



17th August 2018

Planning Standards Team
Ministry of the Environment
PO Box 10362
Wellington 6143

Email via: planningstandards@mfe.govt.nz

Dear Planning Standards Team

Submission on First set of National Planning Standards – Vodafone New Zealand Limited

Vodafone is New Zealand's largest mobile phone operator, and second largest Internet Services Provider. Beginning operations in 1998 with 138,000 customers, we now have 2.4 million Kiwis using our services. Each day our customers make over 7 million mobile calls and send 13 million TXT messages. In a month, they use 4,500 terabytes of mobile data (that's more than 2 million uploads of photos to Instagram) and 55,000 terabytes of fixed line data. To provide coverage across New Zealand, we have built a network of 1560 cell-sites from Cape Reinga to Bluff, covering 98.5% of locations where Kiwis live, work and play.

Because our customers are at the heart of what we do, we have invested over \$1 billion in building and upgrading this mobile network. As the first telco to introduce 2G, 3G and then 4G, we have a proud history of investing in innovative technology to deliver faster data speeds. Since 2012, we have partnered with the Government in helping ensure rural New Zealanders can access better mobile coverage and data speeds through the Rural Broadband Initiative. As telecommunications continue to evolve, we have also begun trials of 5G network technology, and developed platforms to support the nascent Internet of Things (or Machine to Machine) applications that will create massive change to our economy.

Our commitment to providing telecommunication services across New Zealand, is matched by our commitment to supporting communities across New Zealand. In 2002 we established

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the Vodafone NZ Foundation and have subsequently donated \$25 million to communities in need. The Foundation is also home to our Instant Network, a suite of mobile devices that allows specially trained staff to establish local communications networks in disaster situations. Recent examples include the Christchurch earthquake, and the tropical cyclones that have wreaked havoc in Vanuatu and Fiji.

Our experience in delivering telecommunications technology (we operate in 30 countries around the world) means we are well placed to participate in discussions regarding National Planning Standards.

Presently, the telecommunications industry is partially enabled to upgrade the existing networks and build new facilities in the road and rural areas throughout New Zealand within the perimeters of the permitted standards within the National Environmental Standards for Telecommunication Facilities Regulations 2016 (NESTF). The S32 report, page 5, on the NESTF recognized the following benefits:

"The main benefits associated with the proposed NESTF Regulations 2016 are:

- national consistency and certainty for the telecommunications industry*
- reduced consent processing and compliance costs*
- reduced time delays for infrastructure deployment*
- enabling New Zealanders to realise the benefits of UFB and RBI sooner.*

The efficiency gains for the telecommunications industry and local government will also enable them have more time and resources to invest elsewhere. Improved telecommunication coverage and services will also contribute to the economic and social well-being of businesses and communities."

The NESTF has been successful in achieving national consistency and certainty for the industry. However, as a national network utility building new infrastructure fixed line and mobile across New Zealand we still rely on regional and district plans to enable new networks, primarily outside the road reserve and in urban areas. Consequently, we are heavy users of planning documents as we seek to evaluate each site as to what is permitted or where resource consents are required. This creates a range of issues including:

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- Variation layout of planning documents, limited use of electronic plans, wide use of PDF documents that make it difficult to navigate planning documents;
- Variation in build costs from district to district because the variation in rules leads to bespoke solutions for each site due to wide variation in district plan provisions and thresholds as when a resource consent is required;
- Time delays in the site acquisition and build programmes due to having to undertake complex planning assessments or resource consent applications, and the time a council takes to process and consider an application;
- Uncertainty of outcomes where telecommunications infrastructure and/or associated installation activities are not permitted;
- Planning restrictions, which may reduce optimisation in the design of the network resulting in increased inefficiencies, network risk and sometimes a less than optimal service experience for our customers. Or that potential users miss out because the facility must be constructed at a height, to meet permitted standards, that is too low to provide coverage of the full potential user catchment;
- Time and cost of submitting, attending hearings on each Plan review process. We tell a consistent story but often achieve inconsistent outcomes. Too be fair our intensive engagement processes and collaborative efforts are starting to achieve greater consistency of District Plan provisions, but it is an on-going and demanding process with no certainty of outcome;
- Councils face costs for staff time required to prepare telecommunication and network Utility provisions in District Plans that are technical and have been described as “boring” to prepare and work on. The resource cost of staff or consultant to process and monitor resource consents and enforce district plan provisions;
- Delays and uncertainty in building new or upgrading our telecommunication networks and technology affect our customers that rely on communications technologies to be competitive internationally, or other users being able to fully realise the benefits of improved telecommunication coverage and services.





Draft first set of National Planning Standards

Vodafone supports the draft first set of National Planning Standards. We have some suggestions for amendments and some additional definitions.

Development of additional National Planning Standards

Vodafone supports the development of additional National Planning Standards. Vodafone supported the Ministry for the Environment establishing the working group in August 2016, to explore the opportunities to develop a National Planning Standard for Infrastructure. The working group continues to work on the preparation of what is now a National Planning Standard for Network Utilities (NPSNU).

The concept for the working party was generated via submissions to the Resource Legislation Amendment Bill 2016. That suggested potential content for the National Planning Template (NPT). Of the range of suggestions put forward, topics relating to infrastructure and utilities are commonly raised. Submissions included the following comments:

- High costs associated with submissions on multiple District Plans, generating a large amount of duplication;
- Welcome consistency in resource management plans and policy statements structure and format. In order to reduce complexity and improve the clarity and user friendliness of plans;
- Providing a level of consistency in definitions and terms would be beneficial;
- Protection of network facilities, such as the national grid, from inappropriate development;
- Reverse sensitivity was raised as an issue.

During the Auckland Unitary Plan and the Christchurch Replacement Plan review processes, many of these network utility providers worked cooperatively together in support of these plan reviews. In both plan reviews, the network utility providers participated in mediation sessions and have been required to work together to achieve workable provisions for their respective activities. Because of the industry specific technical requirements and knowledge required about each network, Councils have been seeking out guidance on what is required

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to support network utilities. Collaborations in a range of plan reviews have significantly improved the provisions, reduced time and resources required to prepare network utility chapters for Councils and the industry.

NPSNU working group has representatives from Local Government NZ being Christchurch City, Water Services, Wellington Water; Transpower, Electricity Networks Association (ENA) being Vector, PowerCo and Aureroa; National Transport Agency, Kiwirail, First Gas, and Telecommunications Carrier Forum (TCF) being Spark and Chorus and independent Resource Management consultant Ainsley McCleod. MfE continues to support the working group but the work is currently outside the first Planning Standards programme of work. The output of the working group will be a full content Regional Policy Statement and Network Utilities chapter. The working group has been sharing and testing content with key groups that generally have an interest in network utility provisions in district plans. Over the last few months workshops were held with the rural sector and a number Councils currently developing district plans in Canterbury, Wellington and New Plymouth. The feedback received was supportive and has been used to enhance the provisions specially to ensure that core services such as public transport including roads, cycling and walking, the 3 waters plus other council networks were appropriately enabled.

NPSNU working group working closely with MfE has been able to essentially road test the first planning standards, including using the F-5 draft chapter from standard. Our comments are based on the experience of using a range of the draft planning standards, with a focus on the standards for Infrastructure and Energy Chapter provisions.

Standardised structure of document

The following draft standards provide the opportunity for those of us that have to use every regional and district plan document in New Zealand to know and understand the layout and how the plan is going to work in relation to other chapters or National Environmental Standards:

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S-RPS: Regional policy statement structure standard, S-DP: District plan structure, standard, S-CP: Combined plan structure standard, S-IGP: Introduction and general provisions standard – Part 1 of all plans and policy statements and S-DWM: District wide matters standard – Part 4 of District plans.

Vodafone supports the proposals in each of the standards. It is good to see that Councils, that have already completed recent Plan reviews, have 7 years to transition to the planning standards format.

The use of discretionary direction for zones is appropriate, as it enables the right level of pick and mix depending the type/scale of City or District that the planning document covers.

The requirement for a colour palette as per Table 21 on page 54/55 does not recognize the cost of printing colour and environment issues. Our environmental sustainability policies prioritize printing in black and white. In our opinion the planning standard needs to require the ability to print in black and white. Therefore, a white and black palette of symbols or abbreviations needs to be developed. This should not be overly complicated, given that plans were until recently all in black and white. The colour palette, especially when printed, is not always easy to read without symbols, to aide in the clarification of the zone type.

The requirement to outline details of which rules are more lenient or stringent that the NES under S-IGP table 15 is supported. This will provide clarity for plan users.

F-1: Electronic accessibility and functionality standard

Currently 97% New Zealanders have the ability to access electronic planning documents. Mobile and fixed line access via the rural broadband and ultra-fast fibre projects, lead to the ability to access just about anywhere in NZ. Access is continually being improved by the roll-out of new technology and networks, the next being 5G. The requirement transition to electronic plans is critical for New Zealanders and will significantly improve access to planning document and the planning process for everyone. Users will be able to access the document when they want and read the information relevant to any proposal they are considering. This will significantly reduce the time it takes and improve access to the right information.





Consequently, this will improve our ability to assess our telecommunication projects across the New Zealand.

F-2: Mapping standard, F-3 and F-4: Spatial planning tools (District) standard

The requirement to have printed maps should be a discretionary requirement. An electronic plan provides the ability to print material relevant to a particular project, including the plans. For Councils that continue to use PDF documents, the requirement to have printed plans/maps is important.

F-5: Chapter Form standard & F-6: Status of rules and other text and numbering form standard.

Part of the work that has been completed for the development of the NPSNU, is the use of the standard template format in F6. Our experience of transferring the information from a Christchurch District Plan type of format to the new layout, is that it is a reasonably comprehended document that is easily understood. The user is able quickly understand the status of the activity, or what happens if the rules are infringed.

CM-1: Definitions standard

We consider that the following definitions need to be add or altered. During the drafting the NPSNU document a wide range of new definitions or alteration will be required to ensure that the NPSNU functions and is interpreted as intended.

We consider that it is too narrow only to recognise “functional need”. “Operational need” should also be included as in the Auckland Unitary Plan and Christchurch District Plans.

The need for a proposal or activity to traverse, locate or operate in a particular environment because of technical or operational characteristics or constraints.

The definition of “Height” while simple to read, is very open for interpretation and will potentially trigger a lot of consequential plan changes to height rules in plan function. The definition is in direct conflict with how height is measured under NESTF 2016 Regulation 7(6).

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We consider that this conflict should be recognised and resolved potentially by the inclusion of the NESTF height measurement regulations.

Designations format

We consider that the format and information requirements for designation is appropriate. This will ensure everyone has access and knowledge about what a requiring authority can do on a designated site.

Future content for standards – Utilities provisions

We support the development of content standards such as the draft NPSNU that is currently being developed. Network utilities are core infrastructure that all new Zealanders depend on. There should be consistency of the regulatory framework but recognising that geographical variation of standards in appropriate circumstances. Such as, how telecommunication facilities or mobile sites are permitted in the Queenstown Lakes District outstanding national landscape or on the Canterbury plains. We consider that the NPSNU should resolve the issues we identified on page 3 of this submission. A collaboration between the technical experts and local and central government with drafting controlled by an independent expert. Plus inputs and comments from other stakeholders, means that what is often seen as a technical and “boring” chapter to prepare by planners writing Plans, is replaced by the draft NPSNU. In addition it resolves the difficult issue of integrating the NESTF 2016 into district plans for telecommunications provisions for telecommunication operators that do not rely on the NESTF 2016 such as Councils.

Yours sincerely,

Colin Clune

Resource Management Planner

The address for service is:

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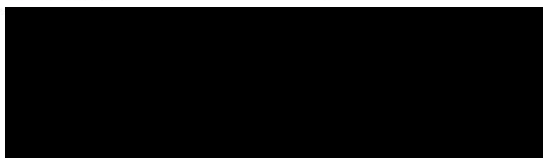
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Ministry for the Environment National Planning Standards

17 August 2018

For more information please contact:



Submitter details

1. Nelson Marlborough Health (Nelson Marlborough District Health Board) (NMH) is a key organisation involved in the health and wellbeing of the people within Te Tau Ihu o Te Waka a Maui. NMH appreciates the opportunity to comment from a public health perspective on *National Planning Standards*.
2. NMH makes this submission in recognition of its responsibilities to improve, promote and protect the health of people and communities under the New Zealand Public Health and Disability Act 2000 and the Health Act 1956.

General Comments

3. NMH strongly supports the introduction of the National Planning Standards as these will make future resource management plans easier to use for plan writers and plan users. The proposed templates allow for greater consistency which makes them more user friendly and easier to navigate. Set definitions will also provide uniformity across the country which will make it simpler for users, such as the likes of district health boards, who work across numerous councils.
4. NMH supports the inclusion of noise standards within the National Planning templates as this gives consistency and robustness to environmental noise regulations nationally. This inclusion may lead to improved health outcomes related to the minimisation of nuisance effect of noise.

Specific Comments

5. *Question 4 & 5 District Plan Structure Standard:* NMH notes that Noise and Light have been grouped into the same section however as these matters have different measurement and assessment methods, it is more appropriate to have these in separate sections in order to have clarity and reduce confusion.
6. *Question 6 Standard Set of Zones:* NMH supports the inclusion of a standard set of zones as this makes it easier for plan users to navigate between different plans.
7. *Question 9 Zone Purpose Statements:* NMH supports the inclusion of a Hospital zone but recommends that the purpose of this definition be altered slightly to the following:

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

The term *primary* in this sentence refers to the hospital being the main medical facility. However, within the health sector, the term *primary* is used to describe health services that occur in the community outside of the hospital setting e.g. general practices. Therefore it would more appropriate to remove the word *primary* from the sentence to remove confusion.

In addition, the term medical can be seen to be exclusive of surgical procedures or psychiatric care within the health sector. Therefore NMH recommends that the definition is broadened to encapsulate these services.

8. *Question 18 Definitions:* NMH supports the National Planning definitions given for aquifer, ground water and bore as these broadly align with the *Drinking Water Standards for New Zealand 2005 (Revised 2008)*. In addition, NMH supports the definitions given for sewage, greywater and waste water
9. NMH recommends that the definition of drinking water is altered as follows:
 - a) *means water intended to be used for human consumption; and*
 - b) *includes water intended to be used for food preparation, utensil washing, and oral or other personal hygiene.*

This will ensure that the definition is more in line with that of the Health Act. NMH understands that the *NES for Sources of Human Drinking Water* is also under review and therefore recommends this change occurs in both documents.

10. *Question 20 Use of NZ Noise Standards:* NMH agrees that it is appropriate to use NZ Standards as the basis for noise metric and vibration standards. NMH recommends that the National Planning Standards are edited to ensure consistency with the New Zealand Standards. Within the National Planning Standard, it is recommended that a standard format for district/region wide noise rules is developed.

Conclusion

11. NMH thanks the Ministry for the Environment for the opportunity to comment on *National Planning Standards*.

Yours sincerely



Peter Bramley
Chief Executive



17 August 2018

National Planning Standards

Ministry for the Environment

PO Box 10362

Wellington 6143

Via email: planningstandards@mfe.govt.nz

Dear Liz,

NZ Transport Agency Submission on the Draft National Planning Standards

Thank you for the opportunity to submit on the Draft National Planning Standards. The NZ Transport Agency (Transport Agency) is generally supportive of the concept. As an organisation that works across the country, we see that there will be significant value in having some standardisation of plans.

Our feedback will cover off both areas we see benefiting from some changes / tightening up and clarification and areas which we see as adding good value as they are. Any changes we suggest will be clearly marked up in the table that follows. This includes where we see an opportunity to include definitions that the Ministry for the Environment (MfE) hasn't presently included in their draft document.

The Transport Agency's role

The Transport Agency is a Crown Entity established by section 93 of the Land Transport Management Act 2003. The Transport Agency shapes New Zealand's transport networks and people's safe and efficient use of them. We connect families, help businesses take goods to market, and help others work, study and play.

An integrated approach to transport planning, funding and delivery is taken by the Transport Agency. This includes investment across modes and the continued maintenance of state highways. The Transport Agency must exhibit a sense of social and environmental responsibility when undertaking this work.

The Transport Agency has nearly 11,000 kilometres of state highway across the entire country. It also has a vested interest in the local network, as a co-funder and in terms of how it shapes and impacts space and place. Moreover, it has an interest in the social and economic well-being of the country. This means our interest in the National Planning Standards (the Standards) is broad; which is reflected in the content of our submission.

General Comments and Observations

The Transport Agency agrees that there appears to be a significant amount of structural (format) and unnecessary variation across the plans at present. The Transport Agency agrees with the Ministry; that the plans will benefit from some standardisation, particularly for users like the Transport Agency who work across all jurisdictions.

Potential for other Standards

The Transport Agency is supportive of a network utilities / infrastructure standard. The network utility and infrastructure providers, particularly those that work across jurisdictions, could benefit greatly from the creation of a network utilities / infrastructure standard. This is because, more often than not these providers work their way across the country's various plan changes and reviews to seek very similar provisions.

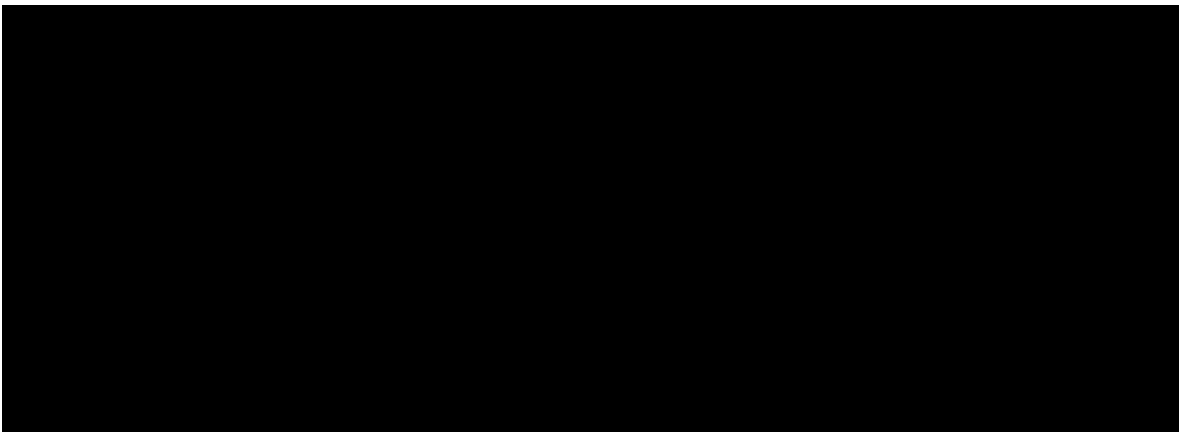
Having a nationally consistent approach for network utility / infrastructure, would reduce the unnecessary local nuances (where these nuances are often not required). Additionally, for operators who work across multiple jurisdictions, having the same provisions to work with means that when a project that spans jurisdictions is being consented the same policy framework (as it applied to network utilities / infrastructure is applied).

