be consistent about whether or not a space is provided between the letters and numbers. Our software autogenerates hyperlinks and this is more difficult when references sometimes include a space and sometimes do not.</p>	<p>5. Clarify in Directions 6-11 whether or not a space is required and apply this direction consistently.</p>
CM-1 Draft Definitions			
35	Mandatory directions for definitions (p 77)	<p><u>Support</u></p> <p>i. The Council supports the inclusion of mandatory definitions where it has indicated support below.</p> <p>ii. The Council supports Direction 3(e).</p> <p>iii. The Council supports the ability to include nesting tables or Venn</p>	<p>1. Differentiate between definitions that are mandatory and can be inserted without a Schedule 1 process and definitions that are discretionary. The Council suggest that selection of definitions and other directions that provide a choice instead of specific directions (i.e. 3(c), 3(d), and 3(h)) should be discretionary directions.</p> <p>2. Clarify which directions in CM-1 are mandatory and</p>

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		<p>diagrams subject to clarification of whether or not it triggers a Schedule 1 process if it decides to do so.</p> <p><u>Oppose</u></p> <p>i. The directions for the Definitions standard need to be clarified in light of potential confusion about what submitters will or will not be able to submit on when the next District Plan is notified.</p> <p>ii. There is no specific direction that clarifies whether all definitions must be included or if the Council has discretion to choose definitions. If the latter is intended, which the guidance and consultation information suggests is the case, then the question arises why zone selection is a discretionary direction but definition selection is a mandatory direction.</p> <p>iii. Direction 3(b) seems to indicate that if a plan uses a term (in whatever context) then it must include the definition but presumably otherwise not? This could be read as the direction enabling councils to choose definitions but could also be read</p>	<p>which are discretionary.</p> <p>3. Clarify whether CM-1 Direction 3 also applies to district plans (i.e. “Any definitions for terms used in the plan or regional policy statement or plan must be included as a single list in the definitions section of the policy statement or plan as follows.”</p> <p>4. Differentiate between definitions that are mandatory for regional plans and policy statements and those that are mandatory for district plans.</p> <p>5. Amend Direction 3(b) to read: “The definitions appearing in the Definitions table apply wherever a provision indicates that the term (or a synonym derivation of a term) is defined in a plan or regional policy statement regional policy statement or plan.”</p> <p>6. Add a direction requiring that where a term is used in situ it must be the defined term itself or a direct derivation (i.e. “temporary activity” or “temporary activities” can link to the “temporary activity” definition but “event” cannot; “boundary” cannot link to the “road boundary” definition instead of the “boundary” definition – “road boundary” must be used in full when in situ).</p>

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		<p>as simply requiring definitions to apply to terms that have been underlined (or are otherwise indicated as being defined). It would be preferable to have an unambiguous direction clarifying that councils can choose which definitions to use and can exclude definitions that are not used in their plan.</p> <p>iv. Directions 3(c), 3(d) and 3(h) appear to be discretionary directions but are included under a heading of mandatory directions. If there is a mandatory direction that the Council “may include definitions that only apply to a subcategory of a term defined in the Definitions table” does this mean that submitters cannot submit on that definition or on consequential amendments to insert that definition because the Council is adding that definition under s58I(3)(a)? There does not appear to be a legal mechanism under s58I(2) and (3) to amend planning documents to incorporate the Planning Standards for any type of content other than “specific provisions”.</p> <p>v. It is not clear from CM-1 Direction 3</p>	

ID	Proposed standard/direction	Comments	Decision Requested
		<p>whether the standard applies to district plans as well as regional plans. These comments assume that the intention is that it does.</p> <p>vi. Clarify whether the intention of Direction 3(b) is to apply the definition wherever it is used in the plan. This is quite dangerous, for example, where a defined term relates to a noun that can also be used as a verb or adjective (e.g. “building”). The default should be that a word used in a rule does not rely on the definition unless it is specifically indicated that it does (for example through underlining or hyperlinking).</p> <p>vii. Reference to a synonym of a term creates the opportunity for argument as to whether an apparent synonym is in fact a synonym, and therefore uncertainty, and because where a term is defined, the definition should be used wherever the term is appropriately defined in its context, not a synonym.</p>	
36	Criteria for terms to be defined in the first set of Planning Standards	<p><u>Oppose</u></p> <p>i. If the reliant definitions within standardised definitions are not themselves standardised, the</p>	1. Clarify the relationship between definitions in the Planning Standards and any reliant definitions.

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		<p>primary definition is no longer standardised and any benefits of standardisation are lost. It is not clear the extent to which inclusion of a definition in the planning standard precludes the ability of councils to introduce reliant definitions of terms used within the definition.</p>	
37	<p>'Principles used when drafting definitions', where a definition contains the words 'includes' and is followed by a list, the list is non-exhaustive. If a definition 'excludes' a list of matters, this is exhaustive. (Consultation Document, pp23)</p>	<p><u>Support</u></p> <p>i. The Council supports the drafting principles but notes that this approach requires careful review of all definitions to ensure that the approach is consistently used and that the words 'does not include', instead of 'excludes', are not used (e.g. see <i>net floor area</i>).</p> <p><u>Oppose</u></p> <p>i. Some definitions are inconsistent in their use of commas and full stops.</p> <p>ii. If reliant definitions (i.e. a separately defined word/term on which a definition itself relies) are to be identified within a definition to assist their interpretation and illustrate the interrelationship between some definitions, then consideration needs to be given to whether this approach will also</p>	<p>1. Review of proposed definitions for consistency with the drafting principles including with respect to:</p> <ol style="list-style-type: none"> a. the use of "includes" and "excludes"; b. standard punctuation; and c. underlining of reliant definitions where applicable including in definitions incorporated from other New Zealand legislation (if this is the approach adopted).

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		<p>identify defined word/terms within all definitions quoted from relevant NZ legislation. For example, the definition of <i>accessory building</i> highlights reliant definitions <i>building</i> and <i>minor residential unit</i>, but the definition of <i>access strip</i> does not highlight reliant definitions <i>river, lake, esplanade reserve, esplanade strip</i> and <i>land</i> (all of which are also quoted from the RMA).</p>	
38	<p>Circumstances under which definitions can be amended or new definitions can be introduced</p>	<p><u>Oppose</u></p> <p>i. Some guidance would be beneficial around when and to what extent Councils may depart from using a standardised definition (including those quoted from relevant NZ legislation) in whole or part. Options include adding to a standardised definition words to the effect of "..., <i>except that in relation to Chapter X/Rule Y, Z means/this definition only applies to...</i>".</p> <p>ii. A number of the key definitions are very broadly defined (e.g. "Residential activity", "Commercial activity", "Industrial activity"). In practice, these definitions will be replaced with multiple more</p>	<ol style="list-style-type: none"> 1. Enable councils to modify definitions to add narrower applications to the definition itself where needed. 2. Add as another principle for drafting definitions: 'Where standardised definitions are to be departed from in part, the general definition is to be followed by the exception, i.e. X means Y, except where, in this circumstance, it means Z'. For example: <ol style="list-style-type: none"> a. <i>X means Y, except that in relation to Chapter A, X means Z.</i> b. <i>X means Y, except that in relation to Rule B, this definition only applies to Z</i>".

ID	Proposed standard/direction	Comments	Decision Requested
		<p>nuanced subdefinitions which will be more frequently used in the rules. For activities based plans in particular, it is critical that definitions identify the activities being managed in a clear and specific way. The Christchurch District Plan currently has definitions for “industrial activity”, “heavy industrial activity” and “high tech industrial activity” which encompass groups of specific activities linked to the rules. The Council would need to come up with a synonym for “industrial activity” to describe the intermediate level of activity for the purposes of the rules.</p> <p>iii. It would be more efficient and would improve plan readability, if a narrower application of a definition could sit within the original definition instead of requiring a new term. The risk otherwise is that counter-intuitive new terms will be created or that definitions will creep into the rules.</p>	
39	<p>Accessory Building means a detached building, the use of which is ancillary to the use of the principal building, buildings</p>	<p><u>Support</u></p> <p>i. The Council supports the more streamlined definition proposed subject to amendments addressing</p>	<p>1. Amend to read: “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.”</p>

ID	Proposed standard/direction	Comments	Decision Requested
	or activity on the same site, but does not include any minor residential unit.	<p>the points discussed below.</p> <p><u>Oppose</u></p> <p>i. The new definition requires accessory buildings to be detached which can lead to perverse outcomes like very small gaps between structures so that applicants can argue that something is detached. Many garages are attached to new residential units but by this definition would not be an accessory building. This is problematic as the Council allows garages, as accessory buildings, to be located closer to internal boundaries than the remainder of the building and do not require attached garages, sheds, greenhouses or other accessory buildings to raise their floor levels in flood management areas.</p> <p>ii. If the accessory building definition is reliant on the building definition, it is not clear where this leaves the status of carports, pergolas or other structures that are not enclosed on at least two sides.</p>	<p>2. If the decision requested with respect to the definition of <i>ancillary activity</i> is accepted, highlight the word ‘ancillary’ as a reliant definition.</p>
40	Addition means any works undertaken to an existing	<p><u>Support</u></p> <p>i. The proposed definition addresses</p>	<p>1. Retain the proposed definition.</p>

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	building which has the effect of increasing the gross floor area of that building	the key effect of additions in regards to increasing natural hazard and reverse sensitivity risk.	
41	Ancillary activity means an activity that either provides support to, or is incidental and subsidiary to, the primary activity on the same site.	<p><u>Support</u></p> <p>i. The Council supports the proposed definition subject to amendments addressing the points discussed below.</p> <p><u>Oppose</u></p> <p>i. It may be more appropriate to define an ancillary activity as both providing support to and subsidiary to, not either/or. “Subsidiary to” could cover a range of unrelated activities, e.g. a home occupation.</p> <p>ii. In the context of the syntax of a sentence, it more likely that the word ‘ancillary’ will be used on its own as an adverb than the term ‘ancillary activity’ will be used. The latter is a cumbersome term, the meaning of which will be adequately rendered if only ‘ancillary’ is defined.</p>	<p>1. Amend as follows:</p> <p>“Ancillary activity means either providing support to, or and being incidental and subsidiary to, the primary activity on the same site.”</p>
42	Bore (a) means any hole constructed into the ground that is used to— (i) investigate or monitor conditions below the ground surface; or (ii) abstract	<p><u>Support</u></p> <p>i. The Council supports the proposed definition subject to amendments addressing the points discussed below.</p>	<p>1. Highlight the reliant definition <i>discharge</i> in clause (iii) if appropriate in this context.</p>

ID	Proposed standard/direction	Comments	Decision Requested
	liquid substances from the ground; or (iii) discharge liquid substances into the ground; but (b) it does not include test pits and soak holes	<p><u>Oppose</u></p> <p>i. The reliant definition <i>discharge</i> is not highlighted in clause (iii) and likely should be in the context.</p>	
43	Boundary means the legal perimeter of a site	<p><u>Support</u></p> <p>i. The proposed definition is easier to understand than the current Christchurch District Plan definition and will leave councils the discretion to use sub-definitions of internal boundary, notional boundary and road boundary.</p> <p><u>Oppose</u></p> <p>i. In conjunction with the broad proposed definition of 'site', particularly in Clause (e), this definition could be read a number of ways [see comment on 'site' below].</p>	1. Retain the proposed definition but consider the implications/potential conflicts arising if the proposed definition of "site" is relied on.
44	Boundary adjustment means a subdivision that alters the existing boundary between adjoining sites, without altering the number of sites	<p><u>Support</u></p> <p>i. This is a useful definition, clearly indicating that in practical terms the adjusting of boundaries requires a subdivision process to be followed. This has been a source of confusion for plan users.</p>	1. Retain the proposed definition.
45	Building means any structure,	<u>Oppose</u>	1. Do not include a mandatory definition of "building".

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	<p>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</p>	<ul style="list-style-type: none"> <li data-bbox="734 236 1272 587">i. A mandatory definition of building to which councils cannot add exclusions will result in rules becoming more complex and cumbersome. It will reduce the flexibility councils need to respond to new local planning situations (such as a proliferation of shipping containers used as buildings following an earthquake). <li data-bbox="734 595 1272 874">ii. While the Council agrees that, in principle, definitions should not include rules it considers that the building definition should set out a minimum building size of concern for RMA purposes to avoid having to list numerous exclusions in the rules. <li data-bbox="734 882 1272 1380">iii. The proposed definition is over-simplistic. Whilst the first part accords with the Building Act 2004 (section 8 'Meaning of Building') the second part requiring that buildings be "enclosed, with 2 or more walls and a roof, or any structure that is similarly enclosed". This is problematic because: <ul style="list-style-type: none"> <li data-bbox="831 1209 1272 1380">a. It introduces the term 'wall' which is not specifically defined. From a consenting perspective it could be challenging to determine when 	<ul style="list-style-type: none"> <li data-bbox="1288 236 2056 555">2. If a definition of "building" is included, enable councils to add exclusions and amend the proposed definition to: <ul style="list-style-type: none"> <li data-bbox="1368 308 2056 371">a. capture all structures that need to be considered for the purposes of a site coverage calculation; <li data-bbox="1368 379 2056 443">b. capture vehicles that are used as residential units or businesses; <li data-bbox="1368 451 2056 515">c. exclude buildings which are of too small a scale to generate adverse effects (e.g. utility cabinets); and <li data-bbox="1368 523 2056 555">d. exclude temporary crop protection structures.

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		<p>one wall becomes a second wall, how high a “wall” needs to be, whether a carport that attaches to a pool fence on one side is a “wall”, whether this includes the side of a vehicle or shipping container, etc.</p> <p>b. “Similarly enclosed” is interpretive. It is not clear whether a structure like a carport or pergola would be captured by this definition. Carports should be captured as buildings as they are frequently located close to boundaries and should be subject to built form rules where appropriate. Arguably a small utility cabinet is “similarly enclosed” but should not be captured. However, a shipping container should be. But if a utility cabinet is excluded on the basis it does not have walls or a roof on what basis could a shipping container be included?</p> <p>c. Whilst the term ‘moveable’ could be applied to vehicles, the Building Act definition includes ‘a structure intended for occupation by people, animals, machinery, or</p>	

ID	Proposed standard/direction	Comments	Decision Requested
		<p>chattels)'. The Council prefers its current definition to the extent that it distinguishes between vehicles that are being used as a residential unit or place of business and other vehicles like the family car that should not be captured.</p> <p>d. Some structures like decks, particularly in hill suburbs, can have significant adverse effects and will not be captured by this definition. If they are not picked up here, they will need to be added to the rules or to another definition.</p> <p>iv. The definition may inadvertently capture some crop protection structures which are of too small scale to be of concern.</p> <p>v. See also comments on "coverage"</p>	
46	<p>Building damage from vibration means any permanent effect of vibration that reduces the serviceability of a structure or one of its components</p>	<p><u>Oppose</u></p> <p>i. The Council questions whether a definition for this term is needed. The definition is nearly the same length as the term itself and only adds the word "permanent".</p> <p>ii. It is potentially inconsistent for 'building damage' to relate to structures, when the definition of structures is broader than</p>	<p>1. If the term is retained, suggest amending it to something like "vibration damage"; or limit the definition to only apply to buildings if this is still consistent with the intent of the standard.</p>

ID	Proposed standard/direction	Comments	Decision Requested
		buildings.	
47	Cleanfill means an area used for the disposal of exclusively inert, non-decomposing material	<p><u>Oppose</u></p> <p>i. This definition relates to the area or location where clean fill material is deposited rather than the composition of the clean fill material itself. The latter sense is more frequently used in district plans.</p> <p>ii. The Council would prefer the approach proposed in the definition of landfill (i.e. <i>“cleanfill means the use, or the previous use, of land for the primary purpose of the disposal of cleanfill material”</i>) coupled with a more robust definition of “cleanfill material” or this definition being left to Council. The proposed definition of cleanfill begins to introduce a definition of cleanfill material that could be inconsistent with a more detailed definition developed by councils.</p> <p>iii. Any definition of the material itself should be separate and provide as much clarity as possible to plan users. We recommend that any definition of Clean Fill Material should be as per the WasteMINZ technical guidelines for disposal to land (April 2016). This is defined as:</p>	<ol style="list-style-type: none"> 1. A definition of “clean fill” that specifies the materials that it can contain instead of the area that it is deposited. Alternatively a definition of “cleanfill material” cross-referenced from the cleanfill definition. 2. The Planning Standards adopt the definition in the WasteMINZ technical guidelines for disposal to land (April 2016).