We see that there is value, particularly in the development of Objective and Policies, at all plan levels to cater for a network utility / infrastructure chapter. From a consenting perspective, it would reduce a large amount of churn for the Transport Agency if the network utility / infrastructure Objectives and Policies were consistent across the country.

Warm Regards,



Consents and Approvals Manager



General Provisions

CM – 2: Draft Noise and Vibration Metric Standard

D.5 – This clause should be redrafted as:

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

This change should be made as:

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

S-DMW: District Wide Matters

The Transport Agency notes that there is no prescribed way for a road or transport network to be zoned. The Transport Agency has no preference for the method, but would like to see a standardised approach across the Country. At present, our read is that the National Planning Standards allow Councils to have the discretion¹. Given there is no special or nuanced local variation, it isn't clear why this is the case.

¹ Draft National Planning Standards Document, Page 40, point 23 (b)

CM - 1: Draft Definitions Standard

Below, we have outlined the provisions we support, and the provisions we either think could be improved, or have some questions about. The views, where not in support, are detailed in the first table. Also included is a list of terms, and suggested definitions that we think should be included in the next draft of the National Planning Standards. Given the unknown nature of how the definitions will be worked into the rules and other provisions, the Transport Agency's comments are fairly wide ranging. Generally, the Transport Agency supports standardising some definitions. However, some of the definitions are very broad, and will require rules to help narrow them. If the Ministry has a view, or intended scope of the definitions – that hasn't translated into the definition itself, then the Transport Agency suggests that this is something that should be detailed in guidance on the definitions. As highlighted in our suggested amendments / actions below, the broad definitions means that (what we assume as unintentional) a number of definitions throw the net wider than necessary.

Specific Provision / Section	Provision Definition	Explanation	Suggested Amendment / Action
Building damage from vibration	Means any permanent effects of vibration that reduces the serviceability of a structure or one of its components	Definition could be tighter, at present there is an element of subjectivity.	Replace 'serviceability' with something less subjective.
Cleanfill	Means and area used for the disposal of exclusively inert, non-decomposing material	This definition, at present, has too narrow a meaning. The Transport Agency requests that this be changed to reflect the Auckland Unitary Plan definition. Being, the addition of exclusions. The Transport Agency sees the exclusions as being necessary within the definition as at present there is an opportunity for perverse outcomes to occur, with the definition as drafted. The exclusions sought have been tested through the Auckland Unitary Plan	Amend the definition to include: [...] <u>But excludes:</u> <u>storage and use of cleanfill material within an earthworks site for the purpose of engineering contours for specific activities;</u> <u>placement of cleanfill material associated with road construction and road maintenance activities; and</u>

Specific Provision / Section	Provision Definition	Explanation	Suggested Amendment / Action
		process. Furthermore, the exclusions better shape the intent and practical use of the definition.	<u>onsite storage and use of overburden or aggregate by-product that is cleanfill material associated with mineral extraction activities</u>
Coverage	Means the percentage of the net site area covered by the footprint of structures as identified the relevant rule	If this definition is intended to apply to residential coverage, the definition is acceptable. However, if this is intended to apply more widely, the Transport Agency has concerns this could inadvertently capture roads. Depending on how the rules apply, this could be punitive.	Clarify how / where this definition applies (that it doesn't apply to state highways). Amend the definition to add the missing word: [...] identified <u>in</u> the relevant rule.
Earthworks	Means any land disturbance that changes the existing ground contour or ground level	The definition as it stands, is quite broad. It will be its application that is of more interest. Not all earthworks, necessarily, change the ground contour or level. For example, earthworks for placement of an underground tank could end up with a very similar contour to existing.	It would be useful for the Ministry to produce guidance on this definition and its use.
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	The Transport Agency considers this definition is too narrow, and applies the wrong focus. Very few land use activities have a <i>functional need</i> to locate within these areas, if the phrase is understood	Either: delete the following from the existing definition [...] ~~because the activity can only occur in that environment~~ Or:

Specific Provision / Section	Provision Definition	Explanation	Suggested Amendment / Action
		as meaning they cannot locate anywhere else. In short, <i>functional need</i> should reflect the function of a network operation, not the function of the location.	Delete the definition and add: <u>The need for a proposal or activity to traverse, locate or operate in a particular environment because of technical or operational characteristics or constraints.</u>
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	Not all green infrastructure mimics natural processes. An additional term is required to better capture the process.	Amend the definition to include augment as follows: [...] or engineered systems that <u>augment or mimic</u> natural processes, to provide utility services [...]
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 224(c) Certificate or the previous legislative equivalent), but excludes any excavation or filing associated with the construction or alteration of a building:	The Transport Agency is generally happy with this definition, however notes that there are a couple of points that will benefit from clarification or amendment.	Point b) refers to 'existing surface level'. Presumably this is as existing at the date of the plan. Consider how the intent can be better communicated or reflected. Point c) refers to the level on <i>front</i> of the retaining wall.

Specific Provision / Section	Provision Definition	Explanation	Suggested Amendment / Action
	b) If the ground level cannot be identified under paragraph (a), the existing surface level of the ground, excluding areas of cut or fill associated with the construction or alteration of a building: c) If, in any case under paragraph (a) or (b), a retaining wall or a retaining structure is located on the boundary, the level on front of the retaining wall or retaining structure where it intersects the boundary		In this scenario, front (without clarification) can have two meanings – facing in or facing out. Consider how the intent can be better communicated or reflected.
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	The Transport Agency has a reverse sensitivity guide which has a definition for <i>Habitable Space</i> . There are numerous similarities between the National Planning Standards definition for <i>habitable room</i> and the Transport Agency's definition for <i>habitable space</i> .	The Transport Agency considers that this definition is acceptable, so long as it is supplemented with a definition of either: <i>noise sensitive activity</i> or <i>activities sensitive to noise</i> . The Transport Agency has no preference for how the term is framed, but it would need to be used consistently throughout the Standards. The reason for its inclusion, is that the term <i>activities sensitive to noise</i> is a term used within the Standards, and is a term that will benefit from being defined.

Specific Provision / Section	Provision Definition	Explanation	Suggested Amendment / Action
Industrial activity	Means an activity for the primary purpose of – a) Manufacturing, fabricating, processing, packing, storing, maintaining, or repairing goods; or b) Research laboratories used for scientific, industrial or medical research; or c) Yard-based storage, distribution and logistics activities; or d) Any training facilities for any of the above activities	The Transport Agency is interested in understanding what is intended to be captured by point d). This point is particularly broad, and therefore numerous activities can be captured by it. Such as university [teaching] laboratories.	Consider how the intent can be better communicated or reflected.
Landfill	Means the use, or the previous use, of land for the primary purpose of the disposal of waste	Generally, the Transport Agency supports this definition, however, without <i>waste</i> being defined the definition is open to some unintended consequences.	Consider defining <i>waste</i> so that the terms and meanings can be read in conjunction. This would provide a better understanding for the outcomes / consequences.
Land disturbance	Means the alteration to land, including by moving, cutting, placing, filling or excavation of soil, cleanfill, earth or substrate land	The inclusion of <i>cleanfill</i> is not appropriate in this definition. For an operative <i>cleanfill</i> , this definition may inadvertently capture day to day operation of the <i>cleanfill</i> . Also, this definition should be consistent with <i>Earthworks</i> .	Delete <i>cleanfill</i> from the definition. Consider how this definition aligns with <i>Earthworks</i> .

Specific Provision / Section	Provision Definition	Explanation	Suggested Amendment / Action
Net site area	Means the total area of the site, but does not include: a) Any area of land that legally provides access to 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	The Transport Agency generally supports this definition. But it is not clear why both a) and b) is needed.	Consider how the intent can be better communicated or reflected.
Notional boundary	Means a line 20 meters from any side of a building that contains an activity sensitive to noise, or the legal boundary, if it is closer to that building	The Transport Agency generally supports this definition. The Transport Agency considers that <i>Noise Sensitive Activity</i> or <i>Activity sensitive to noise</i> needs to be defined. The Transport Agency doesn't have a preference for the defined term, but we note that it needs to be consistently used. We are proposing a definition. Consider if the use of commas is correct. The second comma changes the meaning (depending on if it is meant to be included or not).	Consider if the use of commas is correct, as the meaning is different without the second comma. Consider a definition for <i>activity sensitive to noise</i>.

Specific Provision / Section	Provision Definition	Explanation	Suggested Amendment / Action
Official sign	Means all signs required or provided for under any statute or regulation, or otherwise related to aspects of building safety	The Transport Agency generally supports this definition, but is not sure what is captured by the term 'building safety'.	Consider how the intent can be better communicated or reflected.
Quarry	Means an area of land where the excavation, with or without the processing, of minerals and other solid natural substances occur	In the strictest application on this definitions, it is the Transport Agency's interpretation that digging up an area for a new road would fall under the definition of <i>quarry</i> . This definition as written would also apply to any earthworks or land disturbance.	One option may be to note what it is used for, would narrow the definition sufficiently. Otherwise, specific exclusions may be necessary. Perhaps the addition of <i>for the purposes of commercial use and or sale</i>. This addition would exclude work associated with road building being captured as a <i>quarry</i>. Either way, the definition should be amended or deleted to avoid a perverse outcome.
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	The Transport Agency seeks a similar definition to the Auckland Unitary Plan because it acknowledges that there are a range of activities that could inadvertently be caught by this definition and the associated plan reclamation rules. These activities are not considered	Replace definition with: Permanent filling of the coastal marine area or the bed of any lake, wetland river or stream to create dry land. Includes:

Specific Provision / Section	Provision Definition	Explanation	Suggested Amendment / Action
	any deposition of material or infilling that is not permanent	to create the type of effects reclamation rules typically try to address.	• filling associated with piping a stream. Excludes: • piles; • pylons; • boat ramps; • rubble mound breakwaters; • filling behind seawalls (unless the purpose of the seawall and filling is primarily for the purpose of creating land); • beach nourishment where the newly created land is still subject to the ebb and flow of the tide; • any area of surface water impounded by a dam; and • culverts parallel to the direction of water flow.
Residential Activity	Means the use of land and buildings by people for the primary purpose of living accommodation	It isn't clear whether this definition (inadvertently captures visitor accommodation). The suggested amendment provides additional clarity to the definition.	Add <u>"that people will generally refer to as their house or home. For the avoidance of doubt, residential activity can also occur in community housing and in a holiday home."</u>

Specific Provision / Section	Provision Definition	Explanation	Suggested Amendment / Action
Rural industry	Means an industrial activity where the principal function supports primary production or aquaculture activities	The definition of primary production above includes aquaculture so why is there an “or”? It isn’t clear how this definition works in with <i>industrial activity</i>. As currently drafted, it is unclear whether the likes of a rural training facility is considered to be an <i>industrial activity</i> or not.	Change the term ‘or’ to ‘and’ so it reads [...] supports primary production <u>and</u> aquaculture activities. It is not clear if this definition is intended to be a subset of <i>industrial activity</i>. Provide clarity of interaction between definitions or separation of the definitions.
Sewage	Means any water that contains any toilet or urinal waste, or any waste in water from industrial or commercial processes	It isn’t clear if effluent is captured by this definition.	Consider if effluent is intended to be captured by this definition, or not.
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 – - Identification of and provision of information about any activity, site or structure; - Providing directions; - Promoting goods, services or forthcoming events; and	Digital signs need to be captured. This definition excludes things like road safety billboards (which aren’t promoting goods or services, or providing information about an activity or site etc). To clarify, safety billboards are not official road signs, so are not captured. Illumination, moving parts, message sizes etc should be covered in standards rather than a definition.	Amend the definition so safety billboards aren’t excluded. Ensure digital signs are captured within this definition. Remove reference to Illumination, moving parts, message sizes etc, as these terms are more appropriately captured within the rules than the definition.

Specific Provision / Section	Provision Definition	Explanation	Suggested Amendment / Action
	b. Includes the frame, supporting device and associated ancillary equipment 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		
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	It isn't clear why this definition has deviated from the Resource Management definition. An explanation of why the deviation is necessary, otherwise as per the Principles for drafting, it should be left undefined in the National Planning Standards.	Consider how the intent can be better communicated or reflected.
Visitor accommodation	Means land and/or buildings used primarily for accommodating non-residents, subject to a tariff being paid	What constitutes a "non-resident"? What about campgrounds that have long-term caravan residents – are they visitor accommodation or residential? A private hospital could fall under this definition.	Consider how the intent can be better communicated or reflected.

Specific Provision / Section	Provision Definition	Explanation	Suggested Amendment / Action
Waste water	Includes sewage, and greywater	It is unclear whether they have to be mixed together to count as wastewater. (i.e. when does it stop being sewage and start being wastewater?)	Clarify if it's a combination that makes up <i>waste water</i> . Or if an individual substance qualifies.
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	Consider whether this definition is the easiest / most practical to define. Perhaps <i>Hydraulic neutrality</i> may be more useful.	Delete the struck through text from the definition: ~~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.

Definitions – we support as drafted				
Abrasive Blasting	Drain	Height [in relation to a regional plan or a regional policy statement or a combined plan that includes a regional plan or a regional policy statement]	Outdoor living space	Small scale renewable electricity generation
Accessory Building	Drinking water	Height in relation to boundary	Peak particle velocity	Stormwater
Aquifer	Dry abrasive blasting	Home business	Primary production	Swale

Addition	Dust	Intensive primary production	Rating level	Wet abrasive blasting
Ancillary activity	Educational facility	L Aeq	Residential activity	
Building	Fertiliser	L A90	Residential unit	
Bore	Footprint	L AF (max)	Reverse sensitivity	
Boundary	Greywater	L dn	Root protection area	
Boundary adjustment	Gross floor area	L peak	Setback	
Commercial activity	Groundwater	Minor residential unit	Site	
Community facility	Height [in relation to district plan]	Net floor area	Special audible characteristic	

New Definitions

Term	Reason / Explanation	Definition
Noise Sensitive Activity / Activities Sensitive to Noise	This term is used in another definition. It is something that, at times, can be contested. But is consistent across the Country.	An activity that may be affected by noise from an external source. For example, someone prevented from sleeping due to night-time noise from an adjacent airport.
Operational Need	See explanation in <i>functional need</i> .	Operational need: The need for a proposal or activity to traverse, locate or operate in a particular environment because of technical or operational characteristics or constraints.

From: [REDACTED]
To: [Planning Standards Mailbox](#)
Cc: [REDACTED]
Subject: Addendum to planning standards submission
Date: Tuesday, 28 August 2018 3:37:45 PM
Attachments: [pastedImage.png](#)

Hi Planning Standards team,

The planning team at the Transport Agency has been thinking about the definitions in the National Planning Standards, and the submission we made.

With usability and helpfulness at the front of mind, we consider the the suggested amendments for the term **functional need** can be better improved by replacing the proposed definition with the following.

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 and/or the proposal or activity to traverse, locate or operate in a particular environment because of technical or operational characteristics

We note that this is different to what we included within our submission, but it addresses and achieved our explanation.

Appreciating we are beyond the 'closing' date, we hope that you can consider this wording.

Happy to discuss.

Kind regards,

[REDACTED]

[REDACTED]

[REDACTED]



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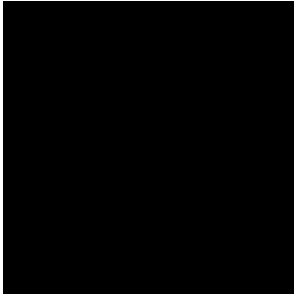
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17 August 2018

Hon David Parker
Minister for the Environment
Parliament Office
Private Bag 18888
Parliament Buildings
Wellington 6160



Te Kaunihera o Tai Tokerau Ki Te Raki

*The top place where talent
wants to live, work and invest*

Dear Minister,

**FAR NORTH DISTRICT COUNCIL SUBMISSION ON DISCUSSION DOCUMENT –
IMPROVING OUR RESOURCE MANAGEMENT SYSTEM**

Far North District Council (FNDC) welcomes the opportunity to submit on the “Draft National Planning Standards” (the Standards). FNDC has been a member of the Council Pilot Programme and has participated in that process, which has helped inform the creation of the draft standards.

The submission is structured to provide general comment on the Standards, followed by targeted responses to the questions posed in the Ministry’s submission’s form.

General Comment

The Standards are now a legislative requirement and the Resource Management Act 1991 (the Act) prescribes the mandatory content and timing for the first set of Standards.

FNDC supports the general concept of having National Planning Standards as it will improve national consistency and provide a starting point for planning documents. FNDC has concern over the scope of the Standards and the potential to open Plan content to challenge. While FNDC is currently undertaking a consolidated review of the entire District Plan, other Council’s are not in a similar position. These Standards will require in some instances consequential changes, which may be beyond those allowed outside the Schedule 1 RMA process. This could have significant cost implications for a Council and its communities.

The Standards have been written for both rural Councils, like FNDC, and more densely populated urban Councils such as Waikato. Careful consideration has to be given to whether these standards provide a framework that works for both urban and rural Councils.

Draft District Plan Structure Comment

FNDC is supportive of the requirement to have a glossary of Te Reo Māori terms and a section that provides an overview of the higher order documents such as National Policy Statements. We also feel that it is appropriate to have a dedicated section for Tangata Whenua as this helps to inform users of a District Plan and will aim to improve the quality of applications made and improve consultation with Tangata Whenua.



Retaining the ability to have additional special purpose zones is supported by FNDC as this will allow for local issues to be managed and will address legacy areas in the District Plan that are best to retain the provisions as they currently apply.

Draft District Wide Matters Standards

FNDC would like to see more direction provided for district wide matters. For example what is intended to be managed in “activities on the surface of water”. Is this in relation to activities that only occur on water, or does it include management of potential supporting activities? For example, you may have a tourist venture that is using a lake with an associated structure on the adjoining land. It is unclear if the intention is to control any potential adverse effects from the structure in the relevant zone chapter or this section.