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		<p>Clean Fill Material: Virgin excavated natural materials (VENM) such as clay, soil and rock that are free of:</p> <ul style="list-style-type: none"> • combustible, putrescible, degradable or leachable components; • hazardous substances or materials (such as municipal solid waste) likely to create leachate by means of biological breakdown; • products or materials derived from hazardous waste treatment, stabilisation or disposal practices; • materials such as medical and veterinary waste, asbestos, or radioactive substances that may present a risk to human health if excavated; • contaminated soil and other contaminated materials; and • liquid waste. <p>When discharged to the environment, clean fill material will not have a detectable effect relative to the background.</p>	
48	<p>Commercial activity means an activity with the primary purpose of trading in goods, equipment or services</p>	<p><u>Oppose</u></p> <ol style="list-style-type: none"> i. In an activities-based plan it is critical that definitions set out precisely what is included in the activity or not. While a broad definition may support the zone structure standard, the zone structure standard is not District Plan content 	<ol style="list-style-type: none"> 1. The Planning Standards do not define “commercial activity”. 2. If the Planning Standards do define commercial activity the definition should be: “Commercial activity means retail activities, offices and commercial services.”

ID	Proposed standard/direction	Comments	Decision Requested
		<p>and definitions should not be inserted into the District Plan on the basis that they support interpretation of another document.</p> <p>ii. The Council have adopted very specific definitions that reflect the intent of our zones. For instance, commercial activities that we promote in our commercial centres are limited to those that enable the efficient use and continued viability of our commercial centres and promote their success and vitality and significant investment. For this reason our definition of commercial is tightly defined to avoid commercial activities that are not appropriate in centres.</p> <p>iii. Because the definition of commercial activity is so broad, it is unlikely to be used in favour of multiple narrower sub-category (e.g. retail, offices, commercial services, yard based retailer, trade supplier etc). This will increase the length, complexity and repetitiveness of zone rules.</p>	
49	<p>Community facility means a non-profit facility primarily for recreational, sporting, cultural, safety and welfare, religious or similar community purposes</p>	<p><u>Oppose</u></p> <p>i. The proposed definition requires community facilities to be non-profit. This raises challenges of monitoring and compliance, particularly as the definition may restrict fundraising for charities to</p>	<ol style="list-style-type: none"> 1. Do not include a definition for “community facility”. 2. If a definition of community facility is included, consider it within a cluster of related activity definitions including cultural, recreation, education, entertainment and spiritual activities. These would also need to be defined in the Planning Standards.

ID	Proposed standard/direction	Comments	Decision Requested
		<p>develop facilities. TAs would therefore be expected to provide ongoing monitoring of business activities of third parties to ensure compliance. The proposed definition would also exclude private recreation/sport facilities which supplement the public network e.g. private sports facilities also open to the community, whilst acknowledging that the Council could introduce another definition to capture these facilities, this would result in unnecessary duplication and potential confusion in the plan.</p> <p>ii. The Christchurch District Plan has a cluster of definitions which have been carefully considered and balanced to avoid conflicts with each other including cultural activities, education activities, entertainment activities, recreation activities and spiritual activities. Amending any of these definitions or terms relying on them can have significant flow on effects to other parts of the Plan. The proposed community facility definition includes some of these terms without defining them (i.e. recreation activity) and, if adopted,</p>	

ID	Proposed standard/direction	Comments	Decision Requested
		<p>would presumably exclude others (entertainment activity; education activity; spiritual activity). Relying on the Christchurch District Plan definitions of “recreation” and “cultural” activities, and inserting the proposed planning standard definition would no longer capture libraries, for example, or evening classes in community halls. Changing the recreation and cultural activities definitions would have significant flow on effects for other parts of the plan.</p> <p>iii. This definition may also exclude small scale health facilities like clinics and pharmacies, unless they are considered to be welfare facilities.</p> <p>iv. The definition also excludes educational facilities which also serve the community and are increasingly used as community hubs.</p> <p>v. “Similar community purposes” is potentially too vague for an activities based plan.</p>	
50	Coastal marine area has the same meaning as in section 2 of the RMA	<p><u>Support</u></p> <p>i. This is consistent with the Regional Coastal Environment Plan.</p>	1. Retain the proposed definition.

ID	Proposed standard/direction	Comments	Decision Requested
51	Coastal water has the same meaning as in section 2 of the RMA	<u>Support</u> i. This is consistent with the approach for the coastal marine area above.	1. Retain the proposed definition.
52	Coverage means the percentage of the net site area covered by the footprint of structures as identified in the relevant rule	<u>Support</u> i. The Council supports reference to 'percentage' and 'net site area' in the standard. This is easier to interpret than the current Christchurch District Plan definition. <u>Oppose</u> i. Working out the footprint of all structures every time site coverage is calculated is very fiddly and has limited benefit. This technically requires a calculation of the area covered by fences, flagpoles, retaining walls, signs etc. Exempting all of the structures that are not relevant to a site coverage calculation in the rules would not be efficient and would reduce the readability of the plan. ii. The definition of "footprint" does not seem to exclude eaves or bay windows. The Council does not consider that this gets around the need to distinguish between very small scale overhanging structures like eaves under 0.6m which are	1. Expand the definition of "building" to capture structures that would be relevant to a site coverage calculation. 2. Retain exclusions either in this definition or the "footprint" definition for very small scale building elements or enable councils to add these exclusions as needed. 3. Amend the definition to apply to buildings rather than structures: "Coverage means the percentage of the net site area covered by the footprint of structures buildings as identified in the relevant rule. "

ID	Proposed standard/direction	Comments	Decision Requested
		<p>not of concern and larger scale structures like service station canopies that are.</p> <p>iii. If the District Plan is not able to include exemptions in the definition (e.g. for decks, eaves, etc.) long lists of exemptions will need to be repeatedly introduced into the rules themselves reducing the readability of the Plan and increasing the risk of differences creeping in.</p>	
53	<p>Drain 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</p>	<p><u>Oppose</u></p> <p>i. More clarification is needed on the extent of flexibility councils have to introduce similar definitions that might be considered synonyms. The Council has a “network waterway” definition that captures open drains and decided not to use “drain” on the basis that this could be pejorative when considering potential for enhancement. While the definitions are not strictly synonymous because the Council’s definition excludes piped drains, the Council would not want to be in the position of not being able to introduce a “network waterway”-type definition because it was deemed to be too close to the</p>	<ol style="list-style-type: none"> 1. Distinguish between drain as a mandatory definition for regional plans and policy statements and a voluntary definition for district plans. 2. Clarify or provide examples in the guidance around what would be considered a synonym of a term defined by the Planning Standards.

ID	Proposed standard/direction	Comments	Decision Requested
		defined term “drain”.	
54	Dry abrasive blasting means abrasive blasting using materials to which no water has been added	<p><u>Support</u></p> <p>i. The Council supports the proposed definition subject to amendments addressing the points discussed below.</p> <p><u>Oppose</u></p> <p>i. The reliant definition <i>abrasive blasting</i> is not highlighted and likely should be in the context.</p>	<ol style="list-style-type: none"> 1. Highlight the reliant definition <i>abrasive blasting</i> if appropriate in this context. 2. Clarify that inclusion of this definition is not mandatory in district plans that do not use the term.
55	Earthworks means any land disturbance that changes the existing ground contour or ground level	<p><u>Oppose</u></p> <p>i. The Council would be unlikely to use this definition in favour of the “land disturbance” definition which more closely captures activities with effects that are being managed by the Christchurch District Plan. It considers that the “land disturbance” definition more closely aligns with the lay understanding of “earthworks” and that the terms used should be exchanged.</p> <p>ii. The construction phase presents the highest risk to water quality, amenity, and land stability, so needs to be the most carefully managed. It is often a requirement of earthworks consents that the</p>	<ol style="list-style-type: none"> 1. Use the ‘land disturbance’ definition as the ‘earthworks’ definition. ‘Land disturbance’ could be crafted more towards network utility operators and lower-risk activities. 2. Highlight the reliant definition <i>ground level</i> if appropriate in this context.

ID	Proposed standard/direction	Comments	Decision Requested
		<p>finished ground level is unchanged from the original for the purpose of protecting land drainage/overland flow paths anyway. This could create confusion for applicants as they will not necessarily know which activity they need to apply for until after the assessment of effects of changing the ground level has been undertaken.</p> <p>iii. The reliant definition <i>ground level</i> is not highlighted and likely should be in this context.</p> <p>iv. See also comments on “land disturbance”.</p>	
56	<p>Educational facility (a) means the use of land or buildings for the primary purpose of regular teaching or training in accordance with a pre-set syllabus by suitably qualified or experienced instructors; but (b) does not include any industrial activity</p>	<p><u>Support</u></p> <p>i. The Council supports the proposed definition subject to amendments addressing the points discussed below.</p> <p><u>Oppose</u></p> <p>i. The requirement to have a syllabus or suitably qualified or experienced instructors will be difficult to administer, monitor and enforce and does not seem to add anything to the common understanding of what constitutes “teaching or training”.</p> <p>ii. It is unclear whether this definition</p>	<ol style="list-style-type: none"> 1. Remove the requirement for a syllabus or suitably qualified or experienced instructors. 2. Clarify in the definition whether preschools are included or not. 3. Highlight the reliant definitions <i>land, buildings</i> and <i>industrial activity</i> if appropriate in this context.

ID	Proposed standard/direction	Comments	Decision Requested
		<p>includes preschools or early childhood education centres because there may not be a set syllabus.</p> <p>iii. The reliant definitions <i>land</i>, <i>building</i> (make plural) and <i>industrial activity</i> are not highlighted and likely should be in the context.</p>	
57	<p>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</p>	<p><u>Oppose</u></p> <p>i. As for the definition of “coverage”, the Council considers that it is more appropriate for this definition to apply to buildings than structures.</p> <p>ii. This definition still seems to capture eaves, bay windows and other minor protrusions but the s32 discussion for the “coverage” definition suggests that this is not the intention.</p> <p>iii. See also comments for “coverage”.</p>	<p>1. Amend the definition so that it applies to buildings rather than structures.</p> <p>2. If the intention of the definition is to exclude minor protrusions like eaves and gutters, amend the definition to specifically exclude them.</p>
58	<p>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</p>	<p><u>Support</u></p> <p>i. The Council supports the proposed definition subject to amendments addressing the points discussed below.</p> <p><u>Oppose</u></p> <p>i. This wording potentially does not accommodate activities that need</p>	<p>1. Amend the proposed definition as follows: “means the need for an proposal or activity or part of an activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment”</p>

ID	Proposed standard/direction	Comments	Decision Requested
		<p>to be present in or traverse a particular environment but also need to be present (or partially present) in other environments.</p> <p>ii. The wording does not allow for functional need in relation to breaching a rule or creating an effect, but relates only to location. It may be useful to consider broadening the definition.</p> <p>iii. "Proposal" seems redundant if "activity" is included.</p>	
59	<p>Green infrastructure means natural ecosystems and built products, technologies, and practices that primarily use natural elements, or engineered systems that mimic natural processes, to provide utility services. This includes built infrastructure, such as rain gardens, natural elements in modified environments, and natural waterbodies</p>	<p><u>Support</u></p> <p>i. The Council supports the proposed definition subject to amendments addressing the points discussed below.</p> <p><u>Oppose</u></p> <p>i. What does 'utility services' mean, if different from <i>infrastructure</i>?</p> <p>ii. The reliant definitions <i>infrastructure, environments</i> and <i>waterbodies</i> are not highlighted and likely should be in the context.</p>	<ol style="list-style-type: none"> 1. Define 'utility services' or change to "infrastructure services". 2. Highlight the reliant definitions <i>infrastructure, environments</i> and <i>waterbodies</i> if appropriate in the context.
60	<p>Greywater means untreated liquid waste from sources such as household sinks, basins, baths, showers and similar appliances but does not include</p>	<p><u>Support</u></p> <p>i. The Council supports the proposed definition subject to amendments addressing the points discussed below.</p>	<ol style="list-style-type: none"> 1. Highlight the reliant definition <i>sewage</i> if appropriate in the context.

ID	Proposed standard/direction	Comments	Decision Requested
	any sewage	<p><u>Oppose</u></p> <p>i. The reliant definition <i>sewage</i> is not highlighted and likely should be in the context.</p>	
61	<p>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</p>	<p><u>Support</u></p> <p>i. The Council supports the proposed definition subject to amendments addressing the points discussed below.</p> <p><u>Oppose</u></p> <p>i. The reliant definition <i>buildings</i> is not highlighted and likely should be in the context.</p>	<p>1. Highlight the reliant definition <i>buildings</i> if appropriate in the context.</p>
62	<p>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),</p>	<p><u>Oppose</u></p> <p>i. The Council’s current definition has essentially the same meaning but is more succinct and user-friendly. Because this is such a high use definition, the Council prefers its current version.</p> <p>ii. The Planning Standards definition actively excludes boundary adjustments that may reconfigure land to create additional developable sites (but no additional allotment numbers).</p> <p>iii. The reliant definition <i>subdivision</i> is</p>	<p>1. Amend the proposed definition to: “Ground level means the natural ground level or, where the land has been subdivided, the level of the ground existing when works associated with any prior subdivision of the land were completed, but before filling or excavation for new buildings on the land has commenced.”</p>

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	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	<p>not highlighted and likely should be in the context.</p> <p>iv. Clause (c) appears to have a typographical mistake in it, whereby “on front” should be “in front”.</p>	
63	Habitable room means any room in a residential unit, visitor accommodation, educational facility, commercial activity 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	<p><u>Support</u></p> <p>i. The Council supports application of this term to rooms rather than buildings.</p> <p><u>Oppose</u></p> <p>i. Because the “habitable room” definition is so closely linked to the “sensitive activities” definition which is no longer proposed for the planning standards, the Council considers it is problematic to define one without the other for context.</p> <p>ii. “Habitable room” is also sometimes used in plans to identify windows of rooms on adjoining sites from which an additional building setback is required on the applicant’s site. It is difficult to comment on the appropriateness</p>	<ol style="list-style-type: none"> 1. Remove the definition for “habitable room”. If the definition is retained: 2. Delete reference to commercial activity in the definition. 3. Refine the application of the term to “healthcare facilities”. 4. Remove the reference to “similarly occupied room”.

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		<p>of the inclusion of the specific activities in the definition without knowing which rules will relate to the definition.</p> <p>iii. The application to commercial activities may require them to comply with acoustic standards in some cases, eg along arterial and collector roads. The Council has not seen sufficient s32 evidence that requiring acoustic attenuation for commercial activities along busy roads is warranted relative to the costs that this will impose on third parties. Alternately, “commercial activity” would need to be exempted in the majority of rules using this term.</p> <p>iv. “Similarly occupied room” does not provide sufficient certainty.</p> <p>v. “Healthcare facility” can be quite broad. The current CCC definition only applies where there is overnight accommodation.</p> <p>vi. A comma is required after ‘respite care’.</p>	
64	<p><u>Hazardous substance</u> has the same meaning as in section 2 of the RMA (as set out in the box below) includes, but is not limited to, any substance</p>	<p><u>Support</u></p> <p>1. The Council supports the proposed definition.</p>	<p>1. Retain the proposed definition.</p>

ID	Proposed standard/direction	Comments	Decision Requested
	defined in section 2 of the Hazardous Substances and New Organisms Act 1996 as a hazardous substance		
65	Height means the vertical distance between ground level at any point and the highest part of the structure immediately above that point [in relation to a district plan]	<p><u>Support</u></p> <p>i. The Council supports the proposed definition subject to amendments addressing the points discussed below.</p> <p><u>Oppose</u></p> <p>i. The proposed definition does not provide for exemptions for structures that have much less significant adverse effects in terms of shading, privacy, loss of outlook and visual dominance (e.g. aerials and antennas; small chimneys, light support structures; church spires, etc.) compared with solid built form. Exemptions will need to be repeated in each set of zone rules if they are not included in the definition increasing plan complexity, repetitiveness and risk of inconsistency.</p>	<ol style="list-style-type: none"> 1. Provide flexibility for councils to add exemptions to this definition; or 2. Add exemptions to the definition for common small-scale structures that will not result in overshadowing, loss of privacy or outlook, bulk and massing or other amenity effects.
66	Height in relation to boundary means the maximum height of a structure relative to its distance from the boundary of a site or other specified location	<p><u>Support</u></p> <p>i. The Council supports the proposed definition subject to amendments addressing the point discussed below.</p> <p><u>Oppose</u></p> <p>i. This definition needs to be</p>	<ol style="list-style-type: none"> 1. Delete the word “maximum” from the definition.

ID	Proposed standard/direction	Comments	Decision Requested
		<p>reworded as it can be interpreted to apply at only one point (where the structure is at maximum height) whereas these rules apply along a whole structure near a boundary. There is a third dimension – length of a recession plane intrusion – which is potentially ignored. A long recession plane intrusion can have a more significant effect on neighbours than a short one.</p>	
67	<p>Historic heritage has the same meaning as in section 2 of the RMA (as set out in the box below) ... (a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities: (i) archaeological: (ii) architectural: (iii) cultural: (iv) historic: (v) scientific: (vi) technological; and (b) includes— (i) historic sites, structures, places, and areas; and (ii) archaeological sites; and (iii) sites of significance to Māori, including wāhi tapu; and (iv) surroundings associated with the natural and physical resources</p>	<p><u>Support</u></p> <p>i. The Council supports the definition as long as the Planning Standards do not preclude introduction of additional definitions for subcategories or additional more specific definitions relating to heritage</p>	<p>1. Retain the proposed definition.</p>

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68	<p>Home business means an occupation, craft, service or profession that is secondary to the use of the site for a residential activity</p>	<p><u>Support</u></p> <p>i. The Council supports the proposed definition subject to amendments addressing the points discussed below.</p> <p><u>Oppose</u></p> <p>i. The Council prefers “home occupation” to “home business” because it more clearly applies to employees who work at home but do not own their own business.</p> <p>ii. The proposed definition does not convey the understanding that the home occupation will be undertaken by the resident(s) themselves. While this could be introduced through the rule requirements, it would provide more certainty if the definition itself expressed this.</p> <p>iii. This could potentially be addressed by replacing “secondary” with “incidental” and including some additional qualifications around “use of the site”.</p> <p>iv. The reliant definition <i>site</i> is not highlighted and likely should be in the context.</p>	<ol style="list-style-type: none"> 1. Amend the defined term to “home occupation”. 2. Amend the definition to read: “means an occupation, craft, service or profession that is secondary incidental to the use of the site for a residential activity by one or more of people engaged in the occupation” 3. Highlight the reliant definition <i>site</i> if appropriate in the context.
69	<p>Industrial activity means an activity for the primary purpose</p>	<p><u>Oppose</u></p> <p>i. “For the primary purpose of” is</p>	<ol style="list-style-type: none"> 1. Remove the definition of “industrial activity”.

ID	Proposed standard/direction	Comments	Decision Requested
	<p>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</p>	<p>somewhat uncertain in the context of activities that can have widely varying and quite significant adverse effects.</p> <p>ii. This definition covers so much that it is not useful for the purposes of distinguishing effects. For example laboratories are likely to have more of the character and effects of offices than the remainder of the activities listed.</p> <p>iii. This definition Includes industrial training facilities as industrial activities, whereas they may form part of a wider education activity.</p> <p>iv. Quarrying should be specifically excluded as it has quite different effects and occurs in different locations.</p> <p>v. This definition will require multiple sub-definitions that are more likely to be used than this one and constrains the ability of the Council to introduce a more specific definition to describe activities that are appropriate to a general industrial (as opposed to heavy industrial or industrial park) zone.</p>	
70	<p>Infrastructure has the same meaning as in section 2 of the RMA (as set out in the box</p>	<p><u>Support</u></p> <p>i. The Council supports the proposed definition subject to amendments</p>	<p>1. Enable Councils to amend definitions to introduce a narrower subset for the purposes of specific rules within the definition itself.</p>

ID	Proposed standard/direction	Comments	Decision Requested
	<p>below) means— (a) pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy: (b) a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001: (c) a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989: (d) facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person— (i) uses them in connection with the generation of electricity for the person’s use; and (ii) does not use them to generate any electricity for supply to any other person: (e) a water supply distribution system, including a system for irrigation: (f) a drainage or sewerage system: (g) structures for transport on land by</p>	<p>addressing the points discussed below.</p> <p><u>Oppose</u></p> <p>i. If the Council needed to narrow the definition of this term with respect to some rules (e.g. natural hazards), this is a good example of where it would be more user friendly to be able to do it within this definition than to try to create a new definition like “infrastructure for the purposes of the natural hazards rules” or to introduce a narrower version of the definition into the rules.</p>	

ID	Proposed standard/direction	Comments	Decision Requested
	<p>cycleways, rail, roads, walkways, or any other means: (h) facilities for the loading or unloading of cargo or passengers transported on land by any means: (i) an airport as defined in section 2 of the Airport Authorities Act 1966: (j) a navigation installation as defined in section 2 of the Civil Aviation Act 1990: (k) facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988: (l) anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166</p>		
71	<p><u>Intensive primary production</u> means primary production activities that involve the production of fungi, livestock or poultry that principally occur within buildings</p>	<p><u>Support</u></p> <p>i. The Council supports the proposed definition subject to amendments addressing the points discussed below.</p> <p><u>Oppose</u></p> <p>i. As a subset of “primary production”, the Council considers that this definition should generally capture similar activities but at a</p>	<p>1. Amend the proposed definition to read: “means primary production activities that involve the production of fungi, plants, livestock or poultry that principally occur within buildings <u>(or, in the case of aquaculture, land based tanks)</u>.”</p>

ID	Proposed standard/direction	Comments	Decision Requested
		<p>higher level of intensity (and/or within buildings). The proposed definition could potentially not apply to production of plants other than fungi or to land based aquaculture in open tanks.</p>	
72	<p>Kaitiakitanga has the same meaning as in section 2 of the RMA</p>	<p><u>Support</u></p> <p>i. The Council supports the proposed definition subject to amendments addressing the points discussed below.</p> <p><u>Oppose</u></p> <p>i. The RMA definition relies on other Te Reo Māori terms which, if reliant definitions are to be identified in definitions quoted from relevant NZ legislation, themselves require definitions.</p>	<p>1. Define 'tikanga Maori' if reliant definitions are to be identified in definitions quoted from relevant NZ legislation.</p>
73	<p>Landfill - means the use, or the previous use, of land for the primary purpose of the disposal of waste</p>	<p><u>Support</u></p> <p>i. The Council supports the proposed definition subject to amendments addressing the points discussed below.</p> <p><u>Oppose</u></p> <p>i. The definitions should be limited to the disposal of solid waste.</p> <p>ii. It would be useful to make this definition mutually exclusive from</p>	<p>1. Amend the definition as follows: "means the use, or the previous use, of land for the primary purpose of the disposal of solid waste. It excludes cleanfills."</p>

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		the definition of cleanfill.	
74	Land disturbance - means the alteration to land, including by moving, cutting, placing, filling or excavation of soil, cleanfill, earth or substrate land	<p><u>Support</u></p> <p>i. The Council supports the proposed definition subject to amendments addressing the points discussed below. It is a more streamlined version of the current Christchurch District Plan definition.</p> <p><u>Oppose</u></p> <p>i. See also discussion under the 'earthworks' definition.</p> <p>ii. The Council considers that this will be the more commonly used definition and that it is closer to a lay-person's understanding of earthworks.</p> <p>iii. This definition excludes some key land repair and land strengthening activities that were added to the Christchurch City Plan definition after the earthquakes (i.e. inserting cement and piles). The Council suggests that the definition be reviewed to ensure ground strengthening and other geotechnical/engineering solutions for liquefaction-prone land are also captured by this definition.</p> <p>iv. The reliant definition <i>land</i> is not highlighted and likely should be in</p>	<ol style="list-style-type: none"> 1. Use this definition as the "earthworks" definition. 2. Amend the definition to include land repair and strengthening activities (or provide discretion for councils to include these activities where required). 3. Highlight the reliant definition <i>land</i> if appropriate in the context.

ID	Proposed standard/direction	Comments	Decision Requested
		the context.	
75	<u>L_{Aeq}</u> - has the same meaning as 'time-average A-weighted sound pressure level' in New Zealand Standard 6801:2008 Measurement of Environmental Sound	<p><u>Support</u></p> <p>i. The Council supports including a definition for L_{AeqL}</p> <p><u>Oppose</u></p> <p>i. The Council considers that its current definitions capture the same meaning as the proposed definitions but are more intelligible to the general public than the straight NZS technical definitions. They also specify the units of measurement (decibels). CCC definitions for noise metrics were extensively debated in the last District Plan review.</p> <p>ii. If the proposed definition is retained, the full definition should be quoted in the same manner as other definitions from relevant NZ legislation.</p>	<ol style="list-style-type: none"> 1. Replace the proposed definitions with: "means the equivalent continuous A-weighted sound level in decibels. This is commonly referred to as the time-average sound level. L_{Aeq} is often assessed over a reference time interval of 15 minutes, in accordance with NZS 6802:2008." 2. If the proposed definition is retained, add to the end of the definition '(as set out in the box below)' then repeat the definition quoted from New Zealand Standard 6801:2008 Measurement of Environmental Sound.
76	<u>L_{AF(max)}</u> has the same meaning as the 'maximum A-frequency weighted, F-time weighted sound pressure level' in New Zealand Standard 6801:2008 Measurement Of Environmental Sound	<p><u>Support</u></p> <p>i. As above for L_{AeqL}</p> <p><u>Oppose</u></p> <p>i. As above for L_{AeqL}</p>	<ol style="list-style-type: none"> 1. Replace the proposed definition with: "means the A-weighted maximum noise level in decibels measured with a 'fast' response time. It is the highest noise level that occurs during a measurement period."
77	<u>L_{A90}</u> has the same meaning as	<u>Support</u>	1. As above for L _{Aeq} point 2

ID	Proposed standard/direction	Comments	Decision Requested
	the 'Background ground level' In New Zealand Standard 6801:2008 Measurement of Environmental Sound	<p>i. The Council does not currently used this metric and is neutral on its inclusion.</p> <p><u>Oppose</u></p> <p>i. As above for L_{AeqL}</p>	
78	<u>L_{peak}</u> has the same meaning as 'Peak sound pressure level' in New Zealand Standard 6801:2008 Measurement of Environmental Sound	<p><u>Support</u></p> <p>i. The Council does not currently used this metric and is neutral on its inclusion.</p> <p><u>Oppose</u></p> <p>i. As above for L_{AeqL}</p>	1. As above for L_{Aeq} point 2
79	<u>L_{dn}</u> has the same meaning as the 'Day night level, or day-night average sound level' in New Zealand Standard 6801:2008 Measurement of Environmental Sound	<p><u>Support</u></p> <p>i. As above for L_{AeqL}</p> <p><u>Oppose</u></p> <p>i. As above for L_{AeqL}</p>	1. Replace the proposed definition with: "means the day-night average sound level in decibels over a 24-hour period, which is calculated from the day (07:00-22:00) $L_{Aeq(15h)}$ and night (22:00-07:00) $L_{Aeq(9h)}$ values with a 10 dB penalty applied to the night-time $L_{Aeq(9h)}$. L_{dn} values can be used to describe long term noise exposure by averaging over days, weeks or months."
80	<u>mana whenua</u> has the same meaning as in section 2 of the RMA	<p><u>Support</u></p> <p>i. The Council supports the proposed definition subject to amendments addressing the points discussed below.</p> <p><u>Oppose</u></p> <p>i. The proposal relies on other Te Reo Māori terms which, if reliant</p>	1. Define 'iwi' and 'hapu' if reliant definitions are to be identified in definitions quoted from relevant NZ legislation.