Draft Electronic Accessibility and Functionality Standard

FNDC supports the move towards better electronic accessibility for users of Plans. The current hard copy format can make it difficult for lay persons to use and understand and may increase the need for a consultant for what may be a simple land use application. An electronic format will also ensure that reading multiple sections of a plan will be easier; as currently a user may only go to the zone provisions that apply to their land use and not be aware they may also need to look at other provisions in different chapters.

E-planning will also allow for external documents to be hyperlinked in a Plan, or images of notable trees or heritage buildings being included. However, sufficient time needs to be given to Council to put this into practice, due to the financial costs and time required to implement an e-plan.

Standardised symbols and colour palette have been provided in the Standards. FNDC feels there needs to be flexibility to create additional symbols as required to reflect what is already to some degree standardised in Plans already.

It is not clearly shown whether the Standards allow a Council to have additional spatial planning tools in your District Plan. This needs to be clarified in any guidance document.

Draft Chapter Form Standard

It is unclear what the purpose of having a “short title” for each objective and policy will achieve. The objective or policy should be clear from reading the associated text and in theory does not require a title to advise the reader what its purpose or theme is. What happens if there are a number of policies tying into the same objective, do you then use the same heading? This may result in unnecessary time debating the title of an objective or policy, which is not a good outcome for our communities.

The new format is directing the use of “Rule Tables”, however in some instances an existing special zone may warrant retaining the current format vs. trying to incorporate it into a table format. While tables may make provisions easier to understand, they can also create a level of complexity when the matter may have been better dealt with using a different format. Consideration should be given to whether a special zone not identified in the Standards can utilise a different format.

Draft Definitions

FNDC does support the standardisation of common definitions and believes doing so will reduce time and money spent arguing the meaning.

However, if a definition is going to be included in the Standards, there has to be confidence that it is the right wording, it will provide the clarity and certainty needed to support the relevant provisions and not create gaps that will result in poor environmental outcomes or the need to create more definitions.

The following definitions have raised some concerns and it is requested that they are reviewed:

- Accessory building – is it intended that this includes habitable buildings such as a sleep out ;
- Building – it is unclear why reference is not simply made to the structure requiring consent under the Building Act, as this is the common practice in Plans;
- Industrial activity – it is unclear why a separate definition has not been provided for light and heavy industrial activities. This would be helpful as the Standards provides for a light and heavy industrial zone;
- Minor residential unit – it would be helpful if further direction is provided in this definition for example it is common to specify a size when defining a minor residential unit for example 65m²;
- Residential activity – it is unclear if this would capture workers accommodation as it could for example be argued they are not members of the same household or the layout of the building may provide for separate cooking facilities. To address this issue consideration may need to be given to a definition for workers accommodation;
- Site – this definition is very helpful and we support the inclusion of clause (e), however would this definition cover the situation where you have a farming operation on two titles which may be physically separated by a road or a waterbody, as the term used is adjacent;
- Structure – this definition excludes motorised vehicles that can be moved under their own power, does this include for example a camper van or bus that is not warranted or registered? Or can you simply argue I can start the engine and move it therefore it's not a structure;
- Visitor accommodation – this definition refers to tariff being paid. However it unclear what is a tariff vs rent. For example, if a person is paying a tariff for three months to use a unit, has this become a residential unit due to the duration?

Some commonly used definitions have not been included in the Standards, such as

- Frontage
- Gross Business Area
- Hazardous facility
- Workers accommodation
- Impermeable surface
- Indigenous faun and flora
- Kennel / Cattery
- Landscaping
- Manoeuvring space
- Maritime exemption area
- Maori reserve
- Sensitive activities
- Papakainga Housing
- Reflectivity
- Relocated Building
- Gross site area
- Renewable Energy definitions such as Wind Energy Facility, Solar Energy

FNDC supports the fact that the Standards are not trying to include all possible definitions, as that is not feasible as each district will have its own issues it needs to manage. However; it is requested that careful consideration is given to whether the Standards are including all relevant and common definitions that are currently used in District Plans. By including common definitions, it will reduce the financial burden on Councils to defend definitions that are common place and accepted through out New Zealand and reflect what the majority of people understand them to mean.

Draft Noise and Vibration

FNDC supports a standardised approach because a Plan should reflect the relevant New Zealand acoustical standards. This has the added benefit of reducing the financial burden on Council to hire acoustic engineers to help write noise provisions.

Implementation

FNDC considers it important that the necessary guidance and support is provided to ensure that when the Standards are gazetted there is certainty for implementation and there is a clear understanding how changes are made to plans outside of the Schedule 1 process. If this guidance and support is not provided, it will create uncertainty and has the potential to result in poor environmental and economic outcomes for our communities.

Future content for the Standards

FNDC would support the introduction of infrastructure standards. This is a very technical section of a Plan, and in most instances what ends up at Environment Court has been argued already throughout New Zealand. There is now a lot of direction from higher order documents, which could be incorporated into a standard. This would benefit our communities in terms of the time and money spent on dealing with plan changes involving infrastructure. It would also provide certainty to Council as an infrastructure provider itself.

However care would need to be taken when writing infrastructure standards, to ensure they are not written heavily in the favour of utility operators. While our communities need and want infrastructure, it can also create significant adverse effects and raise cultural concerns.

We appreciate your consideration of this submission and Council would value the opportunity to contribute further to discussions regarding the Standards. If you require any further information please do not hesitate to contact me on our freephone number [REDACTED] or on [REDACTED]

Yours sincerely,



Bill Lee

Acting General Manager: Environmental Management

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*	The Chief Executive
Organisation (if applicable)	Manawatu District Council
Address	
Phone	
Email*	

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

* 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

Manawatu District Council's (MDC) submission is focused on those draft Standards applicable to District Plans. MDC has a number of general comments on matters that concern more than one of the draft Standards. These comments are on the following topics:

- Guidance;
- Implementation resourcing;
- Implementation, training and effectiveness monitoring;
- Implementation timeframes
- The need for a cohesive template;
- Mandatory vs. discretionary directions;
- The role of s32 evaluations in plan making;
- Landscape, landforms and natural character;
- Private plan changes;
- The inclusion of locally derived content; and
- Incorporation of National content.

Guidance: The consultation document accompanying the Standards notes that 'guidance alone is not sufficient to address variation problems'. It could also be argued that Standards alone will not be sufficient to address variation problems. Many of the observations in this submission identify specific roles for guidance in order to ensure that Councils are supported to implement the requirements of the draft Standards efficiently and effectively.

Recommendations:

- That MfE provide clear and concise guidance prior to or concurrently with the gazettal of the Standards;
- That guidance documents provide clear and concise worked and best practice examples that council planners can adopt and adapt for local circumstances;¹
- That MfE ensure best practice regarding implementation of the Standards is captured on an on-going basis, as Councils implement the standards over the 5-7 year period from gazettal.

Implementation resourcing: When considering all the Standards together, it is clear that the implementation of one Standard will result in consequential changes in other parts of a planning document, which will also need to be consistent with the relevant Standard. This will have resource implications, even for those district plans that are currently closely aligned with aspects of the draft Standards, and it may be difficult for Councils to accurately determine or forecast what the draw on resources will be of undertaking the work, until the implementation period commences.

Recommendations:

- The guidance documents being prepared by MfE to accompany the Standards should include guidance for Councils on the scheduling or staging of the implementation of Standards to ensure Councils can undertake this work as effectively and efficiently as possible; and
- That case studies or worked examples be included in the guidance documents to show how effective implementation can be achieved.

Implementation, training and effectiveness monitoring: MDC considers that proactive implementation, training and effectiveness monitoring of the implementation of the Standards by

¹ The National Environmental Standard for Assessing and Managing Contaminants in Soil Users' Guide, section 5 Case Studies provides very useful worked examples which can be used or adapted by practitioners when determining the status of an activity under the NES.

MfE will be a critical factor to ensure the goals for standardisation are achieved, as set out by the Ministry in the s32 evaluation document (page 8).

Recommendation:

MDC considers there are a number of approaches that MfE should consider to assist Councils with implementation and effectiveness monitoring of the Standards, for example:

- The targeted provision of support to a grouping of smaller Councils within a region to ensure consistent implementation of the Standards, at the sub-regional level;
- Provision of a legal review service, prior to confirming a non-schedule 1 RMA implementation or prior to public notification for the introduction of amendments introduced alongside RMA Schedule 1 plan changes;
- Provision of regular workshops, training and review sessions with practitioners to ensure feedback on and learnings from implementation of the Standards can be captured, analysed and responded to in a timely manner, to benefit all Councils.

Implementation timeframes: As part of preparing this submission, MDC ran parts of the Operative Plan through the draft Standards to gauge the 'distance' between current plan content and the Standard. This exercise strongly indicated that the 5 year implementation timeframe will represent a resourcing challenge to MDC in terms time, staff and cost.

MDC is also aware that in some instances changes required to regional planning documents to incorporate the Standards could influence the timing of district plan changes. For example, MDC has a Rural plan change scheduled for notification in mid 2019. However, the One Plan has many 'rural' definitions which will require amendment to align with the Standards, with significant consequential changes to regional policy provisions anticipated, and which will have implications for district plans in the Horizons region. It may be more efficient for MDC and the wider community to wait for the One Plan to instigate the changes necessary to align the regional planning documents with the Standards before commencing with its Rural plan change. This could have implications for the MDC's ability to develop and implement policy and provisions to proactively address issues in the rural environment and ensure the delivery of appropriate environmental outcomes.

Pressure on Council resources to deliver the Standards will be intensified if MfE implementation guidance is incomplete or vague, and if efforts are not made to enable collaboration between Councils to help identify efficiencies and share learnings. MDC also strongly recommends that in considering submissions made on the draft Standards, MfE group and consider them within a regional context in order to identify opportunities to increase the efficiency of Councils within a region to give effect to the Standards.

Furthermore, the period prior to gazettal of the Standards represents significant uncertainty for Councils. Councils, particularly smaller, rural authorities, may consider stalling or halting their district plan review programme prior to gazettal in order to avoid the risk of incurring additional cost to significantly revise recently reviewed plans or parts of plans after 2019. This may have implications for investment in areas where plan changes are necessary to facilitate growth and change.

MDC has appended to this submission its district plan review programme and draft Standards implementation programme to illustrate the potential complexity involved in giving effect to the Standards, and the considerations Councils are likely to face when planning how and when the Standards will be incorporated into planning documents.

Recommendations:

In addition to the recommendations above, MDC recommends the following:

- That MfE group and consider submissions on the draft Standards on a regional basis as well as on a topic or theme basis;
- Implementation guidance be issued prior to or commensurate with the gazettal of the Standards;
- MfE to work with regional and district authorities to identify opportunities to share resources, disseminate learnings and maximise potential efficiencies relating to the implementation of the Standards.

A cohesive and consolidated template: At present, it is not clear how the individual Standards interrelate and function together to form a complete District Plan.

Recommendations:

- That MfE create consolidated planning document templates so that all of the relevant Standards that comprise a planning document can be appreciated and understood as a single cohesive document;
- MDC recommends that this forms part of the guidance and be made available concurrently with the gazetting of the final Standards.

Mandatory vs discretionary directions: Section C (Recognition in Plans) in each of the Standards sets out the mandatory and discretionary directions. Our understanding is that mandatory components must be done without following the Schedule 1 process in the RMA and that the public must be notified of the amendments made. The Standards also advise, “consequential amendments to any plan that are needed to avoid duplication or conflict with amendments as required by paragraph 3 must also be made without using an RMA Schedule 1 process. And further, if consequential amendments go beyond the scope of amendments authorised by section 58I (3)(d) of the RMA, a RMA Schedule 1 process will need to be used”.

MDC requires clarification as to how the question of ‘scope’ will be managed. Who will adjudicate on whether proposed amendments are within scope? How will the adjudication process be managed? And what the implications are for an error in judgement regarding scope (for example, would the declarations process through the Environment Court be available)? Without clear guidance on this matter the process efficiencies sought by the introduction of the Standards may be eroded or undermined as submitters use either the Schedule 1 Hearings process (where the implementation of the Standards are coupled with Schedule 1 plan change processes) or other legal tools to challenge a Council’s use of its discretionary powers. MDC is also interested to understand how the Streamlined Planning Process (SPP) under Part 5 of the RMA may interact with the implementation of Standards where consequential amendments go beyond the scope of amendments authorised by section 58I (3)(d) of the RMA.

Recommendations:

- That MfE guidance include examples and case studies exploring the application of discretion and scope within the mandatory directions to assist Council planners and the wider community interpret this aspect of implementing the Standards;
- That MfE provide direction as to whether SPP could play a role in enabling Councils (either individually or grouped) to implement consequential amendments that go beyond scope.

Section 32 evaluations: Several aspects of the Standards direct Councils to detail information in District Plans that should instead be provided in s32 evaluations which are prepared to guide and record the plan development process.

Recommendation:

- MDC considers there is an opportunity to make District Plans shorter and more concise and relevant by ensuring they include reference to s32 evaluations to avoid repetition, and require Councils to make s32 evaluations easily available from Council websites (using the 3 clicks rule).

Landscape, landforms and natural character sections: MDC notes that natural character is included in the same theme as landscape and landforms in the draft Standards. Natural character is specifically provided for in s6(a) of the RMA, and is a concept separate from outstanding natural features and landscapes, which are provided for in s6(b). Policy 13(2) of the New Zealand Coastal Policy Statement (NZCPS) directs that it be recognised that “natural character is not the same as natural features and landscapes or amenity values”, and goes on to identify the matters that may be included in the concept of ‘natural character’. While the Standards do not preclude Regional Plans, RPS and District Plans from providing for natural character as distinct from landscape and natural features within the ‘landscape, landforms and natural character’ theme, it does not encourage Councils (or the wider community) to apply best planning practice when identifying areas with high or outstanding natural character and developing provisions and methods to manage outcomes in respect of natural character.

Recommendation:

- That Part 4 Themes for each statutory planning document provide for natural character separately from natural features and landscapes so as to ensure outcomes that are consistent with s6(a) of the RMA and to give effect to the NZCPS.

Private plan changes: It is unclear how private plan changes are managed under the Standards system. MDC assumes that private plan changes must adhere to the Standards once they have been gazetted, however this is not explicit in either the draft Standards or the s32 evaluation.

One of the benefits of the private plan change process is that the proposer – not the Council – sets the agenda and start time, often with a desired time for the conclusion or resolution of the private plan change in mind. Therefore, Councils could be in the position where they are obliged to process private plan changes ahead of Council-led plan review processes intended to implement the Standards. This could place a strain on Council resources and increase the administrative cost of processing private plan changes.

Recommendations:

- That the draft Standards be amended to clarify the relationship between private plan changes and the Standards;
- That guidance be issued either prior to or concurrently with the gazettal of the Standards that explicitly references private plan changes and provides advice as to how Councils can best manage the sequencing of plan development and review, and support private plan changes effectively and efficiently;
- That MfE commit to providing on-the-ground support to Councils and planning practitioners preparing or processing private plan changes to ensure that the efficiency benefits anticipated by the introduction of the Standards are realised.

The inclusion of locally derived content: MDC supports the opportunity the Standards provide to include locally derived content into District Planning documents. It is important for communities to be able to craft planning documents that reflect local circumstances, values and aspirations. The message from the Ministers of Environment and Conservation is that the Standards “are intended to enable local councils and plan users to focus their time and resources on the local content important to them”. However, in light of the reflections made earlier in this submission regarding the challenges of implementation, these benefits may not be realised for several years by some Councils. Similarly, developers and landowners operating within more than one jurisdiction may not experience the benefits of the Standards at a regional or national level for a considerable period. In the intervening period the legibility of individual plans and consistency between plans may even worsen as different Councils proceed at different paces and prioritise different aspects of their plans for transition to the Standards. Creating and supporting regional or sub-regional Council working groups convened to help Councils navigate the transition could be invaluable to minimise disruption and ensuring the process is run as efficiently as possible.

The Ministers also note that the Standards “will help plans be more concise, with less formal, elaborate explanations needed”. It is imperative therefore that locally-derived content also meet these tests in order that planning documents are accessible, reasonably concise and meaningful. MDC would also like to refer MfE to additional comments later in this submission on the ability to include localised content within the context of the Definitions standard.

Recommendations:

- That the Standards be amended to provide direction as to how to locally derived content should be crafted so as to ensure that these aspects of planning documents are concise and accessible for plan users;
- MfE consider creating and supporting regional Council working groups to help Councils navigate transition to the Standards effectively and efficiently.

Incorporation of national direction: One of the intended outcomes identified in the Consultation Document is that National Direction will be consistently incorporated in plans, resulting in better implementation on the ground. MDC is not entirely certain that this will be the outcome. The current suite of Standards allows for the implementation of National Direction to be consistently recorded in planning documents. However, this does not guarantee that the National Direction will be implemented in a way that is consistent with the intention or purpose of the National Direction. The appropriate and consistent implementation of any specific National Direction requires focused training, guidance and effectiveness monitoring by MfE. MDC notes that the Standards for specific provisions, e.g. objectives and policies, may form part of future sets of Planning Standards, and could be formulated to assist Councils to consistently and effectively implement National Direction. For example, through the development of model provisions for District Plans.

Recommendation:

- That consideration be given to the role of specific guidance, training and development of best practice in the consistent and effective implementation of National Policy Statements (NPS) and National Environmental Standards (NES) documents.

2. S-RPS: Regional policy statement structure Standard N/A

a. Parts 3 and 4 – Core policy statement provisions

b. Part 5 – Evaluation and Monitoring

3. S-RP: Regional plan structure Standard N/A

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

b. Part 6 – Evaluation and Monitoring

4. S-DP: District plan structure Standard

MDC supports the purpose of having a Structure Standard for district plans, allowing for a prescribed name, order of key parts, chapters and sections of district plans. This would allow district plan users to pick up any plan and know approximately where information is contained.

The Structure Standard would appear to group content into either general topics which are district wide matters, and then individual zoning provisions. It makes more sense that all schedules, appendices and maps are contained within the chapter to which they relate. For end users, it makes sense that all content is connected with the provisions to which they relate – as a one stop shop. There may be some schedules, appendices and maps that relate to district wide matters, in which case it would make sense that those sections be contained at the end of the District Wide section of the new structure as opposed to at the end of the whole plan.