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		<p>definitions are to be identified in definitions quoted from relevant NZ legislation, themselves require definitions.</p>	
81	<p>Mining has the same meaning as in section 2 of the RMA and Crown Minerals Act 1991</p>	<p><u>Support</u></p> <p>i. The Council supports the proposed definition subject to amendments addressing the points discussed below.</p> <p><u>Oppose</u></p> <p>i. The definition should clarify that it has the same meaning as in section 2 of both the RMA and Crown Minerals Act 1991.</p>	<p>1. Amend as follows:</p> <p>Mining has the same meaning as in section 2 of both the RMA and Crown Minerals Act 1991...</p>
82	<p>Minor residential unit means a self-contained residential unit that is ancillary to the principal residential unit and is held in common ownership with the principal residential unit on the same site, which can be attached to the principal building or be a detached stand-alone building.</p>	<p><u>Support</u></p> <p>i. The Christchurch District Plan does not currently include a definition for “minor residential unit” on the basis that if there is a solid definition of “residential unit” the definition of “minor residential unit” becomes self-explanatory from the rule requirements. However, the Council see harm arising from the inclusion of a definition for “minor residential unit”.</p> <p><u>Oppose</u></p>	<p>1. Amend the definition to read: “means a self-contained residential unit that is ancillary to the principal residential unit and is held in common ownership with the principal residential unit on the same site, which it which it can be attached to the principal building residential unit or be a detached stand-alone building.”</p> <p>2. If the decision requested with respect to the definition of <i>ancillary activity</i> is accepted, highlight the word ‘ancillary’ as a reliant definition.</p>

ID	Proposed standard/direction	Comments	Decision Requested
		<ul style="list-style-type: none"> i. The definition changes terminology midstream from principal “residential unit” to “building”. ii. If the decision requested with respect to the definition of <i>ancillary activity</i> is accepted, the word ‘ancillary’ will require highlighting as a reliant definition. ii. A comma is required after the first instance of ‘principal residential unit’. 	
83	Natural hazard has the same meaning as in section 2 of the RMA	<u>Support</u> <ul style="list-style-type: none"> i. The Council supports the proposed definition. “Including” means this list is not exhaustive and allows for additional hazards not listed (e.g. dampness and health issues caused by shallow groundwater). 	1. Retain the proposed definition
84	Net floor area - a) means the sum of any gross floor area designed for tenant occupancy and exclusive use; and b) Includes— (i) both freehold and leased areas; and (ii) any stock storage or preparation areas, whether exclusive or not; but c) does not include— (i) liftwells and stair wells including landing areas: (ii) corridors and mall common spaces: (iii) building	<u>Support</u> <ul style="list-style-type: none"> i. The Council supports the proposed definition subject to amendments addressing the points discussed below. It is more robust than the existing Plan definition which includes a specific access requirement in an otherwise globally recognised term. <u>Oppose</u> <ul style="list-style-type: none"> i. It is not clear whether or not 	1. Amend as follows: <ul style="list-style-type: none"> a) means the sum of any gross floor area designed for tenant occupancy and exclusive use; and b) Includes— <ul style="list-style-type: none"> (i) both freehold and leased areas; and (ii) any loading areas or stock storage or preparation areas, whether exclusive or not; but c) does not include excludes— <ul style="list-style-type: none"> (i) liftwells and stair wells, including landing areas; (ii) shared corridors and small common spaces; (iii) building service rooms; and (iv) required parking areas

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	service rooms: (iv) required parking areas	<p>loading areas are captured by the definition of stock storage areas or building service rooms. Suggest that they be included in the definition and specifically listed.</p> <p>ii. Clause (a) seems to require exclusive use while clause (b)(ii) does not.</p> <p>iii. Delete the words ‘for tenant occupancy and..’ so that owner occupied units are not excluded.</p> <p>iv. Clarify that “corridors and small common spaces” applies to spaces shared by multiple tenants, not within each tenancy</p> <p>v. The words ‘does not include’ require replacing by ‘excludes’ in accordance with the ‘Principles used when drafting definitions’.</p> <p>vi. A comma is required after ‘wells’ in clause (c).</p> <p>vii. Clauses (i) – (iv) should likely be separated by semi-colons, with an ‘and’ after that of clause (iii).</p> <p>viii. The reliant definition <i>building</i> is not highlighted and likely should be in the context.</p>	<p>2. Highlight the reliant definition <i>building</i> if appropriate in the context.</p>
85	Net site area means the total area of the site, but does not include: a) any area of land that legally provides access to	<p><u>Support</u></p> <p>i. The Council supports the proposed definition subject to amendments addressing the points discussed</p>	<p>1. Amend the proposed definition as follows: “means the total area of the site, but does not include <u>excludes</u>: a) any area of land that legally provides access to</p>

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	<p>another site: b) any area of land used primarily for legal access to a rear site: c) any area of land subject to a designation that is intended to be taken or acquired under the Public Works Act 1981</p>	<p>below. It is more robust than the existing Plan definition.</p> <p><u>Oppose</u></p> <p>i. The words ‘does not include’ are not a defined term which requires highlighting but do require replacing by ‘excludes’ in accordance with the ‘Principles used when drafting definitions’.</p> <p>ii. The reliant definitions land and site are not highlighted and likely should be in the context.</p>	<p>another site: b) any area of land used primarily for legal access to a rear site: c) any area of land subject to a designation that is intended to be taken or acquired under the Public Works Act 1981”</p> <p>2. Highlight the reliant definitions <i>land</i> and <i>site</i> if appropriate in the context.</p>
86	<p>Notional boundary means a line 20 metres from any side of a building that contains an activity sensitive to noise, or the legal boundary, if it is closer to that building</p>	<p><u>Support</u></p> <p>i. The Council supports the proposed definition subject to amendments addressing the points discussed below.</p> <p><u>Oppose</u></p> <p>i. The term ‘any side’ may be confusing. The noitional boundary should apply from the nearest exterior wall.</p> <p>ii. Many plans will want to introduce a definition for “noise-sensitive activity” and it will be easier to identy this as a defined term if it is phrased that way.</p> <p>iii. ‘Legal boundary’ may be redundant if this is already stated within the</p>	<p>1. Amend the proposed definition as follows: “means a line 20 metres from the nearest any side exterior wall of a building that contains a noise-sensitive activity an activity sensitive to noise, or the legal site boundary, if it is closer to that building”</p> <p>2. Highlight the reliant definition <i>noise</i> if appropriate in the context.</p> <p>3. Do not highlight ‘if it’.</p>

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		<p>definition of 'boundary'.</p> <p>iv. The reliant definition <i>noise</i> is not highlighted and likely should be in the context.</p> <p>v. The words 'if it' are not a defined term which require highlighting.</p>	
87	<p>Official sign means all signs required or provided for under any statute or regulation, or are otherwise related to aspects of public safety</p>	<p><u>Support</u></p> <p>i. The Council supports the intent to provide a term that captures officially required signs.</p> <p><u>Oppose</u></p> <p>i. The Council considers that the wording "required or provided for under any statute or regulation" is insufficiently certain because the underlying regulations could change, changing the effect of the definition and any associated rules without a plan change. Many statutes and regulations are also not drafted in a way that would provide sufficient certainty, for the purposes of this definition, that the signs are "provided for" by those regulations.</p> <p>ii. The Council suggests amending the definition to remove general references to other statutes or regulations. This would have the effect of excluding election signs,</p>	<p>1. Amend the definition as follows: "means all signs required or provided for under any statute or regulation, or are otherwise related to aspects for the purposes of promoting or ensuring public safety"</p>

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		<p>but these could easily be included as a separate activity.</p> <p>iii. “Official sign” could include signs erected by private individuals or businesses for safety reasons. Suggest “Public notice” or “public safety sign” as alternative terms.</p>	
88	<p>Outdoor living space means an area of open space for the use of the occupants of the residential unit or units to which the space is allocated</p>	<p><u>Support</u></p> <p>i. The Council supports the proposed definition.</p>	<p>1. Retain the proposed definition.</p>
89	<p>Peak particle velocity means the measure of the vibration amplitude, zero to maximum that is used for building structural damage assessment</p>	<p><u>Support</u></p> <p>i. The Council supports the proposed definition subject to amendments addressing the points discussed below.</p> <p><u>Oppose</u></p> <p>i. The phrase building structural damage assessment could be more clearly phrased.</p> <p>ii. The reliant definition <i>building</i> is not highlighted and likely should be in the context.</p>	<p>1. Amend as follows: “means the measure of the vibration amplitude, zero to maximum, that is used for building structural damage assessment the assessment of the structural damage to a building.”</p> <p>2. Highlight the reliant definition <i>building</i> if appropriate in the context.</p>
90	<p>Primary production a) means any agricultural, pastoral, horticultural, forestry or aquaculture activities for the purpose of commercial gain or</p>	<p><u>Support</u></p> <p>i. The Council supports the proposed definition subject to amendments addressing the points discussed</p>	<p>1. Amend the proposed definition as follows: “a) means any agricultural, pastoral, <u>or</u> horticultural, forestry or aquaculture activities for the purpose of commercial gain or exchange; and b) includes any land and auxiliary ancillary buildings</p>

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	<p>exchange; and b) includes any land and auxiliary buildings used for the production of the products that result from the listed activities; but c) does not include processing of those products</p>	<p>below.</p> <p><u>Oppose</u></p> <p>i. The Council considers that clauses (b) and (c) are somewhat inconsistent in that they allow for the use of land or buildings for the “production of products” but do not allow for “processing of products”. If the intention is to exclude “value added” activities this should be clarified but this will require another definition to capture those activities. Presumably (b) is meant to capture extraction (i.e. milking the cow) while (c) excludes any further processing (homogenizing the milk or putting it in a bottle)?</p> <p>ii. As ‘forestry’ and ‘aquaculture activities’ are likely to have different effects to agricultural, pastoral and horticultural activities, they warrant separate definitions, or at least exclusion from this definition. If they are retained in this definition, it will mean a new, almost identical subdefinition will need to be created to capture agricultural, pastoral and horticultural activities. Reference to ‘aquaculture activities’ in the</p>	<p>used for the initial production of the products commodities that result from the listed activities; but c) does not include excludes further processing of those products”</p> <ol style="list-style-type: none"> 2. Define ‘forestry’ and ‘aquaculture activities’ separately. 3. Highlight the reliant definition <i>land</i> and <i>buildings</i> if appropriate in the context. 4. If the decision requested with respect to the definition of <i>ancillary activity</i> is accepted, replace ‘auxiliary’ with ‘ancillary’ and highlight it as a reliant definition.

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		<p>definition of <i>rural activity</i> supports its need for a separate definition.</p> <p>iii. The reliant definitions <i>land</i> and <i>buildings</i> are not highlighted and likely should be in the context.</p> <p>iv. If the decision requested with respect to the definition of ancillary activity is accepted, the word 'ancillary' should replace 'auxiliary' and will require highlighting as a reliant definition.</p> <p>v. The words 'does not include' are not a defined term which requires highlighting but do require replacing by 'excludes' in accordance with the 'Principles used when drafting definitions'.</p>	
91	<p>Quarry means an area of land where the excavation, with or without the processing, of minerals and other solid natural substances occurs</p>	<p><u>Oppose</u></p> <p>i. The proposed definition strays into defining 'quarrying activity'. The activity itself should be defined locally. This is because quarrying activity can have significant effects on the environment and need to be very carefully managed. In Christchurch quarries are located near communities and above the unconfined aquifers. The risk of mis-management or exploitation of rules that are not 'tight' can have significant consequences.</p>	<ol style="list-style-type: none"> 1. Replace the proposed definition with the following: <u>"Quarry - means a site or property where quarrying activity is undertaken."</u> 2. Enable councils to define "quarrying activity"; or 3. Adopt the Christchurch District Plan definition of "quarrying activity": "means the use of land, buildings and plant for the purpose of the extraction of natural sand, gravel, clay, silt and rock, the associated processing, storage, sale and transportation of those same materials and quarry site rehabilitation. It may include: <ol style="list-style-type: none"> a. earthworks associated with the removal and storage of over-burden;

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		<ul style="list-style-type: none"> ii. The Christchurch District Plan definition of quarrying activity is very locally specific by necessity. It has been litigated heavily. General or loose wording of the term has had adverse consequences and required significant legal interpretation. iii. Its definition is carefully tied back to the rules in the plan. iv. If a definition of 'quarry' is deemed necessary by MfE then the definition in the Christchurch District Plan could be expanded to refer to quarrying activity and mineral extraction activity to apply nationally. v. However given the limited number of quarries nationally, any benefits from a national definition would be limited in number (compared with more commonly used terms like building, structure, residential etc.) 	<ul style="list-style-type: none"> b. extraction of natural sand, gravel, clay, silt and rock materials by excavation or blasting; c. processing of those extracted materials by screening, crushing, washing and/or mixing them together; d. the addition of clay, lime, cement and recycled/recovered aggregate to extracted materials; e. ancillary aggregates-processing activity; f. workshops required for the repair of equipment used on the same property; g. site management offices; h. parking areas; i. landscaping; and j. quarry site rehabilitation and any associated clean-filling."
92	Rating level means a derived noise level used for comparison with a noise limit	<p><u>Oppose</u></p> <ul style="list-style-type: none"> i. The Council does not see the necessity for this definition because the concept can be expressed by other wording (eg "calculated noise level"). ii. The reliant definition <i>noise</i> is not highlighted and likely should be in 	<ol style="list-style-type: none"> 1. If the proposed definition is retained, highlight the reliant definition <i>noise</i> if appropriate in the context.

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		the context.	
93	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 land, and includes any embankment or causeway, but does not include beach re-nourishment or any deposition of material or infilling that is not permanent	<p><u>Support</u></p> <p>i. The Council supports the proposed definition subject to amendments addressing the points discussed below.</p> <p><u>Oppose</u></p> <p>i. The reliant definition <i>lake</i> is not highlighted and likely should be in the context.</p>	1. Highlight the reliant definition <i>lake</i> if appropriate in the context.
94	Residential activity means the use of land and buildings by people for the primary purpose of living accommodation	<p><u>Oppose</u></p> <p>i. The Council considers that is it important for this definition to specifically exclude guest accommodation and custodial living accommodation (i.e. prisons) because these can have significantly different effects.</p>	1. Amend the definition to exclude: <ul style="list-style-type: none"> a. guest accommodation b. custodial living accommodation
95	Residential unit means a building or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.	<p><u>Support</u></p> <p>i. The Council supports the proposed definition subject to amendments addressing the points discussed below.</p> <p><u>Oppose</u></p> <p>i. The proposed definition removes the clarification in the Christchurch</p>	1. Amend the definition as follows: <p>“means a building or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities. <u>Where there is more than one kitchen on a site (other than a kitchen within a family flat or a kitchenette provided as part of a bed and breakfast or farm stay) there shall be deemed to be more than one residential unit.</u>”</p>

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		<p>District Plan that for each kitchen there is one residential unit. While this is somewhat in the nature of a rule, so is the last clause of the notified definition. Because of the frequency of use of this term, it is more convenient to have this clarification in the definition itself. It is also useful to help distinguish between a residential unit and residential activity, which may have quite a different form. While residential units are residential activity, the opposite is not necessarily true.</p>	
96	<p>Retirement village premises has the same meaning as in section 226A of the RMA (as set out in the box below) means premises (including any land and associated buildings) within a complex of premises for occupation as residences predominantly by persons who are retired and any spouses or partners of such persons</p>	<p><u>Oppose</u></p> <p>i. The Council prefers the version of the definition in its current District Plan. The definition of retirement village premises in the RMA s226A is for a specific purpose in terms of leases not being a subdivision, and is not fit for purpose for more general District Plan rules.</p> <p>ii. The Council suggests adding registration requirements under the Retirement Villages Act 2003 or as a rest home under the Health and Disability Services Act 2001.</p>	<p>1. Replace the proposed definition with: “means any land, <u>building</u> or <u>site</u> that:</p> <p>a. is used for accommodation predominantly for persons in their retirement, or persons in their retirement and their spouses or partners; and</p> <p>b. satisfies either of the following:</p> <p>I. it is registered as a retirement village under the <u>Retirement Villages Act 2003</u> or will be so registered prior to it being occupied by any resident; or</p> <p>II. it is a rest home within the meaning of <u>§58(4) of the Health and Disability Services (Safety) Act 2001</u>; and</p> <p>c. includes not less than two <u>residential units</u>; and</p> <p>d. may include any or all of the following facilities or</p>

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			<p>services for residents on the <u>site</u>:</p> <ul style="list-style-type: none"> I. a <u>care home within a retirement village</u>; II. a <u>hospital within a retirement village</u>; III. nursing, medical care, welfare, <u>accessory non-residential and/or recreation facilities</u> and/or services.”
97	<p>Reverse sensitivity 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</p>	<p><u>Oppose</u></p> <ul style="list-style-type: none"> i. The Council prefers the definition in its existing District Plan which is more concise and in plainer English. The Planning Standards definition is ‘doubling up’ on the potential effects on existing activities from the potential effects of another existing activity. These effects can also be actual and ongoing as well as potential. ii. The Christchurch definition also acknowledges that intensification of existing activities can contribute to reverse sensitivity effects. iii. If the propose definition is retained, it requires replacement of ‘an’ by ‘the’ in the last three words in order to remain relevant to the existing lawfully established activity referenced at the start. 	<p>1. Amend as follows: <u>“means the effect on existing lawful activities from the introduction of new activities, or the intensification of existing activities in the same environment, that may lead to restrictions on existing lawful activities as a consequence of complaints.”</u></p>
98	<p>Root protection area means the</p>	<p><u>Support</u></p>	<p>1. Change the defined term from “root protection area”</p>

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	circular area surrounding a tree, which is the greater of the radius, measured from the base of the trunk to: a) the outer extent of the branch spread; or b) half the height of the tree.	<p>i. The Council supports the definition itself but prefers the term “dripline”</p> <p><u>Oppose</u></p> <p>i. Dripline is more commonly recognised nomenclature and is a standard horticultural term, whilst ‘root protection area’ risks being viewed as jargon. Dripline is also more concise.</p>	to “dripline”.
99	Rural industry means an industrial activity where the principal function supports primary production or aquaculture activities	<p><u>Oppose</u></p> <p>i. If this definition relies on the broad definition on “industrial activity” this enables a potentially very wide range of industrial-type activities in locate in the rural environment. The Canterbury RPS seeks to generally avoid urban activities in the rural environment except where they meet specific criteria. Without a very tight definition of “industrial activity” or “supporting primary production” this will give rise to uncertainty and debate about which activities should be provided for.</p> <p>ii. Councils could be more specific in their rules/performance standards but they will be fighting uphill against an argument that the</p>	<ol style="list-style-type: none"> 1. Delete the definition for “rural industry”; or 2. Provide a definition of “rural industry” that lists activities or includes specific criteria for activities captured by that definition. If criteria are included they should relate to dependence of the industrial of activity on a rural location rather than support of that activity for primary production.

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		<p>planning standard definition and zone purpose statement, which they cannot be inconsistent with, and which seems to anticipate industrial activities in the rural environment with vaguely defined criteria.</p> <p>iii. The council suggests that if a definition is retained the criteria relate to the dependence of the industrial activity on the rural resource rather than the ability of the industrial activity to “support” primary production. For example, a factory that makes tractor tyres or parts for farm machinery “supports” primary production but does not need to be located in the rural environment.</p> <p>iv. If ‘aquaculture activities’ is to be separately defined as recommended above (see <i>primary production</i>), it can remain as is but, if not and it remains within the definition of <i>primary production</i>, it does not need to be separately specified in this definition given the existing reference to <i>primary production</i>.</p> <p>v. ‘An’ is not a defined word that requires highlighting as a reliant definition.</p>	

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100	Setback means the distance between a structure or activity and the boundary of its site, or other feature specified in the Plan	<u>Support</u> i. The Council supports amending the definition also applying to activities such as earthworks instead of just buildings.	1. Retain the proposed definition.
101	Sewage means any water that contains any toilet or urinal waste, or any waste in water from industrial or commercial processes	<u>Support</u> i. The Council supports the proposed definition subject to amendments addressing the points discussed below. <u>Oppose</u> i. The reliant definition <i>water</i> is not highlighted and likely should be in the context.	1. Highlight the reliant definition <i>water</i> if appropriate in the context.
102	Sign (a) means any device, character, graphic or electronic display, whether temporary or permanent, that is visible from beyond the site boundary, for the purposes of— (i) identification of and provision of information about any activity, site or structure: (ii) providing directions: (iii) promoting goods, services or forthcoming events; and (b) includes the frame, supporting device and any associated ancillary equipment	<u>Support</u> i. The Council supports the proposed definition subject to amendments addressing the points discussed below. ii. The Council supports limiting the definition to signage that is visible beyond the site boundary. <u>Oppose</u> i. The Council agrees that displays in windows can have a similar impact to signage on the exterior of the building but suggests that the	1. Amend the proposed definition as follows: “(a) means any device, character, graphic or electronic display, whether temporary or permanent, that is visible from beyond the site boundary, for the purposes of— (i) identification of and provision of information about any activity, site or structure: (ii) providing directions: (iii) promoting goods, services or forthcoming events; and (b) includes the frame, supporting device and any associated ancillary equipment whose principal function is to support the message or notice sign ; and (c) may be two- or three-dimensional, and

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	<p>whose principal function is to support the message or notice; and (c) may be two- or three-dimensional, and manufactured, painted, written, printed, carved, embossed, inflated, projected onto, or fixed or attached to, any structure or natural object; and (d) may be illuminated by an internal or external light source.</p>	<p>definition is clarified to exclude product packaging so that this is not inadvertently captured.</p> <p>ii. If the decision requested with respect to the definition of <i>ancillary activity</i> is accepted, the word ‘associated’ in clause (b) is unnecessary and the word ‘ancillary’ will require highlighting as a reliant definition.</p> <p>iii. As signs may contain things other than messages or notices, such as graphics only, a more all encompassing term would be the ‘sign’ or ‘sign’s content’.</p> <p>iv. The reliant definitions <i>site</i> and <i>boundary</i> are not highlighted and likely should be in the context.</p>	<p>manufactured, painted, written, printed, carved, embossed, inflated, projected onto, or fixed or attached to, any structure or natural object; and (d) may be illuminated by an internal or external light source.</p> <p><u>(e) excludes product packaging</u></p> <p>2. Highlight the reliant definitions <i>site</i> and <i>boundary</i> if appropriate in the context.</p>
103	<p>Site means:</p> <p>a) an area of land comprised in a single computer freehold register (record of title as per Land Transfer Act 2017); or</p> <p>b) an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be administered separately without the prior consent of the council; or</p> <p>c) the land comprised in a single</p>	<p><u>Support</u></p> <p>i. The Council supports the proposed definition subject to amendments addressing the points discussed below.</p> <p><u>Oppose</u></p> <p>i. The Council is concerned that clause (e) does not specify that the sites must be in the same ownership. This would potentially enable one landowner to argue that they do not need to provide carparking because the carpark on their neighbour’s land is part of the same</p>	<p>1. Delete clause (e). Introduce a subdefinition of “site” that captures aggregated sites in shared ownership for large facilities.</p> <p>2. Replace the word ‘council’ with ‘Territorial Authority’ and highlight the latter as a defined term if appropriate in the context.</p> <p>3. Highlight the reliant definition <i>land</i> if appropriate in the context.</p>

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	<p>allotment or balance area on an approved survey plan of subdivision for which a separate computer freehold register could be issued without further consent of the Council; or d) in the case of land subdivided under the Unit Title Act 1972 or the cross lease system, a site is deemed to be the whole of the land subject to the unit development or cross lease; or e) an area of adjacent land comprised in two or more computer freehold registers where an activity is occurring or proposed .</p>	<p>“site”. This definition is also problematic the purposes of subdivision and boundary adjustments and calculating minimum lot size.</p> <p>ii. The Council has a clause similar to clause (e) which only applies to one landowner. The purpose is so that multiple sites comprising large campuses in shared ownership but not on contiguous land could be considered as one site. The proposed definition no longer enables this use because the sites are required to be adjacent to each other.</p> <p>iii. The Council supports the concept of a definition that enables development of multiple sites by the same applicant to be looked at comprehensively but considers that, given the number of other rules that also depend on the “site” definition, this might be better provided for if clause (e) was deleted and a subdefinition for something like “aggregated site” be introduced and used instead in that situation.</p> <p>iv. Clauses (b) and (c) use the word ‘council’, despite there being a definition for Territorial Authority which covers both city and district councils. Where there is a defined term that is appropriately used in the context, it should be used.</p>	

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		<ul style="list-style-type: none"> v. The reliant definition <i>land</i> is not highlighted in Clause (d) and likely should be in the context. 	
104	<p>Special audible characteristic means sound that has a distinctive characteristic such as tonality or impulsiveness which affects its subjective acceptability.</p>	<p><u>Support</u></p> <ul style="list-style-type: none"> i. The Council supports the proposed definition subject to amendments addressing the points discussed below. <p><u>Oppose</u></p> <ul style="list-style-type: none"> i. Commas are required after the words ‘characteristic’ and ‘impulsiveness’. 	<p>1. Amend as follows:</p> <p>Special audible characteristic means sound that has a distinctive characteristic, such as tonality or impulsiveness, which affects its subjective acceptability.</p>
105	<p>Stormwater means water from natural precipitation (including any contaminants it contains) that flows over land or structures (including in a network), to a waterbody or the coastal marine area.</p>	<p><u>Oppose</u></p> <ul style="list-style-type: none"> i. The Council considers that stormwater is generally a well understood term that may not require definition (at least for District Plan purposes). While stormwater may be primarily a result of natural precipitation, stormwater facilities also treat water originating from other sources (e.g. car washing or garden sprinkler runoff). It is not clear what the benefit is of trying to distinguish between stormwater from these various sources if the definition were ever relied on, for example in rules enabling a “stormwater facility”. ii. If defined, the terms also needs to 	<ol style="list-style-type: none"> 1. Do not include a definition for stormwater. 2. If a definition of stormwater is included, do not limit it to natural precipitation and clarify that stormwater flows through structures as well as over them. 3. Highlight the reliant definitions <i>water</i> and <i>contaminants</i> if appropriate in the context.

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		<p>iii. be amended to indicate that stormwater can flow “through structures” rather than over them. The reliant definitions <i>water</i> and <i>contaminants</i> are not highlighted and likely should be in the context.</p>	
106	<p>Structure means any building, equipment, device or other facility made by people and which is fixed to or located on land; and includes any raft, but excludes motorised vehicles that can be moved under their own power.</p>	<p><u>Support</u></p> <p>i. The Council supports amending the RMA definition to specify that structures can also be located on land as well as fixed to it.</p> <p><u>Oppose</u></p> <p>i. The Council does not support excluding motorised vehicles that can be moved under their own power in the definition itself. It considers that building is a subset of structure and building needs to capture vehicles that are used as residential units or places of business for the purposes of site coverage calculations. A food truck could be moved under its own power but may, in the circumstances, not be in which case it causes similar effects to a building. This clause should be deleted or amended to specify that it does capture motorised vehicles that are used as a residence or</p>	<ol style="list-style-type: none"> 1. Amend the definition as follows: “means any building, equipment, device or other facility made by people and which is fixed to or located on land; and includes any raft, but excludes motorised vehicles that can be moved under their own power.” 2. Highlight the reliant definition <i>land</i> if appropriate in the context.

ID	Proposed standard/direction	Comments	Decision Requested
		<p>place of business.</p> <p>ii. The reliant definition <i>land</i> is not highlighted and likely should be in the context.</p>	
107	<p>Swale means an area of land that has been shaped to allow a watercourse to form during stormwater collection</p>	<p><u>Oppose</u></p> <p>i. The Council considers that the “swale” definition needs to be considered in context with other definitions relating to types of waterways and stormwater infrastructure and with the rules themselves.</p> <p>ii. The Council is concerned that the proposed definition could apply to a concrete channel designed to get rid of stormwater as fast as possible and does not clearly indicate the function of swales is not only conveying stormwater but also slowing flows and reducing contaminants in stormwater.</p> <p>iii. Whether or not a watercourse forms may be a matter of interpretation. Some swales are basins. However, if these are included, the line between a large swale and small retention basin is blurred. It is difficult to know if a differentiation is even needed without understanding how the term will be used in the context of</p>	<p>1. Do not include a definition for “swale”.</p>

ID	Proposed standard/direction	Comments	Decision Requested
		<p>the rules and how it fits with other definitions relating to stormwater systems (e.g. “stormwater facility”).</p>	
108	<p>Visitor accommodation Means land and/or buildings used primarily for accommodating non-residents, subject to a tariff being paid</p>	<p><u>Support</u></p> <p>i. The Council supports use of the word ‘primarily’ as, in addition to non-residents, visitor accommodation (e.g. motels) can also be used to accommodate displaced residents (e.g. post-earthquakes) and homeless residents and ‘primarily’ covers these.</p> <p><u>Oppose</u></p> <p>i. Operators of visitor accommodation would likely benefit from acknowledging the typical ancillary activities that can occur on these sites such as conference facilities, gyms, and restaurants so as to avoid a strict interpretation of the definition. Including all of these ancillary activities in the rules will reduce their readability and increase the risk of inconsistencies. If the Council introduced a sub-definition of “hotel” that definition would also not be able to include ancillary activities if it nested under this</p>	<ol style="list-style-type: none"> 1. Amend the definition to acknowledge that the term can also include ancillary activities including offices, meeting and conference facilities, fitness facilities, and the provisions of goods and services primarily for the convenience of guests. 2. Rename the term ‘guest accommodation’.

ID	Proposed standard/direction	Comments	Decision Requested
		<p>definition. It would be better for the higher level definition to be broader and then subdefinitions could exclude ancillary activities as required.</p> <p>ii. The Council prefers the term “guest accommodation” because occupants are not always or exclusively “visitors” as discussed above.</p>	
109	<p>Wastewater includes sewage, and greywater</p>	<p><u>Support</u></p> <p>i. The Council supports the proposed definition subject to amendments addressing the points discussed below.</p> <p><u>Oppose</u></p> <p>i. There is an unnecessary comma after the word ‘sewage’.</p>	<p>1. Remove comma from after the word ‘sewage’.</p>
110	<p>Water sensitive design means an interdisciplinary approach to land use and development planning, design and implementation which integrates land use and water management, to minimise adverse effects on freshwater systems and coastal environments, particularly from stormwater runoff</p>	<p><u>Support</u></p> <p>i. The Council supports the proposed definition subject to amendments addressing the points discussed below.</p> <p><u>Oppose</u></p> <p>i. The reliant definitions <i>land, water, effects, environment</i> and <i>coastal marine area</i> are not highlighted and likely should be in the context.</p>	<p>1. Highlight the reliant definitions <i>land, water, effects, environment</i> and <i>coastal marine area</i> if appropriate in the context.</p>

ID	Proposed standard/direction	Comments	Decision Requested
111	<p>wet abrasive blasting means abrasive blasting to which water has been added</p>	<p><u>Support</u></p> <p>i. The Council supports the proposed definition subject to amendments addressing the points discussed below.</p> <p><u>Oppose</u></p> <p>i. The reliant definition <i>abrasive blasting</i> is not highlighted and likely should be in the context.</p>	<p>1. Highlight the reliant definition <i>abrasive blasting</i> if appropriate in the context.</p>
CM-2 Draft Noise and Vibration Metrics Standard			
112	<p>Must use the noise metrics in the standards listed in Table 30 (p92) Any plan rule to manage an emission of noise must be consistent with the assessment methods in section 6 Rating Level and section 7 LMAX in New Zealand Standard 6802:2008 Acoustics – Environment Noise.</p>	<p><u>Support</u></p> <p>i. The Council supports the proposed standard.</p>	<p>1. Retain the proposed standard.</p>
113	<p>Any rule to manage damage to structure from vibration must be consistent with peak particle velocity (ppv) limits in Tables 1, 2 and 3 in DIN 4150-3 (1999) Vibrations in buildings – Part 3: Effects on structures.</p>	<p><u>Support</u></p> <p>i. The Council supports the proposed standard.</p>	<p>1. Retain the proposed standard.</p>

Attachment B: Example of Christchurch District Plan Rules in the National Planning Standards Chapter Form

Red text is not in the Chapter Form Template but needed to be added to make the rules understandable

Part 5 – Area-Specific Matters

RES Residential Zones

RES-RES - Residential Zone

Rule Overview Table (optional)

Residential activity with six or fewer bedrooms	RES1
Minor residential unit	RES2
Residential activity with more than six bedrooms	RES3
Etc.	