MDC also supports that the Structure Standard of the plan makes it more difficult for district plans to have a 'catch all' rule for activities not anticipated by a plan. At present, the MDC district plan has a 'Non-Complying' catch all rule sitting in the front end of the plan. This rule does not link into any topic or zoning chapters, and thus for non-familiar users of the plan it is often not caught or used, and has caused issues for the regulatory planners when advising agents or applicants that in fact their activity is non-complying. MDC's understanding is that the new structure would in practice would not allow for this.

MDC also supports in principle the need to adopt the structure proposed as soon as possible. Whilst this places a burden on the Councils resourcing to make this happen, as soon as the structure is imposed then the quicker end users will adapt to the structure and build familiarity with how the structure will work. This way, as further plan changes progress, those plan changes will be as per the structure and slot more efficiently into everyday use, particularly for regulatory planners in Councils or consultancies.

However, implementing the Standards within parts of the Plan that have recently been reviewed will undoubtedly involve a considerable amount of re-work and additional costs. For example, Plan Change 46 – Feilding Town Centre (operative 2015) introduced an inner and outer business zone, for which there is no direct Zone equivalent in Standard D-ASM. Amending recently reviewed aspects of District Plans to reflect the proposed Zones and other elements required by the Standards, is likely to cause confusion and require Council to engage extensively with the community to explain the changes and the reasons for them.

Recommendations:

- That support and guidance be made available to Councils during the transitional phase to ensure that implementation can be achieved as effectively and efficiently as possible;
- That smaller Councils are appropriately supported as they will incur the largest proportional cost per capita.

5. S-CP: Combined plan structure Standard N/A
6. S-IGP: Introduction and general provisions Standard – Part 1 of all plans and policy statements
 - a. Introduction chapter

MDC support the following aspects of S-INTRO:

The requirement to record updates to the Plan, maps, designations and other statutory mechanisms, as required in Tables 7-9. This will give all plan users greater confidence that they are using and applying the correct and most up-to-date plan or mechanism. The tables provide an easy-to-use method of recording this information.

The standardisation of contents pages, as provided for in Table 10 of S-IGP.

MDC considers the following aspects of S-IGP need reconsideration or amendment:

MDC does not consider the matters in clause 5 of S-IGP are necessary or will contribute to efficient plan-making. For example, recording how RMA Part 2 Matters have been taken into account, recognised or provided for in the development of a Plan will yield perfunctory and unhelpful statements that do not add to the interpretation and implementation of the document. MDC submits that a more useful mandatory direction would be to ensure that all District Plans refer to the s32 evaluation documents, in which an assessment of a Council's preferred policy approach against the requirements of Part 2 of the RMA, are set out in detail.

MDC is also concerned that some aspects of S-INTRO are also covered in other draft Standards, which could result in information being duplicated or plans being overly detailed and discursive. For example, a Council may address the local strategic scene under clause 4 of S-INTRO and provide similar information in response to S-SD clause 3 (please also refer to MDC comments under S-SD).

Recommendations:

- That the draft S-IGP Standards be amended to remove the requirements under clause 5, and replaced with a requirement to refer to the s32 evaluations accompanying the plan's development;
- That the direction to address local strategic scene setting be removed and S-SD be the only location in which strategic matters are raised.

- b. How plan works chapter

The matters listed in clause 7 a, b, and c in S-HPW are typically matters included in s32 evaluations. There is a significant risk that Councils that choose to address these matters in planning documents will duplicate material and information that should be readily available to the public. There is an opportunity to ensure all plans are as efficiently written as possible by recognising that much of the background information which informs a plan review or plan change is provided for in s32 evaluations and supporting technical documents.

From a plan users' perspective, it might be worth identifying the important role and function of Planning Maps in this chapter as for most plan users, they first need to

define their sites zoning and any district plan features, before moving into the part of the plan that their activity relates to.

c. Interpretation

MDC supports the following aspects of S-INTER:

The requirement for Definitions, and the standardisation of the presentation of definitions, abbreviations and a glossary of te reo Māori terms.

MDC's comments on the proposed definitions is included below under CM-1.

d. Plan integration

It is unclear from the consultation documents what this refers to.

e. Formation of standards with tangata whenua

See comments on S-TW below.

f. National direction

MDC supports the following aspects of S-NDI:

The format of Table 14 – NPS and Table 15 – NES, and the requirement to provide a link to the RMA regulations. The tables provide easy-to-use pro forma for recording key information regarding giving effect to NPS and NES.

MDC recommends that the tables be expanded to provide an additional column in which the hyperlink to the NPS/NES can be provided.

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

MDC welcomes the opportunity S-TW provides to ensure that tangata whenua provisions are consistently located in planning documents, and that the location is prominent within plans. MDC considers the elements to be included in S-TW chapters are comprehensive. MDC agrees with the Consultation Document that councils will need to “work with tangata whenua on the local input under these headings, in partnership through planning processes” (p.17). However, the Treaty Settlement landscape is extremely complex in Manawatu district, with several key Iwi stakeholders at different stages in the Settlement process and with variable access to resources to facilitate engagement in plan making processes. Whilst MDC can support the purpose of the chapter and its sub-headings in principle, it is too early to comment on the implications of implementing this Standard at the local level.

Recommendations:

- The implementation guidance could provide a useful opportunity to highlight good practice case studies where local councils have worked collaboratively and positively with tangata whenua to ensure local planning documents represent tangata whenua values, aspirations and provisions;
- That Iwi and Councils be supported and resourced to develop productive partnerships so that the S-TW Standard can be implemented meaningfully and effectively.

a. Recognition of iwi/hapū chapter

As noted above, the Treaty Settlement landscape in the Manawatu District is complex and it is too early to comment on the efficiency and effectiveness, of this element of the Structure Standard.

b. Tangata whenua local-authority relationships chapter

Too early to comment.

c. Iwi and hapū planning documents chapter

Too early to comment.

d. Consultation chapter

Too early to comment.

e. Use of te reo Māori

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

MDC are concerned that some aspects of S-INTRO are also covered in other draft Standards, which could result in information being duplicated or plans being overly detailed and discursive. For example, a Council may describe the local strategic scene under clause 4 of S-INTRO and provide similar information in response to S-SD clause 3 (please also refer to MDC comments under S-SD).

Recommendation:

- That the direction to address local strategic scene-setting be removed and S-SD be the only location in which strategic matters are raised.

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

MDC have recently completed a review of the district wide matters in the Manawatu District Plan, which is now partially operative (16 August 2018). This Plan Change has required Council to republish its District Plan and create a new online District Plan. Consequently, the 5 year implementation timeframe will be extremely challenging for MDC to meet and will put a considerable strain on the Council's resources (staff, time and cost). MDC encourages MfE to consider providing for more flexible implementation programmes that allow Councils to consider implementation of the Standards holistically and comprehensively.

Recommendations:

- That all Councils that have recently reviewed planning documents, or republished their plan within the last 12 months, have access to the 7 year implementation timeframe;
- That MfE consider alternative approaches to facilitate effective staged implementation. The progressive implementation programmes provided for in Policy E1 of the National Policy Statement for Freshwater Management (NPSFM) is a good example of how staged implementation can be transparently recorded and managed.

a. Natural Environment Values Chapter

MDC's concerns regarding conflating natural character with landscapes and landforms is recorded earlier in this submission. Item 7 under S-NEV of S-DWM similarly considers natural character alongside other matters, which is problematic.

Recommendation:

- That natural character be provided for separately from landforms and landscapes in all of the draft Standards.

b. Environmental Risks Chapter

The environmental risks provided in S-ER appear appropriate. MDC welcomes the opportunity this Standard provides to include other matters in this section that are not provided for in other parts of a Plan. However, the ability to adapt a Plan to local circumstances or requirements runs the risk of increasing variability between plans across the country, and thereby potentially undermine the outcomes sought by the introduction of the Standards.

c. Community Values Chapter

The community values provided in the Standards appear to be appropriate. MDC welcomes the opportunity this Standard provides to include other matters in this section that are not provided for in other parts of a Plan. However, the ability to adapt a Plan to local circumstances or requirements runs the risk of increasing variability between plans across the country, and thereby potentially undermine the outcomes sought by the introduction of the Standards.

d. Infrastructure and Energy Chapter

MDC notes that MfE has been working with industry and other groups on the standardisation of network utilities provisions. As noted in 9. above, MDC have recently completed a review of the district wide matters, which addressed amongst other matters Network Utilities within the Manawatu District Plan (some provisions are still the subject of Environment Court appeals). It is extremely concerning therefore to read that MfE might include a future Standard to cover Network Utilities. If MfE decides to progress this standard, it will impose more cost and additional work for Council on a planning matter which Council is attempting to resolve under direction of the Environment Court in 2018/19. It is noted that Network Utilities are Requiring Authorities with specific powers under the Act to designate land for public works. These enabling provisions in the Act should be acknowledged in weighing up the merits of a future Standard relating to Network Utilities.

Recommendations:

- That clarity be provided as to how Councils will effectively and efficiently manage the incorporation and implementation of future Standards in District Plans;
- That MfE recognise the enabling provisions for Requiring Authorities (Network Utilities operators) in the RMA and that many Councils have already reviewed their Network Utility provisions. A future, ill-timed Standard will create unhelpful churn in the resource management system.

e. Subdivisions Chapter

The basic structure provided for in S-SUB appears appropriate. The ability for planning documents to reference other documents used for the management of subdivision, for example, codes of practice, may result in variation amongst plans, which should be acknowledged and considered by MfE. Guidance or amendment to the Standard may be necessary to ensure that how Codes of Practice are to be referenced in S-SUB chapters.

f. General District Wide Matters Chapter

The general district wide matters provided in the Standards appear to be appropriate. MDC refers MfE to earlier comments made on the risk to the coherency and consistency between plans as a result of providing for variation (see b. and c. above).

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

a. Zone framework (individual and range)

MDC has made comments on the difficulties presented by the Zone framework for MDC's plan, and highlighted matters MDC and its community may need to consider in order to resolve variance between the current Plan and the requirements of the Standards.

b. Purpose statements

The purpose statements are very brief, compared to the descriptions of Zones in some planning documents. Understanding how a current plan's zones fit with the purpose of the zone framework in the Standards will take time and resources, and in some instances consultation and discussion with the wider community or specific groups, e.g. developers, tangata whenua, special interest groups. MDC notes that some Councils may rely on the ability in the Standards to identify 'additional special purpose' zones to create a locally specific zone framework. This may be a more efficient route for some Councils, but could result in considerable variation between plans.

c. Additional special purpose zones and criteria

MDC welcomes the ability to provide for additional special purpose zones, in particular for nationally and internationally iconic facilities, like Manfeild Park. However, MDC refers MfE to earlier comments made in the submission about the risk to the overall anticipated outcomes of the Standards by providing for local circumstances.

d. Precincts chapter

MDC has made comments on the difficulties presented by the Zone and precinct framework for MDC's plan, and highlighted matters MDC and its community may need to consider in order to resolve variance between the current Plan and the requirements of the Standards.

e. Development areas chapter

See comments for a. and d. above.

f. Designations chapter

MDC would like clarification as to whether MfE Councils will be required to display Table 16 in plans exactly in the manner prescribed, or whether it could be displayed horizontally instead of vertically – see MDC’s example attached. A horizontal table would, in MDC’s consideration, be more efficient in terms of space and layout, in particular in instances where supporting information needs to be identified, like conditions attached to a Designation.

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

MDC submits that it may be more practical and sensible for all schedules, appendices and maps to be contained within the chapter to which they relate. For end users, it makes sense that all related content is connected with the provisions and sit together – a ‘one stop shop’ approach. For PC46 (operative 2015), PC52 (operative 2017) and PC60 (soon to be operative) MDC made an intentional decision to enhance the end user experience and engagement with the District Plan, in this way. This change has been well received by plan users. There may be some schedules, appendices and maps that relate to district wide matters – in which case it may be sensible that this information is contained at the end of the District Wide section of the new structure, as opposed to at the end of the whole plan.

Recommendation:

- That MfE consider an alternative approach to S-SAM to facilitate effective integrated content as provided in the MDC District Plan and many other 2nd generation District Plans.

12. F-1: Electronic accessibility and functionality Standard

a. Standard baseline requirements

Timeframes: MDC considers the timeframes are acceptable for its GIS team and other related services, to achieve baseline accessibility and functionality. MDC envisages that the work to achieve the baseline can be done ‘in-house’ and within existing budgets.

Plan accessibility and functionality: MDC agrees with Instructions 2-5 and 8-11, and considers that Instructions 13-14 can be achieved within existing time and financial resources.

Instruction 7 could result in unnecessary duplication and additional content to a planning document.

Instruction 12 could add an additional time and cost burden on Councils. Many older plans are not in a format that can be readily digitised, and hosting the documents on individual Council websites could result in storage issues for smaller councils, and downloading issues for customers and plan users in rural locations with poor internet access. MDC consider that this aspect of F-1 does not, in its current form, contribute to improving consistency of plan making or make plans more user friendly.

Recommendations:

- That Instruction 7 be amended to require a general note to be provided, as part of S-IGP, alerting plan users that activities provided for in a Plan may require consent from another Plan;
- That MfE consider providing a central portal from which all older, non-operative Plans from all Councils are available, and that Councils be offered financial or other assistance to ensure that the digitisation of older documents does not become a time and financial burden for smaller, less resourced Councils.

Plan Text: MDC agrees with the goal of improving consistency and legibility of language in plans.

Recommendations:

- That a standard for Plan Text as described in Instruction 15 should be developed as part of the National Planning Standards;
- That a nationally applicable protocol for identifying the type of provision (e.g. under s62, s63 etc.) could also be developed and included in the Standards.

b. Level 5 requirements

MDC considers the 5 year timeframe is acceptable for its GIS team and other related services to achieve Level 5 requirements.

Recommendation:

- That in order for this aspect of the Standards to contribute to the Ministry's aims to make plans easier to prepare and consistent, a comprehensive and thorough process or methodology for e-plan development be issued as guidance, either prior to or simultaneously with the gazettal of the Standards in April 2019.

F-2: Mapping Standard

c. Zone colour palette

MDC supports the introduction of standardised colour palettes and symbology. However, MDC notes that there appears to be a high degree of similarity between the zone colours within the Residential zones, and similarly the open space, active recreation and conservation zones. This could be problematic, particularly for those who have colour blindness or are sight impaired.

Recommendations:

- MDC would welcome greater variation of colour shades or tones within colour groups; and
- The use of hatching could also assist in providing variation between zones;

d. Symbolology

MDC considers that the blue outline demarcation for Designations could be confused with water-related symbolology, including those not currently identified in the Standards, for example waterbodies.

MDC also considers that there is likely to be other symbols used by Councils that could also be helpfully incorporated within the Standard symbolology, for example significant waterbodies, geological sites, outstanding landscapes and outstanding natural features, railway lines and contaminated sites.

MDC is also concerned that there are insufficient standardised symbols in the Standards at present. This could lead to the proliferation of non-Standard symbols across the country, which will undermine the goal of achieving consistency across all plans.

Recommendations:

- That the Designation symbolology be reviewed so that it cannot be confused with water-related symbols;
- That MfE work with Councils to identify additional planning matters for which common symbols and icons could be developed;
- That through proactive effectiveness monitoring of the implementation of the Standards by MfE will ensure that the emergence of consistency within other symbolology can be identified and communicated to all Councils.

13. F-3: Spatial planning tools (Regional) Standard N/A

a. Range of tools

b. Zone

c. Overlay

d. Specific control

e. FMU

f. Airshed

g. Area

14. F-4: Spatial planning tools (District) Standard

a. Range of tools

Implementing this Standard will require MDC to reorganise some aspects of the Plan, for example, the tools have implications for MDC's identified Flood Channels 1 and 2 Zones in the District Plan. MDC's understanding of F-4 is that Flood Channels will need to be expressed as 'overlays'. The re-organisation will not be limited to the implementation of F-4, as there will be consequential changes required in other parts of the Plan.

MDC does not consider that there are sufficient tools in F-4 to illustrate the complexity of planning matters in coastal environments.

MDC considers that a smaller unit is required after 'precinct', for example, 'area'.

Recommendations:

- That MfE review the spatial tools and symbology to ensure that Councils can illustrate the complexity of coastal environments consistently.
- That a smaller area below 'precinct' be considered, such as 'area'.
- That sufficient advice and guidance be provided to enable Councils to transition to the new tools as efficiently as possible.

b. Zone

Please refer to general comments above.

c. Overlay

Please refer to general comments above.

d. Precinct

Please refer to general comments above.

e. Specific control

Please refer to general comments above.

f. Development areas

Please refer to general comments above.

g. Designation

Please refer to general comments above.

15. F-5: Chapter Form standard

Please refer to general comments above.

- a. Chapter form
- b. Rules
- c. Rule tables

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

Please refer to general comments above.

- a. Status of rules and other text
- b. Numbering

17. CM-1: Definitions standard

MDC supports the introduction of mandatory definitions in principle, particularly if those mandatory definitions build consistency between legislation, for example the definition of a building under the RMA and the Building Act, or the definition of a natural hazard. However, the Standards still allow for localised content, and MDC is concerned that this will generate the need for non-standard definitions that could potentially undermine the purpose and function of standard definitions.

Some of the definitions proposed are more limiting or overly broad and generalised compared to MDC's existing definitions, many of which have been introduced via recent plan changes. For example the Industrial Zone Plan change recently introduced specific definitions for types of industry, for example, 'agricultural industry'. MDC is concerned that this is not provided for in the industrial activity definition. MDC would need to consider how to address specific activity definitions in either a rules framework or more specific definitions. The flow on effect will be further plan changes, with timeframes of a plan change to update the district plan, and undoubtedly have an impact on Council resources.

Plan changes have a significant impact on the workload of regulatory planners. District Plans become increasingly difficult to navigate, particularly where a Council has adopted a rolling review approach. If experienced regulatory planners struggle in such spaces, then it can be expected that other end users of a district plan will turn to Council staff for explanation and navigation of the plan. This has the potential to undermine the purpose of the draft Standards, to make plan making and plan using more efficient and effective.

- a. Individual definitions

Earthworks – MDC is concerned with the use of the term 'the existing ground contour or ground level'. How does one determine what was the existing ground contour? Is it in the ground's original state, prior to earthworks, prior to built development, prior to subdivision development, or is it post subdivision development?

- b. Additional definitions

Identifying additional definitions at this stage is a time-intensive process. MDC would also like MfE to refer to comments made in the submission regarding the impact of the regional plan making and review process on the identification of additional definitions.

Trimming or Pruning of Trees: Section 76 of the RMA gives Councils the ability to restrict the felling or trimming of trees, and MDC considers a definition of 'trimming' should therefore be included in the definitions section of the National Planning Standards. Not having this term defined has the potential to cause disagreement between plan users and arborists and result in a lack of consistency across District Plans. A standard definition would provide an opportunity to ensure that there is a consistent understanding of the term 'trimming' nationally.

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

MDC supports the introduction of mandatory noise and vibration standards through plans. It could eliminate a lot of debate between practitioners, which will lead to more efficiency in the plan making and consenting processes.

- a. Technical support

19. Implementation

Comments on Implementation have been provided throughout this submission. Specific comments on e-planning implementation, timing and support are provided below.

- a. ePlanning implementation

MDC agrees that enhanced online accessibility will help big business/consultancies in the short term however, it may not assist the large majority of customers in the MDC community. In the MDC context, there are few big businesses who engage with the District Plan on a regular basis. Most RMA customers are individuals working on an a proposal that affects a specific property. MDC's subdivision consent profile over the last 5 years shows that the majority of subdivisions have been infill residential or rural subdivisions, by 'mums and dads' and not experienced developers. Typical land use consents are for boundary encroachments or non-compliances with other performance standards linked to the establishment of dwellings on properties. The RMA customers in the District are one-off visitors and users of the District Plan, who have no pre-existing knowledge of planning, the District Plan or the consenting requirements. These customers also do not always know how to interpret the provisions of the District Plan or how to ascertain whether a resource consent is needed.

A good, interactive and responsive eplan could help individuals navigate a district plan, but MDC anticipates that in the short to medium term an e-plan is unlikely to lead to a significant change in the way people engage with planning. For some rural Councils, or Councils with a significant rural area, the availability of good quality broadband is also a limiting factor to people engaging with planning processes. These factors need to be recognised and considered in determining appropriate timelines for e-planning implementation.

MDC submits that the implementation of Planning Standards will not alter the need for Council's to provide a duty planner service. As noted, the large majority of MDC's customers are not "RMA literate" and do not engage a professional planner to assist them in an RMA process. They will have difficulty accessing and navigating an e-plan, without individualised support.

b. Timing

As part of this submission, MDC has provided a draft Standards Implementation programme which seeks to highlight the challenges and considerations involved in implementing the Standards from 2019 onwards. In addition to the comments and questions raised in that table, MDC would like to add the following comments. The implementation of the Planning Standards will have an adverse impact on the Work Programme for the District Plan review because:

- It will potentially delay the current programme of plan changes which are crucial to maintain and enhance the legibility and functionality of the operative District Plan.
- The requirement to insert a new set of Definitions will add further confusion and difficulty for customers and end users in interpreting the operative District Plan.
- It is likely to divert scarce funds and resources away from the completing proposed plan changes to advance extra “administrative” plan changes, to implement the standards;
- Significant time and effort will be required by Council staff, RMA professionals and end users to adapt and learn new definitions and zoning names, with knock-on effects in terms of the consequential changes required within the District Plan;
- Considerable resources will be required to inform and educate the public and end users:
 - o On the plan making process due to the mandatory requirements
 - o On the delays on progressing other planning/topic based issues
 - o On how to navigate the new plan and provisions.

c. Support

MDC strongly supports the proposal to target MfE resources and funding to smaller rural Councils.

d. District plan structure guidance

See earlier comments in this submission.

e. Regional policy statement and regional plan structure guidance N/A

f. District plan spatial planning tools and zone framework guidance

See earlier comments in this submission.

g. Regional plan and policy statement spatial tools guidance N/A

h. Chapter form and status of rule and other text numbering guidance

See earlier comments in this submission.

i. Additional guidance materials required

See earlier comments in this submission.

20. Future content for standards

See earlier comments in this submission.

a. Utilities provisions

Comments on the future utilities provisions and particular concerns for MDC have been made earlier in this submission.

Other comments

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

Thank you for this opportunity. Preparing this submission has taken considerable time and resources and input from a number of staff at MDC. MDC would welcome any opportunity to continue the discussion with MfE on the matters raised in this submission, particularly within a regional or sub-regional context.

As part of its submission, MDC appends the following:

- Appendix 1 - The Council's district plan review programme;
- Appendix 2 – A draft Standard implementation programme; and
- Appendix 3 - An excerpt of the Designations Schedule from the Council's Operative Plan.

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.

District Plan Proposed Work Programme (Updated August 2018)

	Review (technical assessments, consultation, Council workshops)		Hearing (hold hearings, deliberations and prepare Decision Report)
	Revise/Prepare (drafting Plan Change documents, consultation, Council Workshops)		Decision (Public notification of Decisions on Submissions on Proposed Plan Change, District Plan Updates/Reprints)
	Notification (Plan Change documents finalised, Council Report, prepare for notification, public notice)		Operative Date of Plan Change
	Submissions (submission period, summary of submissions, further submissions, prepare Section 42A(officer) Report)		

		2017												2018												2019											
								Y1 Budget - \$500K						Y1 Budget - \$500K						Y2 Budget - \$600K						Y2 Budget - \$600K						Y3 Budget - \$600K					
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Progress To Date																																					
Subject Matter/Topic	PC No																																				
PROJECT A																																					
Industrial Zone, Industrial Subdivision Precinct 5	52										11 Sept																										
Designations (except Horizons stopbanks)	60																On-hold																				
Noise and District-wide rules incl. Network Utilities; Transport; Noise; Earthworks; Signage; Temporary Activities & Relocated Buildings incl. relevant appendices	55																			16 Aug																	
Significant landscapes incl. appendix 1A, 1B & 1C	65																																				
PROJECT B																																					
Boarding, Breeding and Training Kennels																																					
Rural Zone and Rural Subdivision incl. rural and flood channel zones; Rural Lifestyle/ nodal subdivision, Earthworks (rural), Renewable Energy, water use, and air quality	53																																				
Coastal Environment	53																																				
Natural hazards (rural) incl. Coastal & Esplanade Management incl. relevant appendices	53																																				

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District Plan Proposed Work Programme (Updated August 2018)

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Subject Matter/Topic	PC Number
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Appendix 2

MDC Working Draft - Proposed approach to implementing National Planning Standards and indicative timeline

Year	Implementation Task	Questions and Considerations
2018-2020	August 2018-Feb 2019 – MFE Workshops with submitters to discuss possible changes to Draft Standards	
	Develop and deliver education/awareness-raising for wider community on implications of Standards	MDC considers opportunities exist to support Councils in the delivery of this information, either at regional or national scale.
	Focus on achieving baseline District Plan Functionality and Accessibility Standard – largely minor changes to how planning information is shown and accessed on our website	
	Commence planning for e-plan delivery (potentially work with other councils)	MDC considers opportunities exist to support Councils to collaborate to ensure e-plan delivery is efficient and consistent across a region and nationally.
	Consider future requirement for District Plan to include hyperlinks to regional and national provisions	
2018-2019	Continue to advance District Plan Work Programme to April 2019, particularly proposed Precinct 4 and ONFL Plan Changes	The period prior to gazettal of the Standards represents significant uncertainty for Councils. Councils, particularly smaller, rural authorities, may consider stalling or halting their district plan review programme in order to avoid the risk of incurring additional cost to significantly revise recently reviewed plans or parts of plans. This may have implications for investment in areas where plan changes are necessary to facilitate growth and change.
	Re-schedule Rural Plan Change to ensure changes required to One Plan can be efficiently reflected in district plan.	The Horizons One Plan has many 'rural' definitions which will require amendment to align with the Standards (there will be significant consequential changes to regional policy provisions). It may be more efficient for MDC and the wider community to wait for the One Plan to instigate the changes necessary to align the regional planning documents with the Standards before commencing with its Rural plan change. This could have implications for the Council's implementation programme and ability to develop and implement policy and provisions to address issues in the rural environment and ensure the delivery of appropriate environmental outcomes.

Appendix 2

MDC Working Draft - Proposed approach to implementing National Planning Standards and indicative timeline

	Consider implications of Standards on proposed review of Feilding Town Centre and re-schedule accordingly	The proposed review of the Feilding Town Centre provisions could benefit from waiting for the outcome of the mandatory and Discretionary DP Structure & Zoning framework Plan Change, that way the zone name and planning tools are settled. However, need to consider and manage the implications of any delay, e.g. impact on resources, impact on future growth and development in Feilding Town Centre.
2019 onwards	Commence implementation of gazetted Standards, including:	
	“Mandatory’ Plan Change required to introduce ‘straight forward definitions’, i.e. those that will not result inconsequential changes to the District Plan and can be done outside of Schedule 1 process required	See comments in main submission regarding Definitions standard.
	Plan Change required to establish new District Plan Structure and zoning framework, i.e. the application of new Zone names and key planning techniques /spatial planning tools.	Likely to require Schedule 1 process, which will impact on the time and cost of delivery of Standards. Other considerations include: - Current Villages Zone possibly re-zoned to Rural Settlement Zone. But is this suitable for MDC’s coastal villages? - There are several options for Inner and Outer Business Zones, e.g. Town Centre Zone could align with Precinct A and B; Town Centre Zone + Commercial Zone, or Local Commercial Zone? - The draft Standards do not support zones like Manfeild Park and the Special Development Zone. Is Special Purpose Zone appropriate? Stadium Zone?
	Incorporate the balance of the Standards Definitions (adjusted definitions) package via plan changes, as currently programmed within 5 years: rural; residential/villages; Town Centre	See comments in main submission regarding Definitions standard.

An outline plan must show the physical features of the work, its location and relationship to the site and any other matters to avoid remedy or mitigate any adverse effects on the environment. The outline plan procedure enables Council to better ascertain the effects of future development and ensure they are controlled.

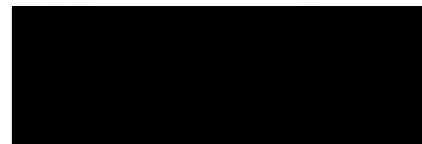
An outline plan is not required if the work has otherwise been approved under the Resource Management Act 1991, or if details of the work have been incorporated into the designation or if the Council waives the requirement.

9.3 Appendix 7A

Appendix 7A contains the Schedule of Designations within the Manawatu District. This schedule includes details of the designating authority and the location and legal description of the designated site.

Appendix 7A – Schedule of Designations

No	Requiring Authority	Designation Site	Designated purpose	Underlying Zoning	Legal Description	Further Details
D1	NZ Transport Agency	State Highway 1	To undertake maintenance, operation and use of, and improvements to the State Highway network	Various	Various	
D2	NZ Transport Agency	State Highway 3	To undertake maintenance, operation and use of, and improvements to the State Highway network	Various	Various	
D3	NZ Transport Agency	State Highway 54	To undertake maintenance, operation and use of, and improvements to the State Highway network	Various	Various	
D4	NZ Transport Agency	State Highway 56	To undertake maintenance, operation and use of, and improvements to the State Highway network	Various	Various	
D5	Not allocated					
D6A	KiwiRail Holdings Limited	N.Island Main Trunk Railway	Railway Purposes	Various	Various	
D6B	KiwiRail Holdings Limited	P.North – Gisborne Railway	Railway Purposes	Various	Various	
D7	Manawatu District Council	Highfield Reservoir	Reservoir	Rural 2	Lot 1 DP 18077 Blk XIV Oroua SD	



17 August 2018

Planning Standards
c/- Ministry for the Environment
Wellington
planningstandards@mfe.govt.nz

Organisation: [REDACTED]
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Submission by Western Bay of Plenty District Council (WBOPDC)

Draft National Planning Standards (NPS)

WBOPDC is supportive of the principle of standardising RMA plans where that will lead to the ease of use of such plans. Unfortunately there is much in the Draft NPS that will not achieve that outcome.

WBOPDC agrees with the matters raised in the submission by LGNZ. In particular, the nature of the NPS as currently worded means that a rolling review is not an option as any plans will need to be reviewed within five years to comply with the NPS, including converting to an e-plan. This then forces councils to undertake a full review with implications on time and resources.

RMA plans are statutory documents that control the use of resources. On that basis it is important that they only contain implementation methods for that purpose. The Draft NPS requires the addition of substantial information that can be, and is, documented elsewhere. The more that councils are required to provide such "information" to "help the public" the more it opens up plans and councils for challenge on matters where something has not been included.

One of the underlying themes of the NPS is to make plans easier for the public to understand. This is false thinking. RMA plans are becoming more complex and come under significant scrutiny from parties who have vested interests in the use of resources. The plans have to be written for professionals and lawyers who are quick to challenge provisions.

WBOPDC has put significant time into reviewing the Draft NPS as we believe the final NPS will have significant implications for us, as well as all other councils. Our detailed submission is attached. You will see from the submission that there are still a lot of questions and much clarification is required. We are seriously concerned that the NPS will be pushed through to meet a legislative timeframe. It is our view that it is more important to get it right, and that by not doing so will impose significant costs in the form of challenges from external parties as councils endeavour to implement the NPS.



For example, while there may be standard of definitions, the rules that councils will need to put around those definitions to manage effects and activities will create significant variation in plans throughout the country.

In preparing our submission, we have liaised with the other councils of the Bay of Plenty and note that they share many of our concerns.

As a way forward, WBOPDC believes that a small focus team of suitably experienced professionals be brought together to assist MfE finalise the NPS. We are prepared to offer the services of one of our Senior Policy Analysts for this purpose who over the last 10 years has been through a complete district plan review and involved in some eighty plan changes (many of which are minor but important changes to wording to maintain the integrity of the plan). We would be happy to discuss this further with you.

Phillip Martelli

A handwritten signature in dark ink, appearing to read 'P. Martelli', with a stylized, cursive script.

Resource Management Manager

Submission Points:

Standard	Comments	Decision Sought
Whole Proposal	The potential benefits of the national planning standards are understood, however the current proposal will fail to deliver the majority of these. At this stage, the national planning standards can only be considered a rough draft. The current proposal is clear in its intent but lacks the precision and guidance which is necessary to ensure that RMA plans can be drafted accurately and consistently. The number of oversights in the proposal along with the requirement to have the national planning standards gazetted by April 2019 without the ability for councils to resolve mistakes through plan changes is of huge concern. The Ministry for the Environment have been asked to undertake a task that is far more complex than what has perhaps been anticipated. It appears this task has not been given enough time and/or resources to be done properly.	The national planning standards should not be gazetted until they are fit for their intended purpose. A team of planners and lawyers experienced in plan drafting and interpretation needs to be established to review the submissions and make the necessary improvements. The focus should be on getting the standards correct, rather than having them completed by a set date. Consideration also needs to be given to the process to follow the gazettement of the standards to resolve remaining issues.
S-DP Chapter/Section Layout	The general order of topics is supported, however the chapter/section layout is messy, confusing and doesn't appear to be usable. The chapters (over and above the use of sections) appear to be unnecessary and their use is inconsistent. The parts already allow topics to be grouped into categories. The chapters don't add any further value and they just make the relationship between chapters and sections confusing. Chapters are used at times to further sub-categorise e.g. natural hazards and hazardous substances are grouped under environmental risks but why is this necessary? Then, at other times, no further categorising can be done so chapters exist without having sections e.g. subdivision. Other parts are deliberately given chapters without sections. For example, Part 2 – Tangata Whenua and Part 3 – Strategic Direction. Elsewhere, chapters are used when they are probably intended to be sections, and sections are used when they are probably intended to be headings within a section. As an example, the introduction is at chapter level and the foreword/mihi and purpose etc all become sections even though they are minor topics. This puts them on the same level as a rural zone or natural hazards which are major topics.	Retain the use of parts. Retain either chapters or sections. Whichever is selected, prescribe any mandatory headings within them. Ensure all of the topics are at the appropriate level.

	This approach allows for more than 60 different sections. It also makes it unclear how chapters and sections are to be written differently to each other. It appears as if no thought has been given to why chapters are necessary and what levels the topics need to sit at.	
S-DP Name of Community Values Section	This term doesn't capture the topics within it. Community values extend far beyond the protection of heritage.	Rename to something more appropriate e.g. cultural and heritage values.
S-DP Name of Infrastructure and Energy Section	It is not clear why designations need to have their own section when they would sit much better within the infrastructure and energy section.	Include designations within an infrastructure, energy and designations section.
S-IGP All Standards	All clauses are prefaced by "if" however S-DP states that all District Plans "must".	Confirm whether standards are optional or mandatory.
S-IGP 4 – Introduction District Plan Update Tables	Providing a list of all updates to individual provisions from any plan change, minor edit, correction of a typo or update to designations etc is an onerous requirement for councils with no clear purpose and little benefit for plan users. Such checks would generally only be used to determine existing use rights or whether a resource consent was submitted in time to be considered under particular rules. In these cases, a comparison between previous versions is quicker and easier. Ordering the updates by number would require plan users to scroll through until they found the provision they were looking for and then they would need to continue scrolling to find any further updates to the same provision. The date of approval doesn't appear to be relevant. Is this meant to be the date of the update or when it took legal effect or became operative? It would also be difficult to give each update a description as amendments won't have titles and some descriptions may be substantial.	Delete this requirement. If the purpose is to allow plan users to determine existing use rights or whether a resource consent was submitted in time to be considered under particular rules, this will be allowed for by the requirements in F-1 to have all versions of the plan available on the council's website.
S-IGP Purpose	These are Section 32 matters and should not be in a district plan.	Delete this requirement.