Commented [MA1]: Presumably when we introduced new rules we would want to group them with the other permitted, controlled, RD rules etc. This numbering system potentially increases the amount of renumbering we would have to do to insert a new permitted activity into the table.

Rule Table

RES1 Residential Activity				
Residential Zone	Activity Status: Permitted	Activity Status when compliance is not achieved with:		
	Where: 1. The unit contains six or fewer bedrooms. Where this activity complies with the following rule requirements: 1. No more than one heavy vehicle shall be stored on the site of the residential activity. 2. Any motor vehicles and/or boats dismantled, repaired or stored on the site of the residential activity shall be owned by people who live on the same site. 3. RES - REQ1 Site Density	Doesn't comply with	Matters of Control or Discretion	
		1	D	-
		2	D	-
		3	RD if net site area is between 400-450m ² NC if net site area is less than 400m ²	(ii) – for RD activities
		4	RD	(iii)
		5	RD if site coverage is between 35-40% NC if site coverage is over 40%	(ii) for RD activities
		6	RD	(iii)
7	RD	(iii)(xi)		

Commented [MA2]: The EPlan menu cannot connect to a heading embedded in a table. In this format, our plan would lose the ability to navigate from the menu to a lower level of the rules than the "Rule Table" heading. If all the rules were in a single EPlan also cannot create a hyperlink to a point within a table. If the rule headings are in the table this makes crossreferencing to a specific rule impossible.

Commented [MA3]: The proposed format takes up a lot of space visually. This information would be better provided in a row.

Commented [MA6]: The activity could be different status depending on which rule requirement is not met – another subtable is needed here.

Commented [MA4]: Each element of the table needs to be individually identifiable. At the moment, there are several different elements that could be referenced as "RES1(1)" and no way to individually reference the notification aspect of the rule.

Commented [MA7]: The activity status can also depend on the degree of non-compliance. There is not sufficient flexibility in the planning standards template to provide for a cascade of activity statuses.

Commented [MA8]: There needs to be a way to link specific matters of discretion to non-compliance with specific rule requirements to avoid applicants and plan administrators needing to consider long lists of matters that are not relevant to the proposal.

Commented [MA5]: It would be more efficient and readable if councils could specify that all activities in this zone need to comply with rule requirements 3-11 unless otherwise specified.

4. RES – REQ3 Building height 5. RES – REQ4 Site coverage 6. RES – REQ6 Daylight recession planes 7. RES – REQ7 Minimum building setback from internal boundaries 8. RES – REQ8 Minimum setback for balconies and living space windows 9. RES – REQ9 Road boundary building setback 10. RES – REQ10 Fences 11. RES – REQ11 Water supply for firefighting	8	RD	(iii)(xi)																								
	9	RD	(x)																								
	10	C	(x)																								
	11	RD	(vii)																								
	<p>The Council's discretion shall be limited to the following matters:</p> <ul style="list-style-type: none"> (i) Residential Design Principles (ii) Site density and site coverage (iii) Impacts on neighbouring property (iv) Minimum unit size and mix (v) Scale of activity (vi) Traffic generation (vii) Water supply for fire fighting (viii) Acoustic insulation (ix) Retirement villages (x) Street scene (xi) Minimum building, window and balcony setbacks (xii) Service, storage and waste management spaces (xiii) Outdoor living space (xiv) Minor residential units 																										
	<p>Notification:</p> <table border="1"> <thead> <tr> <th>Doesn't comply with</th> <th>Notification requirements</th> </tr> </thead> <tbody> <tr><td>1</td><td>n/a</td></tr> <tr><td>2</td><td>n/a</td></tr> <tr><td>3</td><td>n/a</td></tr> <tr><td>4</td><td>n/a</td></tr> <tr><td>5</td><td>Any application arising from this rule shall not be limited or publicly notified.</td></tr> <tr><td>6</td><td>n/a</td></tr> <tr><td>7</td><td>n/a</td></tr> <tr><td>8</td><td>n/a</td></tr> <tr><td>9</td><td>Any application arising from this rule shall not be limited or publicly notified.</td></tr> <tr><td>10</td><td>n/a</td></tr> <tr><td>11</td><td>Any application arising from this</td></tr> </tbody> </table>			Doesn't comply with	Notification requirements	1	n/a	2	n/a	3	n/a	4	n/a	5	Any application arising from this rule shall not be limited or publicly notified.	6	n/a	7	n/a	8	n/a	9	Any application arising from this rule shall not be limited or publicly notified.	10	n/a	11	Any application arising from this
	Doesn't comply with	Notification requirements																									
	1	n/a																									
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8	n/a																										
9	Any application arising from this rule shall not be limited or publicly notified.																										
10	n/a																										
11	Any application arising from this																										

Commented [MA9]: If following the template strictly, the Council would need to insert 10 pages of Matters of Discretion here and repeat them for every activity (with potentially 30+ activities described for this zone).

Commented [MA10]: Notification requirements will differ based on the rule requirement not met. This requires yet another table that might be easier to read if combined with the rule requirements above.

			rule shall not be publicly notified and shall be limited notified only to the New Zealand Fire Service (absent its written approval).																						
Residential Zone Density Transition Overlay	As above, except:	As above, except: When compliance is not achieved with: <table border="1"> <tr> <td>3</td> <td>RD if net site area is between 300-330m² NC if net site area is less than 300m²</td> <td>(ii) – for RD activities</td> </tr> </table>			3	RD if net site area is between 300-330m ² NC if net site area is less than 300m ²	(ii) – for RD activities																		
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Residential Zone Character Area Overlay	As above, except:	As above, except:																							
Residential Zone Accommodation and Community Facilities Overlay	As above, except:	As above, except:																							
Residential Zone Peat Ground Condition Constraint Overlay	As above, except:	As above, except:																							
Residential Zone Prestons Road Retirement Village Overlay	As above, except:	As above, except:																							
RES2 Minor residential unit																									
Residential Zone (and all overlays unless otherwise specified)	Activity Status: Permitted Where: <ol style="list-style-type: none"> The minor unit is a detached building and the existing site it is to be built on contains only one residential unit. Where this activity complies with the following rule requirements:	When compliance is not achieved with: <table border="1"> <thead> <tr> <th>Doesn't comply with</th> <th>Activity Status</th> <th>Matters of Discretion</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>RD</td> <td>(xiv)</td> </tr> <tr> <td>2</td> <td>RD</td> <td>(xiv)</td> </tr> <tr> <td>3</td> <td>RD</td> <td>(xiv)</td> </tr> <tr> <td>4</td> <td>RD</td> <td>(xiv)</td> </tr> <tr> <td>5</td> <td>RD</td> <td>(iii)</td> </tr> <tr> <td>6</td> <td>RD if site coverage is</td> <td>(ii) for RD activities</td> </tr> </tbody> </table>			Doesn't comply with	Activity Status	Matters of Discretion	1	RD	(xiv)	2	RD	(xiv)	3	RD	(xiv)	4	RD	(xiv)	5	RD	(iii)	6	RD if site coverage is	(ii) for RD activities
Doesn't comply with	Activity Status	Matters of Discretion																							
1	RD	(xiv)																							
2	RD	(xiv)																							
3	RD	(xiv)																							
4	RD	(xiv)																							
5	RD	(iii)																							
6	RD if site coverage is	(ii) for RD activities																							

Commented [MA11]: It would be useful to be able to navigate from the plan menu directly to these subheadings but at the moment users can't because the target heading is in a table.

<p>1. The existing site containing both units shall have a minimum net site area of 450m².</p> <p>2. The minor residential unit shall have a minimum gross floor area of 35m² and a maximum gross floor area of 80m².</p> <p>3. The parking areas of both units shall be accessed from the same access.</p> <p>4. There shall be a total outdoor living space on the existing site(containing both units) with a minimum area of 90m² and a minimum dimension of 5 metres. This total space can be provided as: a single continuous area; or be divided into two separate spaces, provided that each unit is provided with an outdoor living space that is directly accessible from that unit and is a minimum of 30m² in area.</p> <p>5. RES – REQ3 Building height</p> <p>6. RES – REQ4 Site coverage</p> <p>7. RES – REQ6 Daylight recession planes</p> <p>8. RES – REQ7 Minimum building setback from internal boundaries</p> <p>9. RES – REQ8 Minimum setback</p>		between 35-40% NC if site coverage is over 40%																			
	7	RD	(iii)																		
	8	RD	(iii)(xi)																		
	9	RD	(iii)(xi)																		
	10	RD	(x)																		
	11	C	(x)																		
	12	RD	(vii)																		
	<p>The Council's discretion shall be limited to the following matters:</p> <p>(i) Residential Design Principles</p> <p>(ii) Site density and site coverage</p> <p>(iii) Impacts on neighbouring property</p> <p>(iv) Minimum unit size and mix</p> <p>(v) Scale of activity</p> <p>(vi) Traffic generation</p> <p>(vii) Water supply for fire fighting</p> <p>(viii) Acoustic insulation</p> <p>(ix) Retirement villages</p> <p>(x) Street scene</p> <p>(xi) Minimum building, window and balcony setbacks</p> <p>(xii) Service, storage and waste management spaces</p> <p>(xiii) Outdoor living space</p> <p>(xiv) Minor residential units</p>																				
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7	n/a																				
8	n/a																				

	for balconies and living space windows 10. RES – REQ9 Road boundary building setback 11. RES – REQ10 Fences 12. RES – REQ11 Water supply for firefighting	9	Any application arising from this rule shall not be limited or publicly notified.
		10	n/a
		11	Any application arising from this rule shall not be publicly notified and shall be limited notified only to the New Zealand Fire Service (absent its written approval).

RES3 Residential activity

Residential Zone (and all overlays unless otherwise specified)	Activity Status: Controlled Where: 1. The unit has more than six bedrooms Matters over which control is reserved: (v) (vi) Where this activity complies with the following rule requirements: 1.	When compliance is not achieved with:												
		<table border="1"> <thead> <tr> <th>Doesn't comply with</th> <th>Activity Status</th> <th>Matters of Discretion</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td></td> </tr> <tr> <td>2</td> <td></td> <td></td> </tr> <tr> <td>3</td> <td></td> <td></td> </tr> </tbody> </table>	Doesn't comply with	Activity Status	Matters of Discretion	1			2			3		
Doesn't comply with	Activity Status	Matters of Discretion												
1														
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Doesn't comply with	Notification requirements													

		1		
		2		
		3		

Rule Requirement Table (Optional)

RES-REQ1	Site density																		
Residential including all overlays	<p>1. Each residential unit shall be contained within its own separate site. The site shall have a minimum net site area as follows:</p> <table border="1"> <thead> <tr> <th></th> <th>Activity</th> <th>Standard</th> </tr> </thead> <tbody> <tr> <td>i.</td> <td>Residential Suburban Zone (excluding residential units established under Rule 14.4.1.1 P8, P9, P10, P11 and P12)</td> <td>450m²</td> </tr> <tr> <td>ii.</td> <td>Residential Suburban Density Transition Zone (excluding residential units established under Rule 14.4.1.1 P8, P9, P10, P11 and P12)</td> <td>330m²</td> </tr> <tr> <td>iii.</td> <td>Social housing complexes</td> <td rowspan="4">There shall be no minimum net site area for any site for any residential unit or older person's housing unit</td> </tr> <tr> <td>iv.</td> <td>Multi-unit residential complexes</td> </tr> <tr> <td>v.</td> <td>Older person's housing units</td> </tr> <tr> <td>vi.</td> <td>Retirement village</td> </tr> </tbody> </table>		Activity	Standard	i.	Residential Suburban Zone (excluding residential units established under Rule 14.4.1.1 P8, P9, P10, P11 and P12)	450m ²	ii.	Residential Suburban Density Transition Zone (excluding residential units established under Rule 14.4.1.1 P8, P9, P10, P11 and P12)	330m ²	iii.	Social housing complexes	There shall be no minimum net site area for any site for any residential unit or older person's housing unit	iv.	Multi-unit residential complexes	v.	Older person's housing units	vi.	Retirement village
	Activity	Standard																	
i.	Residential Suburban Zone (excluding residential units established under Rule 14.4.1.1 P8, P9, P10, P11 and P12)	450m ²																	
ii.	Residential Suburban Density Transition Zone (excluding residential units established under Rule 14.4.1.1 P8, P9, P10, P11 and P12)	330m ²																	
iii.	Social housing complexes	There shall be no minimum net site area for any site for any residential unit or older person's housing unit																	
iv.	Multi-unit residential complexes																		
v.	Older person's housing units																		
vi.	Retirement village																		
RES-REQ3	Building height																		
Residential including all overlays	<p>1. The maximum height of any building shall be:</p> <table border="1"> <thead> <tr> <th></th> <th>Activity / area</th> <th>Standard</th> </tr> </thead> <tbody> <tr> <td>i.</td> <td>All buildings unless specified below.</td> <td>8 metres</td> </tr> <tr> <td>ii.</td> <td>Minor residential units in the Residential Suburban Zone.</td> <td>5.5 metres and of a single storey only.</td> </tr> <tr> <td>iii.</td> <td>All buildings on the Woolston Fire Station and Training Centre site at 929 Ferry Road, Lot 1 DP72727.</td> <td>20 metres</td> </tr> </tbody> </table>		Activity / area	Standard	i.	All buildings unless specified below.	8 metres	ii.	Minor residential units in the Residential Suburban Zone.	5.5 metres and of a single storey only.	iii.	All buildings on the Woolston Fire Station and Training Centre site at 929 Ferry Road, Lot 1 DP72727.	20 metres						
	Activity / area	Standard																	
i.	All buildings unless specified below.	8 metres																	
ii.	Minor residential units in the Residential Suburban Zone.	5.5 metres and of a single storey only.																	
iii.	All buildings on the Woolston Fire Station and Training Centre site at 929 Ferry Road, Lot 1 DP72727.	20 metres																	
Etc.																			