S-IGP Legal Effect of Rules	There is no need for each council to write this section themselves. The legal effect of rules should be standard in all plans and therefore the text for this should be part of the national planning standards. The guidance for this section and the Instructions in F-6 appear to overlook the requirements of this task. There are essentially four main types of legal status as they proceed through a plan change or variation process: - No legal effect - Legal effect (with weighting depending on the circumstances) - Treated as operative - Operative F-6 doesn't capture this as shown below. It lists some but not others and it's not clear if this is intentional or not. It leaves gaps and will create confusion. - Legal effect before decisions - No legal effect until operative - Subject to a variation - Under appeal F-6 only specifically lists two types of legal status (legal effect, no legal effect) and then limits these to only some scenarios (overlooking rules that have taken legal effect at decisions for example). It then lists the process of a plan variation. This could include rules which have no legal effect, legal effect, or rules that can be treated as operative. Plan changes have also been overlooked. It then lists appeals which are part of a plan variation or plan change process. This is an unnecessary duplication. Also, under appeal, rules could still have legal effect or no legal effect.	Include specific mandatory text in national planning standards for this section. A – This needs to introduce the topic of the legal effect of rules. It needs to clearly list the different types of legal status that it wants plans to explain to its users. It is suggested that the four statuses below are used with the option of further explaining when a rule took legal effect, or will take legal effect, or was treated as operative etc. - No legal effect - Legal effect - Treated as operative - Operative B – This needs to provide a standard way of identifying the different types of legal effect within all plans. C – This isn't required. It can be dealt with in B.
S-IGP Glossary of Te Reo Māori Terms	Many of these are standard and should be part of the national planning standards as it should be standard in all plans.	Include specific mandatory text in national planning standards.
S-IGP Table 14 National Policy Statements	It may require one or more changes to fully or partially give effect to each national policy statement.	Reword to "relevant change or changes".

S-IGP Table 15 National Environmental Standards	In many cases, it won't be possible to provide details on which rules in a plan are more lenient or stringent than in an NES. It would only be possible if a plan rule and NES standard were directly comparable i.e. both listing telecommunications towers as an activity. Generally, most activities would be described differently between the two documents given they are both trying to address complex issues and were written in isolation from each other. Councils are better placed to update their plans to ensure that rules are consistent with an NES, then a table can be updated to explain that this has occurred, similar to Table 14 for National Policy Statements.	Delete this requirement and replace with a similar requirement to that of Table 14 allowing councils to generally describe how they've given effect to an NES.
S-TW All	All clauses are prefaced by "if" however S-DP states that all District Plans "must". The matters listed in S-TW are not legal plan issues but instead are background information. These are all dealt with as part of the Section 32 reports.	Delete from national planning standards.
S-DWM All	All clauses are prefaced by "if" however S-DP states that all District Plans "must".	Confirm whether standards are optional or mandatory.
S-DWM All	All chapters and any section/s in a chapter are required to have their own objectives, policies and methods. However, as an example, why would the environmental risks chapter need them when its proposed sections (natural hazards and hazardous substances and contaminated sites) will be able to provide them to address the particular issues? This is an unnecessary duplication and further highlights the issue of having both chapters and sections.	Retain either chapters or sections. Whichever is selected, the requirement to provide objectives, policies and rules would be met there.
S-DWM Coastal Environment Section	This section is compulsory for districts with a coastline, however such matters are frequently addressed in landscape, ecological and natural hazards sections etc rather than being addressed as a matter in its own right. This would create unnecessary overlap and duplication of objectives, policies and rules. Most other aspects (all those below MHWS) are addressed by regional councils.	Delete the requirement for this section to be compulsory.
S-DWM Community Values Section	Point C is addressed through Section 32 report preparation and is not necessary in a district plan.	Delete from national planning standards.

S-ASM All	There are too many zones. This will make plans more complex than they need to be and will make it harder to colour them on the maps. Many zones have very similar purposes and can be combined with other zones and dealt with through different rules within such a zone. For example the following: - residential and low-density residential - rural and rural production - neighbourhood commercial and local commercial - town centre and city centre - industrial and heavy industrial - open space and sports and active recreation Others are unnecessary, for example: - rural settlement - conservation	Reduce the number of zones as follows: Combine: - residential and low-density residential - rural and rural production - neighbourhood commercial and local commercial - town centre and city centre - industrial and heavy industrial - open space and sports and active recreation - any others of a similar nature to each other Remove: - rural settlement - conservation
S-ASM All Residential Zones (addressed together)	The purpose statements don't provide a clear distinction between the zones. They will allow councils to decide what each zone means to them. The key difference would be how many units per area of land, however these can't be included because they are rules. References to suburban, urban and high density urban may be understood by large urban councils but may have a different meaning to smaller urban councils and rural councils.	Further explain or define what is meant by suburban, urban and high density urban.
S-ASM Rural Zone & Rural Production Zone (addressed together)	These two zones overlap and will create confusion. They both provide for primary production and rural industry (the rural zone is excluded from being allowed rural industry, however this is incorrect because rural industry is to service primary production activities). The only difference between the two zones is "intensive primary production". Only one rural zone is needed that is then controlled by the status of activities and their performance standards.	Delete rural production zone. Provide a definition of rural zone as follows: "The purpose of the rural zone is to provide for primary production activities, activities that support rural production, intensive primary production and rural industry."

S-ASM Rural Settlement Zone	From a reverse sensitivity perspective, these zones will not work, particularly with activities such as commercial and light industry locating amongst residential dwellings. It is far easier to control these effects through particular zoning, rather than a complex set of rules. The alternative is that the majority of these zones will be set up in such a way that these activities are excluded, which defeats the purpose.	Restrict rural settlement zone to residential only.
S-ASM Commercial Zone	This also allows for activities not sensitive to commercial activities. This could allow commercial land to be taken out of use by industrial activities and housing developments etc if it can be argued they are not sensitive. Commercial zones are provided based on each district's need for commercial growth and it should be retained for that purpose. Mixed use zones have been provided to allow a range of other activities.	Delete the reference to activities not sensitive to the effects generated from commercial activities.
S-ASM Mixed-Use Zone	These zones have a strong residential focus and "light industrial" is generally incompatible.	Delete "light industrial".
S-ASM Open Space Zone & Sport and Active Rec Zone (addressed together)	Many recreation areas provide for a combination of passive and active open space activities. The actual activities are controlled through Reserve Management Plans prepared under the Reserves Act.	Have one "recreation" zone.
S-ASM Conservation Zone	This is a double up of the ecosystem and biological diversity feature overlay.	Delete "conservation" zone.
S-ASM Maori Cultural Zone	The commercial component is queried. This will be used for economic rather cultural reasons to justify centres such as shopping precincts and industrial parks.	Delete "commercial".
S-ASM Table 16 Designation Table	"Conditions": there are many conditions attached to designations. It is considered impractical to list all these for every designation. The preference would be a link to the decisions document.	Do not require a list of all conditions, but provide for a link to the decision document.

S-SAM Appendix/Schedule Table	The information requirements in the table are supported in principle. However, the table format overlooks that some features have substantial descriptions required e.g. landscape features and viewshafts which have their boundaries determined by their descriptions over how they are shown on the maps. These descriptions would quickly fill up the narrow column and fill one or more pages.	Allow councils to include more detailed information in the schedules about features over and above the requirements of the table.
F-1 Instruction 7 Regional Council Rules	Providing notes within district plans about rules which may also require a regional council consent and vice versa will be difficult and risky. It would require planners from both councils to meet together regularly to go through every provision of their plans (including each time they are updated) to compare activities and provide linkages between rules. District and regional plans are large and complex documents. Such a task leaves significant room for error and will create liability issues for councils. Is the intention to increase user-friendliness, or to provide an exhaustive and legally correct set of cross references? Most activities are likely to be subject to another plan's rules in some way. For example, a farming activity in a district plan would also be subject to a large number of different regional plan rules relating to earthworks, odour, spray drift, dust control, sediment control and stock control etc. Are district plans expected to link every farming activity to every single relevant rule in a regional plan? As another example, a residential unit in a district plan would also need to comply with a number of specific regional plan rules e.g. relating to septic tanks and air quality. Is a district plan expected to let landowners know that they will also need to be careful not to burn wet wood in their fireplace in a way which would contravene an air plan?	Delete this requirement. Replace it with a requirement to provide a general overview of activities that are likely to also require a resource consent from another plan without needing to link to specific rules.
F-1 Instruction 11 All Plan Versions on Council Website	This may not be possible if all plan versions must include Instruction 10 as part of the record. This presents at least two problems. Firstly, what constitutes a version? Every time a plan is updated to show a change of legal status for one or more provisions, this could be seen as an update and could create a new version of the plan. Secondly, if an older version is retained on the website, its record of the legal status of provisions will be out of date with how these are displayed in more recent versions, creating inconsistency and confusion for plan users.	Require Instruction 11 to apply from the date of the legislation being gazetted. Provide further guidance to address the issues raised.

F-2 All Mapping Standards	The intent of having a common set of colours and patterns on district plan maps is understood, however the execution will not achieve the purpose. No thought has been given to how this will work and what district plan maps are going to look like if these standards are met. Maps will be messy, confusing and hide information. Councils will have no ability to make corrections to maps to make them understandable. An example is provided in Attachment A of what a map would look like if a number of different zones and overlays were included.	Review the use of colours and symbols as requested in the points below.
F-2 Table 21 Zone Colours	The purpose of colours on maps is to help plan users quickly decide what each colour means. This won't achieve that. There are too many zones and the colours are too similar. The colours will also look lighter or darker depending on the monitors and printers being used, adding to the problem. If only one colour of a colour range appeared on a map, it could be extremely difficult to quickly tell which one it was. Even if multiple colours of a colour range appeared together and it allowed for comparison it would still require plan users to analyse the differences. Plan users may be forced to guess and get it wrong. The four yellow residential zones are barely distinguishable from each other. The low and medium density zones are almost identical. The five green colours used for the rural, rural production, open space, sport and active recreation and conservation zones are also very similar. Running out of green colours also means that rural residential and rural settlement zones are left with colours that don't match other rural zones. Other similarly coloured zones include the lightly coloured rural settlement and local commercial zones, the red neighbourhood commercial and town centre zones, and the purple industrial and heavy industrial zones. Blue colours have been also overlooked in favour of overlays which has contributed to the problem. Some of the colours are also very dark/dominant e.g. the dark red and purple zones. This will make it hard to show other features within them. There is also a reliance on solid colours, when other options may be available. For example, boundary lines to indicate a heavy industrial zone within an industrial zone, or town centre within a commercial zone etc.	Along with reducing the number of zones, as requested above, use other methods for differentiating zones e.g. boundary lines to indicate a heavy industrial zone within an industrial zone, or town centre within a commercial zone etc. Darker zones should also be deleted or lightened so they don't clash with other features. If the above cannot be achieved, delete the requirement for mandatory zone colours altogether.

F-2 Table 22 Designation Symbol	This blue boundary is unlikely to stand out amongst the zones and other features. A black broken line would stand out better and it would look different to the heritage area (solid black line).	Replace with a broken black line.
F-2 Table 22 Natural Hazards Symbol	This won't work for a number of reasons. The blue boundary and fill will clash with the blue boundary for designations. Using a solid fill option will cover, hide or change the colour of other zones and features underneath, especially on hard copy maps where there is no ability to change transparency. Some areas will look completely blue, with no other information shown. Volcanic hazards e.g. ashfall could cover a whole district. The same colour cannot be used for all four natural hazards. Plan users won't be able to tell what natural hazard is shown and therefore will not be able to tell what rules apply (which is the main reason for having planning maps). Not all features are shown using polygons either e.g. coastal erosion is generally displayed using lines and different coloured lines are used to indicate different erosion timeframes e.g. 50 year and 100 year projections. There are also many other natural hazards that have been overlooked including liquefaction, tsunami and instability areas. As a result, these would be allowed their own colours and patterns, so why not allow it for all natural hazards? Protecting people and property against the risks of natural hazards is an extremely important function of district and regional plans and this is now recognised as a matter of national importance. The national planning standards need to allow natural hazards to be dealt with effectively.	Delete this symbol and allow councils to use whichever colours and patterns they need for clearly displaying natural hazards.
F-2 Table 22 Coastal Environment Symbol	This overlay won't be needed in district plans that deal with such matters through other sections such as natural environment, landscape and natural hazards. It will also make every map within such an area very messy, being completely covered in blue vertical lines.	Delete this symbol. Replace with a requirement to have a single one page map showing the coastal environment.

F-2 Table 22 Statutory Acknowledgement Areas Symbol	This brown boundary line will be difficult to see over zones with darker colours. It will also look similar to the black boundary line for heritage areas.	Removing dark zones or reducing the darkness of such zones would assist.
F-5 Draft Chapter Form	This form is supported, however it shouldn't be used by both chapters and sections. It doesn't work having both chapters and sections as highlighted in an earlier point and one needs to be removed from the standards. Why would Part 2 – Tangata Whenua need to follow this form when it doesn't appear to be designed to follow such a layout?	Retain as proposed for Part 4 - District Wide Matters and Part 5 - Area Specific Matters. Remove the requirement for Part 2 – Tangata Whenua.
F-5 Tables 25 Rule Overview Table	This overview is only necessary because the rule and rule requirement tables make it overly difficult to find rules.	Delete the rule and rule requirement tables so an overview isn't necessary.
F-5 Tables 25 Rule Table	This layout will be hard to follow, repetitive and make plan sections much larger than what they need to be. Infrequent plan users i.e. the general public will struggle the most. Plan users will need to scroll through many pages to find the activity or activities they are looking for instead of being able to quickly see what is permitted or needing resource consent and what rule requirements or matters apply. If plan users need to look at a number of different options, they will need to read through each individual activity to understand the individual requirements even though many activities would have the same requirements e.g. all activities will need to comply with height, setbacks, height to boundary, coverage, noise etc. Listing each specific rule requirement could lead to a large number of standards being listed and filling a whole page or more (each time). The columns are very narrow. Can the reference be to a group of rules e.g. noise or signs generally or does the reference need to be to each specific noise and sign rule requirement that may apply? Depending on the nature of the activity, which are often more varied or complex than what can be anticipated in advance, it may not be possible to identify every applicable rule requirement.	Delete this requirement and instead set out rules as follows: - activity lists from permitted to prohibited with an explanation that each must comply with rule requirements and matters related to that activity type - rule requirements for each activity type (general requirements first then those specific to particular activities) - matters of control (general then specific) - matters of restricted discretion (general then specific) - matters of discretion (general then specific)

	Listing matters of control or discretion for each activity will also lead to the filling up of pages unnecessarily given these lists are required to be included in full (not only a reference). Some of these lists can cover multiple pages even before needing to fit into narrow columns. Mistakes are also more likely to be made by plan drafters if each specific activity is required to link to every specific rule, meaning requirements could be overlooked. Some zones may contain fifty or more different activities as is the complexity of the environment that planning is required to manage. These same activities would appear in many different zones and need to be repeated all over again in full.	
F-6 Status of rules Instruction 1 Highlighting of Policy Statement/Plan Text	1A - If text is required by a national planning standard but is not yet included in a district plan, some district plans may need to be shaded in their entirety as soon as the national planning standards are released because every single provision and map may need to be reworded, restructured or recoloured etc to ensure it meets the standards. Straight away, all of the provisions are shaded and no other shades can be used on the same text. 1B – If text is required by a NPS or NES, it is not straight forward identifying the provisions that may need changing. Each would require a robust review of all provisions in a district plan to determine whether they are affected or not. In the case of an NPS, each district plan provision and its components would need to be directly comparable to any “thing” mentioned in the NPS e.g. an environment or area or process or concept or feature or activity etc. It would be easier to simply complete the review and change the district plan. In the case of an NES, it won’t be possible to provide details on which rules are more lenient or stringent than in an NES. It would only be possible if a district plan rule and NES standard were directly comparable i.e. both listing telecommunications towers as an activity. Generally, most activities would be described differently between the two documents given they are both trying to address complex issues and were written in isolation from each other. Councils are better placed to update their plans to ensure that the rules are consistent with an NES. 1C, 1D, 1E and 1F – These don’t capture the different types of legal status that rules will have. This is discussed in the submission point for “the legal effects of rules” section.	1A – Delete this requirement. 1B – Delete both requirements. 1C, 1D, 1E and 1F – Delete all requirements and replace them with the four statuses that are suggested in the submission point for “the legal effects of rules” section as repeated below. It is suggested that the four statuses below are used with the option of further explaining when a rule took legal effect, or will take legal effect, or was treated as operative etc. - No legal effect - Legal effect - Treated as operative - Operative

F-6 Status of rules Instructions 2 and 3 Legal Status of Policy Statements/Plan Provisions	These instructions need to be consistent with the "legal effects of rules" section and Instruction 1 above.	These instructions need to be consistent with the "legal effects of rules" section and Instruction 1 above.
F-6 Numbering Table	The abbreviations are unnecessary and unhelpful. The abbreviations make it harder to identify what something is when the actual terms can easily be used. For example, it would be much easier to understand "how the plan works" instead of HPW and "noise and light" instead of NL. Many of the abbreviations are not immediately obvious at all e.g. SPA is used to abbreviate "air port zone" and PSAQ is used to abbreviate "air quality in regional policy statements". Both follow a different order to the term they are trying to abbreviate and remove important components of the term. APZ and AQRPS would make more sense. There are abbreviations that don't actually require an abbreviation e.g. LAND means land and WATER means water. Other abbreviations essentially cut words in half e.g. SCHED is used instead of schedule. There are also too many abbreviations and so they become extremely hard to tell apart e.g. PSAQ, PSCE, PSLNC, PSEIB, PSER, PSHH, PSIE, PSLD, PSW and PSST. Parts have been labelled clearly e.g. Part 1 – Introduction. However, the same approach is not used for other components of a plan. This makes no sense. The names of the chapters or sections, schedules and appendices will be sufficient e.g. Section X – Residential. For objectives, policies and rules, saying O, P and R is much less obvious than saying the actual term (each being one small word). Also, the reference to P has already been used to abbreviate permitted activities.	Delete all requirements to use abbreviations. Allow the use of full terms only e.g. Section 1, Appendix 1 Objective 1 and Rule 1.