Commented [MA12]: Putting these in a table makes it more difficult to link to the specific standard of interest in ePlan. Even if each standard is given its own table, this just results in unnecessary embedded tables which are more difficult to read and edit.

Matters of Discretion section

Commented [MA13]: The Council strongly recommends a separate matters of control and discretion section to reduce repetition and improve the readability of the rules.

Attachment C: Recommended Amended Chapter Form

Part 5 – Area-Specific Matters

RES Residential Zones

RES-RES - Residential Zone

Rule Overview Table (optional)

Activity	Reference	Activity Status (subject to meeting rule requirements)
Residential activity with six or fewer bedrooms	RES-P1	Permitted
Minor residential unit	RES-P2	Permitted
Residential activity with more than six bedrooms	RES-C1	Controlled
Etc.		

Commented [MA1]: It would be quite useful to be able to scan this at a glance, particularly if the rule tables are going to be much longer and more complex.

Commented [MA2]: Consider adding the activity status to the rule number so that councils do not have to renumber all of their rules if they introduce a new permitted activity and want to group it with the other permitted activities.

Rule Table

RES-P1 Residential Activity

1. In the Residential Zone (including all overlays unless specified below)				
Where: The unit contains six or fewer bedrooms.				
Activity Status: Permitted				
Where this activity complies with the following rule requirements:				
ID	Rule Requirements	Activity Status when compliance is not achieved (AS)	Matters of Control of Discretion (MCD)	Notification Restrictions (NR)
a	No more than one heavy vehicle shall be stored on the site of the residential activity .	D	-	n/a
b	Any motor vehicles and/or boats dismantled, repaired or stored on the site of the residential activity shall be owned by people who live on the same site .	D	-	n/a
c	RES - REQ1 Site Density	RD if net site area is between 400-450m ²	M2	n/a
		NC if net site area is less than 400m ²	-	n/a

Commented [MA3]: Hyperlink to section below

Commented [MA4]: Rule reference is: RES1(1)(a)(NR)

Commented [MA5]: If there is an option to apply all rule requirements to all activities in a zone unless otherwise specified then this part of the table will need to be provided with the rule requirements.

d	RES – REQ3 Building height	RD	M3	Any application arising from this rule shall not be limited or publicly notified.
e	RES – REQ4 Site coverage	RD if site coverage is between 35-40%	M2	n/a
		NC if site coverage is over 40%	-	n/a
f	RES – REQ6 Daylight recession planes	RD	M3	n/a
g	RES – REQ7 Minimum building setback from internal boundaries	RD	M3 M9	Any application arising from this rule shall not be limited or publicly notified.
h	RES – REQ8 Minimum setback for balconies and living space windows	RD	M3 M11	n/a
i	RES – REQ9 Road boundary building setback	RD	M10	Any application arising from this rule shall not be publicly notified and shall be limited notified only to the New Zealand Fire Service (absent its written approval).
j	RES – REQ10 Fences	C	M10	
k	RES – REQ11 Water supply for firefighting	RD	M7	
<p>2. In the Residential Zone - Density Transition Overlay</p> <p>As for RES1(1) above except:</p> <p>i. replace row (c) with the following:</p>				
c	RES - REQ1 Site Density	RD if net site area is between 400-450m ²	M2	n/a
		NC if net site area is less than 400m ²	-	n/a

RES-C1 Residential activity

1. In the Residential Zone (including all overlays)

Where:

The unit contains more than six bedrooms

Activity Status: Controlled

Matters of Control: M5; M6

Rule Requirement Table (Optional)**RES-REQ1 Site density**

- Each [residential unit](#) shall be contained within its own separate [site](#). The [site](#) shall have a minimum [net site area](#) as follows:

	Activity	Standard
i.	Residential Suburban Zone	450m ²
ii.	Residential Suburban Density Transition Overlay	330m ²
iii.	Social housing complexes	There shall be no minimum net site area for any site for any residential unit or older person's housing unit

Commented [MA6]: Can be shared for all the activities in a zone

RES-REQ3 Building height

- The maximum [height](#) of any [building](#) shall be:

	Activity / area	Standard
i.	All buildings unless specified below.	8 metres
ii.	Minor residential units in the Residential Suburban Zone.	5.5 metres and of a single storey only.
iii.	All buildings on the Woolston Fire Station and Training Centre site at 929 Ferry Road, Lot 1 DP72727.	20 metres

Matters of Control or Discretion**M1 Residential Design Principles**

Commented [MA7]: Option to share these for all zones in a group (i.e. all residential zones)

- a. Content
- b. Content
- c. Content

- M2 Site density and site coverage**
- M3 Impacts on neighbouring property**
- M4 Minimum unit size and mix**
- M5 Scale of activity**
- M6 Traffic generation**
- M7 Water supply for fire fighting**
- M8 Acoustic insulation**
- M9 Retirement villages**
- M10 Street scene**
- M11 Minimum building, window and balcony setbacks**
- M12 Service, storage and waste management spaces**
- M13 Outdoor living space**
- M14 Minor residential units**

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*	Julia Eason
Organisation (if applicable)	[REDACTED]
Address	[REDACTED]
Phone	[REDACTED]
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Submitter type*	Individual	<input type="checkbox"/>
	NGO	<input type="checkbox"/>
	Business / Industry	<input type="checkbox"/>
	Local government	<input type="checkbox"/>
	Central government	<input type="checkbox"/>
	Iwi	<input checked="" type="checkbox"/>
	Other (please specify)	<input type="checkbox"/>

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* 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 are supportive of the idea of a consistent structure for RMA plans as this will assist us in undertaking our engagement with local authorities. There are however areas which we believe could be further improved to give effect to the issues and values of tangata whenua.

Ngati Kuia are one of eight iwi that hold mana whenua in Te Taihū. This region is unique in that it has three neighbouring and exclusive unitary authorities and therefore management of regional issues differ across all three 'regions'. Template plans will assist in achieving consistency with policies across regional boundaries within the rohe of Ngati Kuia. Our submission relates to the inclusion of Tangata Whenua provisions within RPS and Combined plans.

2. S-RPS: Regional policy statement structure standard

We are of the opinion that references/guidance be made as to the status and application of iwi management plans and Statutory Acknowledgements in the development of Regional Policy Statements at Part 2. It would be particularly useful however, at this location in the RPS to include reference to how the planning documents include the objectives of these iwi tools, and where to reference these plans appropriately within the themes of the RPS. We have discovered that in the majority of cases, many staff at a processing level within local authorities are not aware of iwi management plans and how to apply them when making their assessments.

a. Parts 3 and 4 – Core policy statement provisions

We have discovered through the use of existing plans and during the working groups for two second generation plans, the need for issues that are relevant to iwi to be identified either through a cross referencing tool to other chapters, or through a complete set of Objectives, Policies, AND RULES explicitly to address tangata whenua issues. We have found that where a separate 'Tangata Whenua' Chapter does exist as is proposed in the draft, the follow through within the rest of the plan does not eventuate and iwi tools are easily passes aside when assessing proposals. We suggest that the Themes in Section 4 either; include a new Theme for identifying tangata whenua issues or, our preferred option of a cross referencing on Themes to both, iwi management plans and, Issues identified by Tangata Whenua.

b. Part 5 – Evaluation and Monitoring

[Click here to enter text.](#)

3. S-RP: Regional plan structure standard

[Click here to enter text.](#)

a. Parts 3, 4 and 5 – Core plan provisions

[Click here to enter text.](#)

b. Part 6 – Evaluation and Monitoring

[Click here to enter text.](#)

4. S-DP: District plan structure standard

[Click here to enter text.](#)

5. S-CP: Combined plan structure standard

We have the same views here regarding the integration of the issues identified by iwi into the Objectives, Policies and Rules that are developed to address those concerns, with the use of cross referencing to the iwi issues and also national level direction documents that have involved iwi input at a national level such as NPS.

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

[Click here to enter text.](#)

a. Introduction chapter

[Click here to enter text.](#)

b. How plan works chapter

Allow for an explanation of cross referencing of themes to the Tangata Whenua Chapter. There is often a disconnect between issues and the supporting policies when the policies are in a relevant 'theme chapter'. As there are rarely policies that descend directly from the Tangata whenua themed chapter which wouldn't be more appropriately located within the themes already identified in the proposed template structure.

c. Interpretation

[Click here to enter text.](#)

d. Plan integration

[Click here to enter text.](#)

e. Formation of standards with tangata whenua

It would be pre-emptive to comment here however I discuss what these may look like within our submission. Particularly around consultation and AEE standards.

f. National direction

[Click here to enter text.](#)

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

We reiterate that although a stand alone iwi chapter has become a process for including iwi views, the outcomes of iwi consultation on values and issues need to be integrated throughout the plan. This needs to be explained so that and proposals for Plan changes will identify if an iwi working group or other consultation is required for the proposal.

a. Recognition of iwi/hapū chapter

This would be an appropriate location to indicate if a mana Whakahono agreement exists with these iwi groups as this is a formal, binding relationship document.

b. Tangata whenua local-authority relationships chapter

This is a place to include the requirements of Councils under the LGA and RMA to uphold the Section 8 Principles and the other Part 2 requirements with local iwi groups.

c. Iwi and hapū planning documents chapter

This should direct readers to existing documents and should be easily updated without the need for a full plan change process to update. It may be worth considering another document that lists and contains relevant planning tools.

d. Consultation chapter

This section should provide direction on when and how to engage for example; We currently struggle to explain how statutory Acknowledgements apply to the RMA process for consenting. We know there is no duty to consult and therefore pre application consultation is not 'required' however, what level of cultural assessment is required in order for an application to meet the requirements of section 88? And does that information need to be correct? AEE lodged with Councils often simply state that 'no cultural issues have been identified' even though no legitimate enquiry as to cultural values has been undertaken. Even when a statement of association to the site, waterbody is easily publically available. Section 92 can require further information however, that is usually only applied if and when iwi raise concerns through the weekly lists of consents.

Full notification puts the burden of costs on to iwi which can become burdensome and unachievable, as iwi do not have funding to continue to make submissions and to prepare and present evidence at a hearing.

It would be beneficial for iwi and for applicants if this chapter sets out what is expected in a section 88 acceptance assessment for cultural effects and when an application should be returned.

e. Use of te reo Māori

[Click here to enter text.](#)

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

[Click here to enter text.](#)

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

[Click here to enter text.](#)

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

We are supportive of a reduced range of zone classifications and also to allow for mixed use zoning to allow for an efficient use of land, particularly urban, commercial, mixed residential developments. Zone (use) restrictions should only be put in place to protect human health and heritage values. Amenity values can still be protected through permitted standards while environmental matters can be protected through effects based triggers for resource consent (rather than activity based triggers).

a. Zone framework (individual and range)

A consistent and reduced variety of zones should be used and we support the proposed zone variations provided there is allowance for a range of compatible activities within zones including retail, home occupation etc

b. Purpose statements

[Click here to enter text.](#)

c. Additional special purpose zones and criteria

This has the potential to allow for Maori land to be classed as a special purpose zone which would be an advantage to the development of land on Maori title however, this could also be abused as has been the practice of some companies to develop specific zones such as CMZ3 and CMZ4 in Marlborough for purely commercial interests, and to circumnavigate the existing plan rules through a pseudo consenting proposal to avoid 'prohibited' activity status. I would therefore suggest that these zones should only apply to land and not to public resources such as waterways and the Coastal Marine Area.

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

[Click here to enter text.](#)

12. F-1: Electronic accessibility and functionality standard

[Click here to enter text.](#)

- a. Standard baseline requirements

[Click here to enter text.](#)

- b. Level 5 requirements

[Click here to enter text.](#)

13. F-2: Mapping standard

[Click here to enter text.](#)

- a. Zone colour palette

[Click here to enter text.](#)

- b. Symbology

[Click here to enter text.](#)

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

[Click here to enter text.](#)

- a. Range of tools

[Click here to enter text.](#)

- b. Zone

[Click here to enter text.](#)

- c. Overlay

The proposal to include a Maori cultural overlay/zone is supported. We have advocated for this in the Nelson city plan. One issue we have not been able to adequately resolve is the appropriate mapping of sites that are important or 'significant' that are not sites of archaeological value. These include navigation beacons, waahi tapu sites, sites related to Maori lore such as the creation of New Zealand, sites of tragic events, and landscape features that signify relationships including mountain peaks etc

You should consider the use of a Maori cultural overlay to protect these sites as we have discovered that Maori values are reduced to 'associative' values during landscape assessments. This is not sufficient to protect or even identify values through current national practice in assessing 'outstanding Natural Landscapes' or natural features. As these sites may no longer be considered 'natural' or a 'feature' with aesthetic values.

- 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

Click here to enter text.

a. Range of tools

Click here to enter text.

b. Zone

Click here to enter text.

c. Overlay

Please see above for regional plans

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

Click here to enter text.

a. Chapter form

Click here to enter text.

b. Rules

If rules are developed from issues that are identified by Tangata Whenua, this should be identified to ensure a correct policy assessment can be undertaken. This would direct the applicant and/or processing officer to the relevant Issues, Objectives and policies in the tangata Whenua Chapter.

c. Rule tables

[Click here to enter text.](#)

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

[Click here to enter text.](#)

a. Status of rules and other text

[Click here to enter text.](#)

b. Numbering

[Click here to enter text.](#)

18. CM-1: Definitions standard

[Click here to enter text.](#)

a. Individual definition

[Click here to enter text.](#)

b. Additional definitions

[Click here to enter text.](#)

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

[Click here to enter text.](#)

a. Technical support

[Click here to enter text.](#)

20. Implementation

[Click here to enter text.](#)

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

Click here to enter text.

- 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?

Click here to enter text.

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.

Draft first set of National Planning Standards

SUBMISSION FORM

Contact information

Name*	Vishal Ramduny
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Submitter type*	Individual <input type="checkbox"/>
	NGO <input type="checkbox"/>
	Business / Industry <input type="checkbox"/>
	Local government <input checked="" type="checkbox"/>
	Central government <input type="checkbox"/>
	Iwi <input type="checkbox"/>
	Other (please specify) <input type="checkbox"/>

* Questions marked with an asterisk are mandatory.

Draft first set of National Planning Standards

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

Yes

No

Please note that support is subject to the provision of the relief sought in this submission.

Submission

This submission seeks only the inclusion of Waikato District Council ("WDC") into the list of councils who are to receive a proposed two year extension in implementation timeframes, resulting in implementation of the National Planning Standards occurring after seven years from the date of gazettal, instead of five years.

The application of the proposed two year extension from 5 years to 7 years relies on councils meeting the following criterion:

The council has notified, or is due to notify, the decisions version of an RMA plan, or a partial decision that encompasses the majority of the plan, between April 2016 and April 2019.

Although WDC does not meet the criterion, the Waikato Proposed District Plan (Stage 1) ("PDP") was notified on 18 July 2018 and its progression through Schedule 1 of the Resource Management Act 1991 ("RMA") is expected to be in accordance with the following timetable:

- Submissions close on 9 October 2018 with further submissions to be accepted until the end of December 2018.
- Notification of Stage 2 (Natural Hazards and Climate Change) of the PDP is to take place in February/March 2019.
- Hearings for both stages to commence in approximately June 2019.
- Decisions will be made at the end of 2019 into the beginning of 2020 and appeals commencing at the beginning of 2020.