CM-1 Definitions - General	The purpose of having a common set of definitions in district plans is understood, however the execution will not achieve the purpose. Councils have spent considerable time and resources developing and reviewing definitions to allow their plans to be administered effectively to respond to the particular issues of that particular area. Definitions have been tested through plan changes and through planning practice. The proposal to start again from scratch without being able to test the definitions in the same way is a backward step. It will create a number of mistakes that will need to be resolved again. The definitions are intended to be simple to be easily understood. However, the lack of detail, accuracy and examples will only lead to confusion and disputes when needing to decide how rules apply to activities (which is ultimately the reason why there are definitions in district plans). This will mean that councils will be left to decide for themselves what the definitions really mean and what examples are included and excluded. It will encourage inconsistency between plans because councils will need to take measures to fill the gaps and fix the mistakes e.g. by defining terms differently within definitions, creating different definitions for activities which are excluded from a definition, and creating different rules to work around the definitions. This will be messy and unhelpful for plan users. It will also cost a lot of time and money. The explanations given don't provide much further understanding. There is little focus on why the definitions are needed and what they would be used for. Instead, the focus is on how the definitions have been drafted. It makes it hard to comment on whether the wording of a definition is suitable or not. The explanations also provide assumptions about what may or may not be caught by a definition. For example, childcare centres not being education facilities and AirBnB not being caught by the definition of visitor accommodation. Both are arguable. Such clarification is needed in the definitions themselves.	The definitions need to be more detailed, accurate and include examples (where appropriate) before being included in district plans. Further thought also needs to be given to why definitions are being proposed so that plan writers know what they are intended to be used for. If the definitions cannot be made to work, they should be deleted from the national planning standards.
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CM-1 Accessory Building	It is not clear what the “principal” building, buildings or activity would be if there were multiple on-site (which is very common). The word “principal” can mean the first established or most important. Would it be the dwelling, orchard, seasonal worker accommodation or the commercial storage sheds if these were all on-site? Is the intention that only one of these is the principal and any buildings associated with it are the accessory buildings? Or, is the intention that each of these have a principal component and each have their own accessory buildings? Specifically excluding minor residential units also creates confusion. By excluding this one activity, it implies that other defined activities not excluded may qualify as accessory buildings e.g. those associated with home businesses. Minor residential unit already has its own definition so is unlikely to be confused with being an accessory building (generally they would be listed separately from each other in the activity lists and have different rules). The WBOP District Plan defines accessory buildings as those which are ancillary to any permitted activity. That makes it clear that things like garages (accessory to dwellings) or farm sheds (accessory to farming) are permitted also. MfE’s explanation mentions that “accessory buildings are generally permitted activities” but the proposed definition does not reflect this.	Remove the reference to “principal” and instead relate accessory buildings to permitted activities as follows: “Accessory building means a detached building, the use of which is ancillary to any permitted activity on the same site”.
CM-1 Addition	Additions won’t necessarily increase gross floor area e.g. if the “works” also involve the removal of another part of the building which leads to the gross floor area remaining the same or decreasing. This would mean that the ‘addition’ wouldn’t actually qualify as an addition and would therefore not be subject to rules relating to additions. It’s also not clear why this definition is needed when an addition is generally obvious. The WBOP District Plan does not define additions and this has never been an issue. Is this definition intended to capture the likes of a deck or pergola that may be added to a building? MfE’s explanation does not explain the benefit of having this definition. It seems unnecessary.	There needs to be a purpose for having this definition. If there is, it needs rewording to reflect that purpose. If not, it should be deleted.

CM-1 Ancillary Activity	As with accessory buildings above, it is not clear what the “primary” activity would be if there were multiple on-site. It will also be confusing specifically including activities which are “incidental or subsidiary” such as a home business (as intended by MfE) or other activities which qualify as both an ancillary activity and their own specific activity. What will they be when activity statuses and rules differ? What is the purpose of this definition? Is it intended to allow ancillary activities to be permitted on-site along with the main permitted use? What if the primary activity needed a resource consent - is the intention that the ancillary activity also needs a resource consent? What if other activities (not primary) also need ancillary activities? There would be no way of providing for them because the definition of ancillary activities would be strictly limited to a primary activity.	If the purpose is to allow ancillary activities to be permitted on-site along with a permitted use, remove the reference to “primary” and instead relate ancillary activities to permitted activities as follows: “Ancillary activity means an activity which provides support to a permitted activity on the same site”.
CM-1 Best Practicable Option	This is a very commonly used term within plans. By providing this as a definition only for contaminants and noise, is it intended to preclude the use of the term in all other instances? Or, will councils have the option of using italics (or similar) to indicate that something is a defined term, allowing the generic use of the term elsewhere? Otherwise, councils will need to find a new way of describing best practicable option (which might not be as suitable).	Clarify whether or not councils are intended to use this term only in relation to contaminants and noise or whether councils can italicise its particular use.
CM-1 Boundary	This is a commonly used word which also describes things such as the boundary of a zone, road or other feature, or the boundary between two properties. This definition will limit its use to only one particular circumstance (a site’s perimeter).	Delete this definition. Allow the word boundary to be used in relation to whatever it is trying to describe e.g. “the site’s boundary”.
CM-1 Boundary Adjustment	Boundary adjustments involve two or more sites, therefore two or more boundaries are involved.	Refer to “boundaries” not “boundary”.

CM-1 Building & Structure (addressed together)	The definition of "structure" is vague. It is not clear what is meant by "equipment", "device" or "facility" and these would need to be defined as well. All of these terms by their general definitions can include any number of things. If left undefined, each council will need to define these which would defeat the purpose of having a common definition. The definition of structure also relies on the definition of "building" to explain what a "structure" is however a building can only be a building if it first meets the definition of structure. The definition of "building" relies on the definition of structure (which is unclear) and then relies on an understanding of what it means to be enclosed. This requires a judgment on what a "wall" is and how many walls there are or what it means to be "similarly enclosed". The term "wall" is often disputed. It is not user friendly having two separate definitions for building and structure when they are so closely related and rely on each other for interpretation. Plan users shouldn't need to go back and forward to understand what each means. Buildings and structures don't appear to need to be separate activities (based on whether enclosed or not). Rules such as height, setbacks, daylighting, coverage and natural hazards etc would apply equally to both.	Provide building/structure as a single definition in the same place. In the definition of structure, define equipment, device and facility. In the definition of building, remove the requirement to decide if a structure becomes a building based on whether it is enclosed or not. Buildings are generally obvious so perhaps it would be easier to exclude anything which is not intended to be captured.
CM-1 Cleanfill	The definition of cleanfill (the material) is good, however the lack of a supporting list of materials will still leave councils and customers having to decide what materials it includes. It defeats the purpose of having a definition if it still requires research into whether something meets the definition or not. This research will result in different outcomes.	Provide a list of materials that are considered to be cleanfill "including but not limited to".
CM-1 Commercial Activity	The reference to "primary" will create issues. While an activity may have a primary purpose of trading in goods etc, its secondary purpose may be something that is not commercial in nature, Would this mean that the secondary purpose (e.g. an industrial activity) becomes part of the commercial activity and therefore can be given the same activity status? This could allow operators to establish a secondary activity under the guise of a commercial activity to avoid other requirements. Also, it will be arguable whether something is the primary purpose or secondary purpose if both are of a similar scale. This definition brings together all activities that may be commercial in nature. It overlooks that some commercial activities will have a larger scale and/or greater effects than other commercial activities. For example, the WBOP District Plan's	Remove the reference to "primary". Including a reference to ancillary activities would be more useful, however the proposed definition of ancillary activities is limited to only the "primary activity on the site". Examples need to be provided to clarify what is included and excluded.

	commercial zone currently permits the likes of retailing, banks and post offices but requires resource consent for the likes of service stations and depots. Having a 'catch all' definition is an issue because councils will need to assign one activity status to all commercial activities. This could permit activities that should require a resource consent and vice versa. Otherwise, councils will need to define a range of commercial activities and create different rules to deal with them, defeating the purpose of having a definition in the first place. There may also be other activities which have the primary purpose of trading in goods, equipment or services which are not intended to be caught by this definition. For example, community organisations which provide free services such as financial advice, counselling, accommodation or haircuts etc. Although these activities are probably intended to be captured by the definition of community facilities, the commercial activity definition would also capture them because there is no reference to profit-making purposes. This definition also lacks examples which would help plan users to understand what it captures or not.	
CM-1 Community Facility	Similar to commercial activities above, the reference to being "primarily" for community purposes will create issues such as potentially allowing unrelated secondary activities or needing to decide what the primary or secondary purpose is if they are of a similar scale. The term "community" is also very broad and may lead to confusion. This definition would capture facilities which are open to the general public e.g. parks, reserves, sports fields or club rooms. However, would it also capture the use of private land for something like a motocross track which is only available to friends or family but not to the general public? Is this a community use, or private use? Does the requirement to be "non-profit" mean that an activity needs to be registered as a "non-profit" organisation to qualify? Examples would again be helpful.	Remove the reference to "primarily". Including a reference to ancillary activities would be more useful, however the proposed definition of ancillary activities is limited to only the "primary activity on the site". Examples need to be provided to clarify what is included and excluded.

CM-1 Coverage	This should also apply to buildings (to be clear). It possibly shouldn't refer to structures at all given the issues with calculating footprint for these as explained under "footprint" below.	This definition should apply to buildings. It shouldn't refer to structures unless there is a clear way of measuring their gross floor area.
CM-1 Earthworks & Land Disturbance (addressed together)	It isn't user friendly to have the definition of earthworks rely on the definition of land disturbance and have to cross-reference back and forward. They can easily be combined into one definition. Linking the definition of earthworks to ground level will be confusing and problematic. The definition of ground level means the existing level from the most recent subdivision or otherwise the existing level excluding that associated with the construction or alteration of buildings. That means land disturbance can only become earthworks if it alters these levels. It can't be considered as earthworks if it alters levels caused by the construction or alteration of a building even though this would also clearly be earthworks. Linking the definition to ground contour would be more suitable as it is generally well understood what this means and it doesn't matter how that contour was created.	Combine the definitions of earthworks and land disturbance to read as follows: "Earthworks means land disturbance (the alteration of land, including by moving, cutting, placing, filling or excavation of soil, cleanfill, earth or substrate land) that changes the existing ground contour."
CM-1 Education Facility	It is arguable whether daycare and childcare centres would be excluded from this definition. They are not that dissimilar from other activities which are intended to be included. It is understood that they need to be licenced by the Ministry of Education and this requires them to provide education and care following a pre-set syllabus/curriculum by a suitability qualified or experienced person. Although they make money, so do other education centres e.g. dance, horticultural training or private schools. It can't be assumed that they would be excluded because MfE are of that opinion. Each council will be left to interpret this. Also, the exemption "does not include any industrial activity" needs rewording to relate to the specific training it is seeking to exempt.	Examples are required to explain what is included and not included. Reword "does not include any industrial activity" to "does not include any training facilities related to an industrial activity".

CM-1 Footprint	"Total area" won't be measurable. It needs to relate to a suitable definition of gross floor area. This definition needs to apply to buildings as well (to be clear). Perhaps it should not apply to structures given it is questionable whether gross floor area would be able to be calculated for these because of the lack of walls and sometimes the lack of floor edges e.g. a carport built over gravel or a pergola built over a deck. The definition is intended to calculate coverage, however it overlooks other usages for footprint such as limiting the bulk of individual structures. Also, has it been considered that a site can include a number of adjacent computer freehold registers on which an activity is occurring or proposed? Is the intention to calculate the coverage of each computer freehold register or the combination of them? "Site" can mean either. One of the computer freehold registers may be 100% covered by buildings. Would it comply or not?	Replace "total area" with "gross floor area". Include "buildings" and consider removing "structures" given the difficulty with calculating gross floor area. Allow for the calculation of both individual buildings and multiple buildings as suggested below: "Footprint (in relation to an individual building) means the gross floor area of the ground level of that building." "Footprint (in relation to coverage) means the total gross floor area of the ground levels of all buildings on a site." Consideration needs to be given however to what coverage is intended to capture in relation to the definition of "site".
CM-1 Gross Floor Area	This relies on definitions of "building" and "site" that need improving before they can be relied upon. Clarifying that "void areas" are included seems unnecessary if they are within the exterior faces of the exterior walls (and therefore included). Or, is it intended to capture these when they are outside the exterior faces of the exterior walls? No reasons are given for why the clarification is needed. If there are centrelines of walls, it cannot be between two buildings because it would still be one building. Instead, is the intent to separate two tenancies within the same building? If so, it needs to say this. Also, the definition could be expanded to allow the measuring of gross floor area for separate activities. For example, a home business occupying one room in a residential unit, or a minor residential unit which is a part of the same building as a residential unit but not in a separate tenancy. The issue with this though is that activities don't necessarily have walls i.e. they may only occupy part of a room. Relying on the floors for the measurement may be problematic. Not all floors will have exterior edges that can be easily measured e.g. a carport built over gravel or a pergola built over a deck.	Consideration needs to be given to allowing the calculation of the gross floor areas of separate activities within the same building. Further thought needs to be given to how gross floor area can be measured when there is an absence of a wall or walls and no exterior edges of floors.

CM-1 Ground Level	This definition should also apply to structures as well as buildings (to be clear). The wording about the retaining wall doesn't make sense. Where is the front? What if there is a retaining wall on or along a boundary but it doesn't intersect the boundary? What if there are retaining walls intersecting with multiple boundaries? Which one is selected as the level? Also, this definition refers to "excavation or filling" and then "cut and fill" when a definition of earthworks has been proposed to avoid the need to explain these actions separately.	Apply this definition to structures as well as buildings. This would be assisted by combining building and structure into a single definition. Clarify the wording about the retaining wall. Provide a diagram. Instead of referring to "excavation or filling" and "cut and fill" relate this to the definition of earthworks.
CM-1 Habitable Room	If this definition is only for managing noise, it makes sense to protect living rooms, bedrooms and similarly occupied rooms. However, why are kitchens not included? Or, is a kitchen intended to be a similarly occupied room? What other effects are councils expected to manage using this definition? Do councils have the opportunity to apply this definition only where it makes sense (e.g. for noise which it appears to be targeted at)? Another example of when habitable rooms may be considered is within floodable areas. This is something which often involves discussions around what is habitable or not in regard to the setting of minimum floor levels. Again, living rooms and bedrooms and similarly occupied rooms would need to be protected from flooding. However, so should kitchens, bathrooms, toilets and corridors etc as these are also likely to be occupied and could result in damage and/or loss of life. This definition also limits habitable rooms to a specific list of activities being residential units, visitor accommodation, education facilities, commercial activities and healthcare facilities. If any other similar activity has been overlooked, or doesn't quite fit these definitions, it won't be judged to have habitable rooms. An example of an overlooked activity is community facilities. These would include welfare centres which may have bedrooms and dining rooms. Community facilities would also include marae and churches which may have areas for teaching or dining. An example of an activity which may not fit another definition is sleepouts. These are clearly habitable but won't be self-contained and therefore won't be residential units. There may also be other accommodation types that are not captured by visitor accommodation.	Clarify the intent of this provision so councils know what it is and is not meant to be used for. Include kitchens as a habitable room if this relates to noise. Allow councils to apply this definition only where it makes sense (e.g. for noise which it appears to be targeted at). Remove the specific references to residential units, visitor accommodation, education facilities, commercial activities and healthcare facilities.

CM-1 Height (District Plan)	This definition should also apply to buildings as well as structures (to be clear).	This definition should also apply to buildings as well as structures. This would be assisted by combining building and structure into a single definition.
CM-1 Height in Relation to Boundary	This definition would only be understood by plan users who already know what height in relation to boundary or daylighting is. It needs to show a picture to make sense to others. What is intended by an "other specified location"? The likes of playgrounds and sports fields which may benefit from daylighting provisions? Examples would be helpful.	This definition should contain a picture showing height in relation to boundary, otherwise it should be deleted as it won't be useful. The reference to "other specified locations" and the intent behind it needs to be made clear. If it doesn't have a benefit, it should be deleted.
CM-1 Home Business	Home businesses should require at least one of the workers to reside on-site. Otherwise, they won't need to be home businesses and could instead be stand-alone commercial business on the same site (which isn't the intention). The use of the phrase "secondary to the use of the site for a residential activity" is not sufficient for preventing other activities such as farming from being inadvertently captured (as suggested by MfE). The term "secondary" means "coming after" or "less important than" which may actually capture some farming activities e.g. if the residential activity was there first before an orchard was established, or if the farming activity is a few beef cattle which would be less important than the use of the site for living purposes. Consideration should also be given to whether "secondary" is sufficient for defining a home enterprise given its double meaning. Would an activity only need to be the second on-site, or the least important, or both? The addition of the words "and incidental" would clarify that the business would also need to accompany or be the result of the residential activity.	Home businesses, by definition, should require at least one of the workers to reside on-site. To avoid inadvertently capturing activities, the definition should clarify that it excludes any other activity that is specifically included in the activity lists for the relevant zone. For example, in the rural zone, farming (primary production) would be specifically listed so couldn't be captured as a home enterprise. It would also mean that activities such as industry or kennels (which may be listed as discretionary or non-complying in the rural zone) wouldn't be able to be considered as a home enterprise if they were small enough in scale to meet any rule requirements. Include the words "and incidental" after "secondary".