It is the view of the WDC that, as a matter of fairness, it should be included in the list for the reasons set out below:

Timing of implementation

The gazettal of the Draft National Planning Standards ("Standards") is expected to occur by 18 April 2019. WDC would be required to fully implement the Standards by 2024. The proposed timeframe for the implementation of the Standards coincides with the Schedule 1 process for the PDP.

Given the strategic importance of WDC's proximity to two major cities of Auckland and Hamilton, both with high population growth, it is anticipated that a significant number of submissions and appeals will be received on the PDP. This will result in WDC expending considerable resources (both officers time and financial resources) to complete the Schedule 1 process for the PDP.

In light of the timing of the implementation of the Standards and the progress of the PDP running parallel to each other, the WDC's primary focus will be on resolving and progressing the Schedule 1 process for the PDP as opposed to the implementation of the Standards.

Impacts on council

If the WDC is not granted the two year extension and is instead required to comply with the implementation timeframe of five years (by 2024), immediately upon the completion of the Schedule 1 process for the PDP (expected to be in 2022-2023), it is estimated that it will effectively have only approximately 12 months to fully implement the Standards. This is a significantly shorter timeframe than other councils.

In order to ensure that WDC is able to comply with the five year timeframe for the implementation of the Standards whilst at the same time progressing the PDP, WDC would require additional resources to meet their obligations under both processes. The WDC has not budgeted for such additional resources within this timeframe.

Having completing the Schedule 1 process and made the PDP fully operative, WDC will then have to immediately implement the Standards within a timeframe that is significantly less than other councils

and at a significant cost. This results in the WDC being placed in a position where they are prejudiced more than other councils.

Further, the proposed five year timeframe for the implementation is likely to confuse the public as they will simply see two similar processes being carried out one after the other (or in parallel with each other) which may result in a reduction in public confidence in the WDC and the Schedule 1 process.

The consultation document released simultaneously with the Standards provides that the proposed implementation timeframes gives councils greater flexibility and lower costs. Further the document suggests that the implementation periods enables councils to make 'choices' about their approach to implementing the Standards into their plans. This position is not reflected in the case of WDC. Without the extension, WDC will incur greater costs and does not have a choice with regards to how or when the Standards will be integrated into their plan.

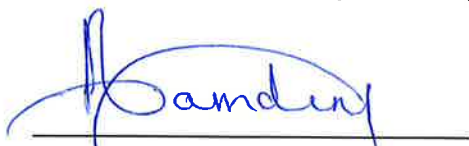
Furthermore, the risk of WDC being unable to comply with their obligations in relation to the implementation of the Standards within the standard timeframe of five years is likely to result in a further reduction in public confidence.

Relief Sought

The WDC seeks to be included in the list of councils who receive a seven year implementation timeframe. To do so will ensure it can meet its obligations in relation to the PDP and the Standards without having to require additional resources, lose public confidence or elect which process will take priority.

The criterion by which the list is determined is, in WDC's submission, arbitrary and inflexible. It does not take into account any circumstances other than the date of notification of a decisions version of an RMA plan and does not reflect unique situations such as WDC's.

It is WDC's understanding that it is the only local authority in the country who has notified a proposed plan between the release of the Standards and the expected date of gazettal of 18 April 2019. In the circumstances, there is no reason why WDC should not be included in the list of other councils who have seven years to implement the Standards.



Vishal Ramduny
Planning and Strategy Manager, Waikato District Council

9 August 2018



[Redacted]

16 August 2018

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

Dear Sir/Madam

SUBMISSION ON THE NATIONAL POLICY STATEMENT FOR THE NATIONAL PLANNING STANDARDS

The West Coast Regional Council welcomes the opportunity to make a submission on the Proposed National Planning Standards. Attached is our submission.

If you wish to discuss any of our comments, the contact for service at the Council is:

[Redacted]

Yours faithfully

Lillie Sadler
Planning Team Leader
West Coast Regional Council

Submission from the West Coast Regional Council on the proposed National Planning Standards

Introduction

The West Coast Regional Council (WCRC) has reviewed the detail contained within the proposed National Planning Standards (the Standards), as well as the Consultation Document, Section 32A Report, Guidance Document, and the Regulatory Impact Statement. Staff provided written feedback on the initial outlined categories of Standards in 2017, and also attended workshops on the outlined and proposed Standards in July 2017 and July 2018.

General Comments

The WCRC does not disagree with the intent of the Standards to remove unnecessarily long or wordy parts of councils' RMA planning documents. This is in line with the principle of simplifying and streamlining plans. However, having consistency in RPS's and regional plans across the country may not guarantee more streamlined planning documents, and so we are not convinced that these Standards will achieve the stated outcome of "less time and fewer resources required to prepare and use plans". For example, the Standards could lead to a large amount of cross referencing being added to the plan to link provisions that have to be located in separate chapters under the Standards, where they were previously located together in a plan. This would be very time consuming for our planning staff. The supporting documents for the Standards have little detail on the impacts on smaller councils. Some of the Standards are overly prescriptive and rigid, and we question the necessity for this.

If the Standards are adopted, we recognise that some of them will be beneficial by making it easier for plan users to find the information they need in online plans. We have no issue with the Standards that provide flexibility and options for councils to implement them or not. These Standards importantly recognise that some differences between council plans are appropriate to reflect the particular context of their district or region.

There are several proposed Standards that we have concerns about. For the WCRC, these include the timeframes for implementing the Standards, some of the Standards for RPS and regional plan structure, the requirement to include in plans a record of national policy implementation, and some of the definitions. We are aware from the Section 32A Report that the Ministry has consulted with numerous councils and planning experts to develop the Standards, and taken the 'most commonly used' practices as the basis for many of the Standards. However, common practice may not fit all councils. The key concerns raised in our submission are likely to have cost and resourcing implications for our small Council, if consequential amendments to our regional plans need to go through a RMA Schedule 1 process and be publically notified.

Structure of submission

The following table outlines our submission points on various Standards. The submission follows the order of the Standards as published, and comments on the Standards that are relevant to regional councils. Not every individual Standard is commented on as there are so many of them. Only those that are of particular relevance, or will potentially affect this Council the most, are addressed.

Proposed National Planning Standard	Support / Oppose / Neutral	Council response
S-RPS: Regional Policy Statement Structure		
<p>Standards 1 and 2</p> <p>1. Except as provided in direction 2 below, local authorities must amend their documents in accordance with section 58I of the RMA within 5 years of gazettal of this planning standard.</p> <p>2. Documents of the local authorities listed below must be amended in accordance with section 58I of the RMA within 7 years of gazettal of this planning standard:</p> <ul style="list-style-type: none"> - Auckland Council - Marlborough Council - Northland Regional Council - Southland Regional Council - Wellington Regional Council 	Neutral	<p>On Page 26 of the Consultation Document for the Standards, there is a criteria whereby decisions on proposed plans that are notified between April 2016, and April 2019 (gazettal of the Standards), have seven years to implement the Standards instead of the five years for all other councils. The list needs to be amended to include the WCRC as the proposed West Coast Regional Policy Statement (RPS) will have a decisions version publically notified by April 2019.</p> <p>On Page 27 of the Consultation Document, MFE have requested that councils who meet the above criteria give an indicative timeframe within which they expect to implement the first set of planning standards for their plans. In terms of implementing the Stage 1 functionality and accessibility Standard for eplanning, we have no choice as the timeframe for implementing this is within one year after the Standards are gazetted. This means we have to implement eplan functionality and accessibility by April 2020. Our IT staff have advised that the Standard for Level 1 (shown in Figure 1 of the Standards) can be met within this timeframe.</p> <p>It is difficult to indicate a timeframe for implementing the other Standards as we have a small planning team of three staff who will be involved over the next five years with giving effect to the NPSFM and NESPF, completing reviews of the Council's Regional Coastal and Air Quality Plans, and any other national direction which is released. Although the Consultation Document states that it would be more efficient for councils to implement the Standards while undertaking plan reviews or changes, this is likely to be confusing for lay submitters to know which parts of a notified Plan implement the Standards and are not open for submissions. It may be more straightforward to implement the Standards after decisions are notified or appeals are resolved, prior to a plan becoming operative. It will depend on the scale of any changes needed to implement the Standards, what stage the plan reviews are at, and whether implementing the Standards necessitates any Schedule 1 changes that need to be publically notified for submissions.</p> <p>Section 58I of the RMA states that the Standards have to be implemented within 1 year of gazettal, however apart from the Stage 1 eplanning Standards, the rest of the Standards require that they be implemented within five years (or seven years for listed councils). Will these different time frames in the Standards override Section 58I of the RMA? The background documents to the Standards identify that the one year timeframe to implement all Standards is unrealistic for councils to achieve. Does the one year timeframe in the RMA need to be amended if it is the higher order document?</p>

Proposed National Planning Standard	Support / Oppose / Neutral	Council response
<p>Standard 3 All regional policy statements must contain mandatory headings (i.e., part, chapter or section headings) in the order provided in Table 3: Regional policy statement structure below, unless otherwise stated.</p>	Support	The ability to use mandatory headings as either a sub-heading in a plan, or as a chapter heading, is supported. This provides flexibility where smaller planning documents do not have separate chapters for all the theme headings listed in the Standards. This is the case for the West Coast Regional Policy Statement and Regional Plans. Standard 3 should be retained.
<p>Standard 4 Local authorities must consider whether other sections should also be included and include them if they are required.</p>	Support	This provides good flexibility for smaller councils with smaller plans.
<p>Table 3: Part 3 Regionally Significant Issues</p>	Neutral/ oppose	We are unsure if this section is intended to list a set of issues that are different to the issues listed in each of the theme chapters, or to list the same issues from the theme chapters. If it is the former, then we consider that this will be unnecessary as it creates an overload of issues. The RPS should only have one set of issues.
<p>Table 3: Part 4 Themes (chapter/section headings)</p> <ul style="list-style-type: none"> • Air quality • Coastal environment • Landscape, landforms and natural character • Ecosystems and indigenous biodiversity • Environmental Risk • Historic Heritage • Infrastructure and energy • Land • Water • Special Topics 	Partly support	<p>We understand that councils only need to include the theme chapter titles if the subject matter of the title is addressed in the RPS. If this is correct, we support this approach. However, we are unclear as to whether it is only those issues raised in the Regionally Significant Issues chapter that are expected to have a themed chapter. See our comments above on RPS's having only one set of issues.</p> <p>The Part 4 chapter Themes state that if the subject matter is addressed in the RPS, then it must be included in a 'separate' chapter on that subject. However, the Standard 3 provides for the theme chapter headings to be parts or sub-headings. The Standard 3, and Theme chapter titles Standard, seem to be inconsistent.</p> <p>We seek that Standard 3 overrides the text in the Part 4 Theme chapters, to provide flexibility for smaller councils who do not have, or want, separate chapters for all the listed themes.</p> <p>Alternatively, we seek that the explanation in Table 3 for each of the theme chapters be amended to refer to Standard 3.</p>

Proposed National Planning Standard	Support / Oppose / Neutral	Council response
		<p>This means that historic heritage provisions must be in a separate RPS chapter rather than a Special Topic chapter. However, this is inefficient when there are only a small number of heritage provisions. The Special Topics chapters need more flexibility to be able to include some of the other themes listed where they are relevant to that special topic. For example, our proposed RPS has a special topic chapter titled “Resilient and Sustainable Communities”. There is only one historic heritage issue, objective, policy and method, and these are in the Resilient and Sustainable Communities chapter as heritage is part of our local communities’ culture and identity.</p> <p>We request that flexibility be provided with Special Topic chapters to allow for situations where there are only a small number of provisions on one of the Themes which can be combined into a Special Topic chapter, using a theme title as a section sub-heading. This relates to the issue mentioned earlier about inconsistency between Standard 3 providing for this, and the text in the Table 3 Themes chapters not providing for this.</p>
Part 6 – Schedules, Appendices and Maps	Support	We support the Standard for schedules, appendices and maps in RPS’s being optional. Our proposed RPS has none of these as this level of detail is in the regional plans, and duplication of them in the RPS is considered unnecessary.
S-RP: Regional Plan Structure Standard		
<p>Standard 1 and Standard 2 Except as provided in direction 2 below, local authorities must amend their documents in accordance with section 58I of the RMA within 5 years of gazettal of this planning standard.</p>	Partly oppose	<p>We do not meet the criteria in the Consultation Document (Pg 26) to implement the Standards for regional plan structure within seven years of gazettal of the Standards (April 2027). This means that the WCRC must implement the structure Standard in all of its regional plans within five years, by April 2025. We are uncertain if this time frame can be met for all of our regional plans, given the workload required by the NPSFM and other national direction, and review of our regional plans. As mentioned under the RPS Structure Standard, although the Consultation Document states that councils can implement the Standards while undertaking plan reviews or changes, this is likely to be confusing for lay submitters to know which parts of a notified plan implements the Standards and are not open for submissions. It may be more straightforward to implement the Standards after decisions are notified or appeals are resolved, prior to a plan becoming operative. It will depend on the scale of any changes needed to implement the Standards, what stage the plan reviews are at, and whether implementing the Standards necessitates any Schedule 1 changes that need to be publically notified for submissions.</p>

Proposed National Planning Standard	Support / Oppose / Neutral	Council response
		We support more flexibility in this Standard, and/or the option to request further time to implement it if needed. Other smaller councils may be in the same position. We note that in the supporting documents, MFE refer to smaller councils needing more support and possibly individual assistance with implementation. It would be useful to get this confirmed in writing at an early stage (i.e. now) to the individual councils most likely to be negatively affected.
Standard 3 All regional plans must contain mandatory headings (i.e. part, chapter or section headings) in the order provided in Table 4: Regional plan structure below, unless otherwise stated.	Strongly support	The ability to use mandatory headings in either a section of a plan as a sub-heading or as a chapter heading is strongly supported. This provides flexibility where smaller planning documents do not have separate chapters to match all the headings listed in the Standard. This is the case for the West Coast Regional Policy Statement and Regional Plans. Standard 3 should be retained.
Standard 4 Local authorities must consider whether other sections should also be included and include them if they are required.	Support	This provides good flexibility for smaller councils with smaller plans.
Table 4: Regional Plan Structure: Part 4 Themes General comment	Partly oppose	<p>Similar to the RPS structure Standards, the Standards for regional plan structure appear to be silent on situations where a policy covers two of the theme chapter matters.</p> <p>We seek the ability to exercise our discretion to combine themes as appropriate for the West Coast region.</p>
Table 4: Part 3 Issues and Objectives	Support Oppose	<p>The flexibility to include, or not include, this part is supported.</p> <p>Similar to the RPS structure Standard, we are unsure if this section is intended to list a set of issues and objectives that are different to those listed in each of the plan theme chapters, or to list the same issues and objectives from the theme chapters. If it is the former, then we consider that this will be unnecessary as it creates an overload of issues and objectives. Plans should only have one set of issues and objectives, and they are best located within the theme chapters.</p>
Table 4: Part 4: Theme headings <ul style="list-style-type: none"> • Air quality 	Neutral	We understand that councils only need to include the theme chapter titles if the subject matter of the title is addressed in the regional plan. If this is correct, we support this approach. However, we