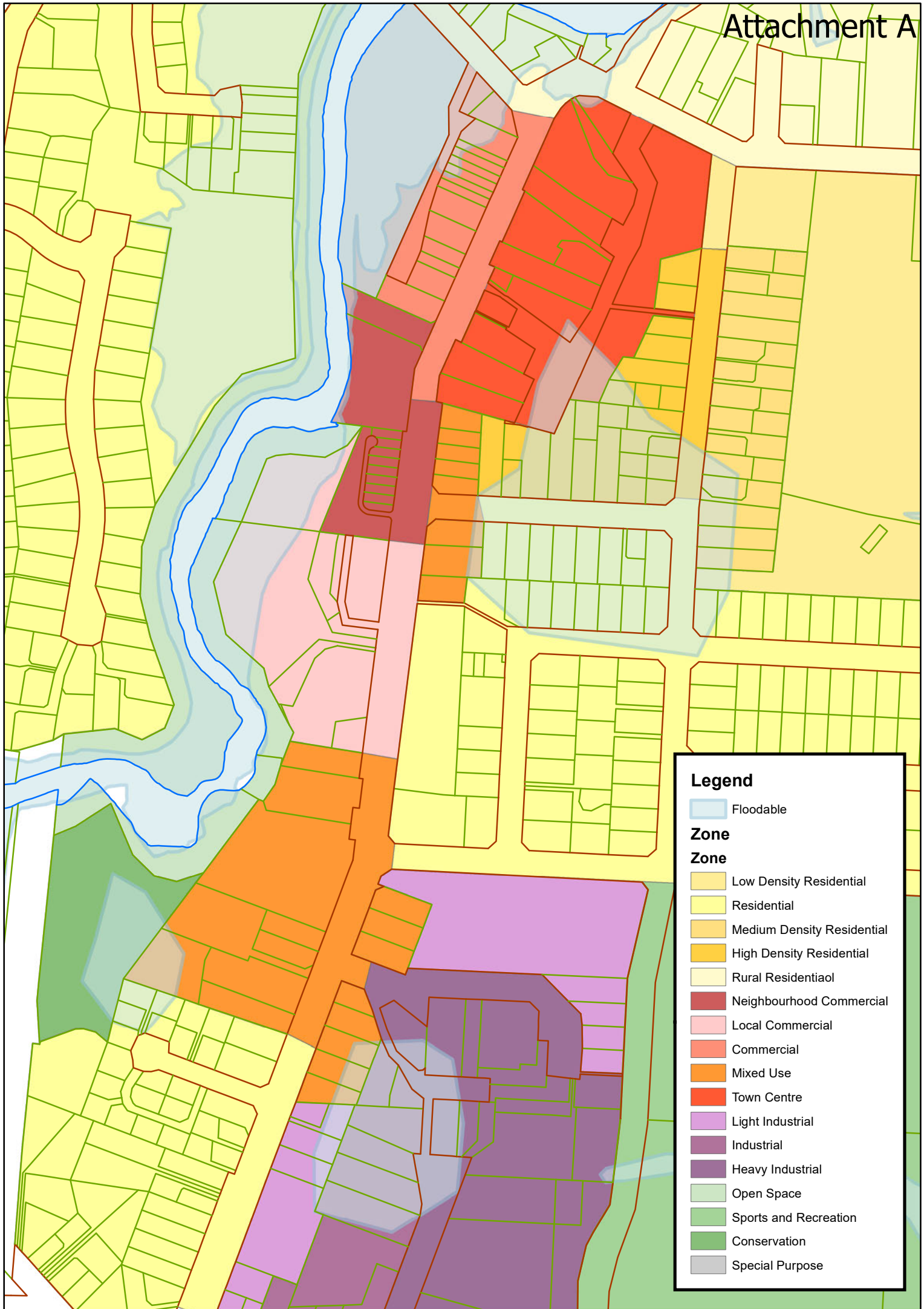
CM-1 Industrial Activity	Similar to commercial activities and community facilities above, the reference to “primary purpose” will create issues such as potentially allowing unrelated secondary activities or needing to decide what the primary or secondary purpose is if they are of a similar scale. Would the “repairing” of goods include the likes of computers, jewellery and shoe repair etc? These are generally commercial activities. Would it include mechanical and auto repair stores? This definition lacks examples which would help plan users to understand what it captures or not.	Remove the reference to “primary”. Including a reference to ancillary activities would be more useful, however the proposed definition of ancillary activities is limited to only the “primary activity on the site”. The reference to “repairing” needs reconsidering. Examples need to be provided to clarify what is included and excluded.
CM-1 Primary Production & Intensive Primary Production (addressed together)	The definition of primary production would benefit from having a list of what is and isn’t included. Although the explanation says that such a list was deleted to remove controversy, every council will now need to address this themselves. Will councils be allowed to add their own lists into the definition, or would such a list become an internal document referred to by staff whenever there is uncertainty? Or, is it expected that this is included in the rules (defeating the purpose of having a definition)? If the definition of primary production does not capture something which is primary production in the view of a council, will that council be allowed to create a definition such as “other farming activities” in order to capture them so that an activity status and rules can be applied? Why is aquaculture included in the definition of primary production? While it may be a primary industry, it would better align with the definition of intensive primary production through principally occurring within buildings and having limited dependency on soils. The WBOP District Plan shifted aquaculture from the definition of farming to intensive farming for these reasons (allowing it to be treated as discretionary rather than permitted). The definition of intensive primary production is too simple and doesn’t accurately capture what it really is. It is limited only to “production” of the listed animals rather than capturing the whole of the activity (it excludes the selling of product for example). It is also limited to specific animals, which doesn’t appear necessary given it is linked to the definition of primary production which should already capture everything which is considered to be primary production.	The definition of primary production should provide a list of what is included and excluded. Aquaculture should be excluded from the definition of primary production and included in the definition of intensive primary production. This could be done either by specific exclusion/inclusion, or through retaining aquaculture in the definition of primary production and using the definition of intensive primary production below which will capture aquaculture through its lack of dependency on soils. Reword intensive primary production as follows: “Intensive primary production means primary production activities which have no dependency on the quality of the soils occurring naturally on the site and which are either: (a) carried out within the confines of buildings/structures or pens or yards enclosed by fences or walls; or (b) undertaken in a manner which precludes the continuous maintenance of pasture or other groundcover.”

	The reference to “principally” will create issues. In this case, it essentially means “most of the time” which is not measurable and will lead to disputes. The WBOP District Plan defines “intensive farming” as shown below. This will allow councils to better determine what “intensive” is because “no dependency on the quality of soils” is measurable. “Intensive farming means agricultural production activities which have no dependency on the quality of the soils occurring naturally on the site and which are either: (a) carried out within the confines of buildings/structures or pens or yards enclosed by fences or walls; or (b) undertaken in a manner which precludes the continuous maintenance of pasture or other groundcover.” From a practical district plan point of view, the principle difference between primary production and intensive primary production is that the latter is not dependant on the quality of the soils to produce ‘food or fibre’. Unfortunately, the debate is getting captured by the intensive dairy farming argument, but this can be avoided by a suitably worded definition.	
CM-1 Net Site Area	The explanation talks about how the intent is to exclude “an area under a designation that may be taken” however the definition refers to an area which “is intended to be taken”. It is considered that referring to “may” is more accurate because any land that has a designation may be taken, whereas there is no certainty as to whether there is any intent to take land (often it isn’t).	Refer to land subject to a designation that may be taken.
CM-1 Notional Boundary	This definition is supported, however it would be helpful to remove the comma after the words “legal boundary”.	Remove the comma after the words “legal boundary”.
CM-1 Quarry	The definition does not capture what a quarry is. It only focuses on the excavation and processing of minerals and substances. It overlooks the storage, distribution and sale of these and the deposition of overburden, cleanfilling, landscaping and rehabilitation works etc. If these are excluded, they can’t be assumed to be part of the quarrying activity. They’ll need to be treated as their own activity. The term “solid natural substances” may exclude water, oil and gasses but it could include any number of other things that don’t relate to quarrying. The definition needs to more accurately define what materials are subject to a quarrying activity.	Reword as follows: “Quarrying may include the excavation of overburden, rock, sand and clay; blasting processing (crushing, screening, washing, and blending); the storage, importation, distribution and sale of minerals including aggregate; ancillary earthworks; deposition of overburden; treatment of wastewater; landscaping and rehabilitation works including clean filling; and ancillary buildings and structures.”

CM-1 Residential Unit & Minor Residential Unit (addressed together)	The definition of residential unit uses the term household. This may be viewed differently by different councils and require its own definition. A household could include any number of family members, flatmates, or other groups sharing meals and living space e.g. Recognised Seasonal Employer (RSE) workers. The reference to sleeping, cooking, bathing and toilet facilities is supported in principle because it attempts to clarify that a building needs to be self-contained to qualify as a residential unit. However, this description is too basic. What is bathing? This can occur in pools as well as in a bathroom. What makes a space qualify for cooking i.e. what is a kitchen? This will be argued because the lack of a cooking space may often mean that a resource consent is not required. Also, by not limiting the number of kitchens or bathrooms or requiring clear access between them, this would allow multiple self-contained areas within a unit to form. Although the definition limits a residential unit to one household, this is best achieved by ensuring that only one self-contained space is created. Otherwise, it will require constant monitoring. The definition of minor residential unit then refers to self-contained (not defined) without referencing sleeping, cooking, bathing and toilet facilities. This is inconsistent. The term ancillary means “providing support”. Why does a minor residential unit need to provide support to the residential unit? A minor residential unit can be for the care of dependents or for farm workers or for other purposes that don’t necessarily support the residential unit but are still valuable purposes in their own right. Tiny houses wouldn’t qualify either unless there was already a residential unit on-site which they supported. This needs re-considering. Also, what happens if a minor residential unit is the first or only self-contained unit on a site? It would no longer be a minor residential unit because there is no residential unit to support. This is a common occurrence due to financial limitations or needing to live on-site while building the main residential unit. The definition also fails to specify a maximum size e.g. 60m². While the intention may be to allow each council to decide on a size, it will mean that the sizes will need to be set through rules, which would allow landowners to argue for an increased size. This effectively allows them to be upgraded to a main residential unit and defeats the purpose of defining “minor”.	For the definition of residential unit: Define household. Include a reference to self-contained and define it as follows: “Self contained means when a building contains a kitchen and/or kitchenette, a bathroom and a living area and/or bedroom and is separated from any other self contained area by being in another building, or where within the same building, by a door, a wall or a garage.” Kitchen and kitchenette will also need definitions. For the definition of minor residential unit: Remove the need for these to be ancillary to the principal residential unit. Allow each council to include their own size limit.
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CM-1 Root Protection Area	This definition is confusing and doesn't match the diagram. It appears to mean the circular area surrounding a tree in both cases but the diagram shows that this only relates to the columnar tree. It also says "which is the greater of the radius" which doesn't make sense.	This needs to be explained clearly and match the diagram.
CM-1 Rural Industry	Similar to commercial activities and others above, the reference to "principal function" will create issues such as potentially allowing unrelated secondary activities or needing to decide what the principal or secondary function is if they are of a similar scale. Primary production and aquaculture have been listed separately even though aquaculture is included within the definition of primary production.	Remove the reference to "principal". Including a reference to ancillary activities would be more useful, however the proposed definition of ancillary activities is limited to only the "primary activity on the site". Examples need to be provided to clarify what is included and excluded. Remove the reference to aquaculture.
CM-1 Setback	This definition should also apply to buildings as well as structures (to be clear). Setbacks should be measured by horizontal distance (birds eye view). Otherwise, it would allow setbacks to be measured from one point to another up or down a slope which would result in the activity being allowed to locate closer. The comma isn't necessary after the word "site". Setbacks should be required from shared driveways (like they are from boundaries) otherwise buildings and structures will be allowed to establish within the driveway or within close proximity of them affecting the use of the shared driveway.	This definition should also apply to buildings as well as structures. This would be assisted by combining building and structure into a single definition. Refer to horizontal distance. Remove the comma after the word "site". After the word "site" insert the words "or inner surveyed edge of the easement over a shared driveway".

CM-1 Site	This definition will be used by plans to determine what number or scale of activities will be allowed. For example, one residential unit, or 200m² of buildings, or 5000m³ of earthworks, or 40% site coverage. This definition generally allows that, however it wouldn't work for E (an area of adjacent land comprised in two or more computer freehold registers where an activity is occurring or proposed). That would capture many activities including farming which occurs upon a number of sites. Five 'sites' could become treated as one 'site' meaning that entitlements to five residential units or 25,000m³ of earthworks could be limited to the equivalent of one site which would not be the intention.	Further thought is needed in relation to how E will work.
CM-1 Visitor Accommodation	Similar to commercial activities and others above, the reference to "primarily for accommodating" will create issues such as potentially allowing unrelated secondary activities or needing to decide what the primary or secondary function is if they are of a similar scale. The term "non-residents" is ambiguous. Does it mean people who are not residents of New Zealand or of a district? Or, does it mean people that wouldn't ordinarily live in that particular accommodation? It is assumed that it means the latter. If so, after how long does someone go from being a non-resident to a resident? For example, RSE workers who come into the Bay of Plenty for kiwifruit picking etc will commonly live in accommodation for six months or more. The term "tariff" has been selected even though it's not a term that is commonly associated with paying for accommodation. It also isn't clear how the term tariff separates rental situations from other situations. They pay to live in a house just like someone would pay to stay in a hotel. AirBnB and Bookabach wouldn't necessarily be excluded either. They involve the use of land and/or buildings for accommodating non-residents in exchange for money. If a site had a residential unit which was used just for this purpose it would presumably be the primary use and meet the definition. This definition fails to define visitor accommodation. The absence of examples only makes it harder to understand.	This definition needs to be replaced with something that has clear intent and is drafted to match that intent. Or, if there is no clear intent, it should be deleted. The WBOP District Plan's definition of accommodation facility could be adapted to create a more suitable definition. It would separate accommodation (visitor or otherwise) from residential units, minor residential units and accessory buildings. Inclusions and exclusions could be added to clarify as needed. It wouldn't need to rely on judgments around what is meant by "primarily" or "non-residents" or "tariff". The existing definition is shown below. "Accommodation Facility means any form of residential accommodation that is accessory to a primary dwelling, forms part of a primary dwelling, or is a stand alone facility, that does not comply with the definition of dwelling, minor dwelling, or accessory building. Included within this definition is; home-stays, farm-stays, bed and breakfast, boarding houses, hotels, motels, hostels and camping grounds. Excluded from this definition are Retirement Villages and Rest Homes. Occupancy is based on one person per single bed and two per double bed."





16 August 2018

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

RE: Submission on the draft first set of National Planning Standards

Dear Sir/Madam,

Please find attached a submission for the National Planning Standards form Brookby Quarries Limited. This submission is in respect of the proposed definitions of "Cleanfill" and "Quarry".

Submitters Details:

- Name: Brookby Quarries Limited
- Address: [REDACTED]
- Phone: [REDACTED]
- Email: [REDACTED]
- Submitter type: Business/Industry

Brookby would welcome the opportunity to discuss this submission further with the Ministry staff.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Steve Riddell', enclosed within a light blue rectangular border.

Steve Riddell
Managing Director

BAL MATHESON

BARRISTER

LLB (Hons) BA (Hons)

SUBMISSION BY BROOKBY QUARRIES LIMITED

1. This submission is in respect of the proposed definitions of “Cleanfill” and “Quarry”.

Cleanfill

2. “Cleanfill” is proposed to be defined as:

... an area used for the disposal of exclusively inert, non-decomposing material.

3. The ability to dispose of cleanfill effectively and efficiently is an essential part of enabling development, particularly much needed housing and infrastructure. The submitter (Brookby) is concerned that the proposed definition is too narrow and, strictly applied, there would be very little material that could qualify as “cleanfill” and therefore very few sites that could be classified or established as cleanfills.
4. The proposed definition is very similar to a previous definition of cleanfill that was used by the Auckland Regional Plan: Air Land & Water. That definition, which was the subject of specific comment by the Environment Court in *Envirowaste Services Ltd v Auckland Council* [2011] NZEnvC 130 (*Envirowaste* decision), was:

Cleanfill

A cleanfill is any land that only accepts cleanfill material.

Cleanfill material means material that when buried will have no adverse effect on people or the environment: and includes virgin materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:

- Combustible, putrescible, degradable or leachable components
- Hazardous substances
- Products or materials derive from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices
- Materials that may present a risk to human health
- Liquid waste

5. Examining the elements of the definition now proposed in the National Planning Standards highlights significant flaws, and are almost certain to give rise to the same issues that were raised by the Environment Court in the *Envirowaste* decision:
 - a. The material must be *exclusively inert* and *exclusively non-decomposing*.
 - b. “Inert” is defined as being “without active chemical or physiological properties; unreactive” (Shorter Oxford Dictionary, 6th Ed, Vol 1).
 - c. Virtually all cleanfill will contain some material that is not “inert”. This could include naturally occurring elements of volcanic origin, as well as small quantities of anthropocentric – or manufactured – material (eg, pesticides, herbicides, or petroleum products). While there might be some restriction on anthropocentric elements, requiring all cleanfill to be “inert” is a practically impossible standard to meet because of naturally occurring elements, or because some elements, such as concrete, will leach small amounts of contaminants and accordingly are not inert. (Again, these issues were discussed extensively in the *Envirowaste* decision.)

- d. The difficulty with the definition is highlighted by the second requirement – ie, the material must be exclusively non-decomposing. This would prevent any cleanfill with any greenwaste whatsoever from being accepted, because all greenwaste “decomposes”. It is impracticable to collect cleanfill without some organic material remaining within that material (ie, tree and shrub roots, some small percentages of grasses, and other debris within the soil profile).

6. The Auckland Unitary Plan adopts the following definition of cleanfill:

Cleanfill material

Means natural material such as clay, gravel, sand, soil and rock which has been excavated or quarried from areas that are not contaminated with manufactured chemicals or chemical residues as a result of industrial, commercial, mining or agricultural activities.

Excludes:

- hazardous substances and material (such as municipal solid waste) likely to create leachate by means of biological breakdown;
- product and materials derived from hazardous waste treatment, stabilisation and disposal practices;
- materials such as medical and veterinary waste, asbestos, and radioactive substances;
- soil and fill material which contain any trace element specified in Table E30.6.1.4.2 at a concentration greater than the background concentration in Auckland soils specified;
- sulfidic ores and soils;
- combustible components;
- more than 5% by volume of inert manufactured materials (e.g. concrete, brick, tiles); and
- more than 2% by volume of attached biodegradable material (e.g. vegetation).

7. Brookby requests that the same definition of “cleanfill” be adopted in the National Planning Standards.
8. The only amendment that might need to be made to allow this to be a generic definition applicable throughout New Zealand is to replace the reference in the 4th bullet point to “soil and fill material which contain any trace element at a concentration greater than the background concentration of the soils within [insert district or region]”.

Quarry

9. This part of the submission relates to the proposed definition of “Quarry” which is:

... an area of land where the excavation, with or without the processing, of minerals and other solid natural substances occurs.

10. The definition is noted as falling within the “Land use category”, however Brookby is concerned that the definition fails to correctly identify the full range of land use (or other) activities that comprise a quarry activity. This is likely to lead to unrealistic expectations as to the nature of activities, and therefore effects that are likely to result from such land uses. The proposed definition does not therefore meet the purpose of CM-1(A)(1) as being “*To provide mandatory definitions ... to improve plan consistency and enable greater certainty around the meaning of terms across the country.*”

11. Brookby requests that the proposed definition of “quarry” be amended so as to more accurately reflect the range of activities comprising a quarry land use. These other activities are an essential element of the quarry land use; for example, all quarries need to manage stormwater, many quarries will need to manage groundwater, all quarries will need to remove and dispose of overburden, and most quarries will require the removal of some vegetation.
12. Some of these other activities, such as the deposition of overburden, can be reasonably land-intensive, and there are substantial benefits (environmental and economic) for this deposition to occur in close proximity to where the overburden was extracted. Other associated activities, eg the storage and treatment of stormwater, can also be land intensive, and would not necessarily be thought of by some Council planning policy staff as an essential part of a quarry land use.
13. Accordingly, unless all these other activities are recognized in the definition of “quarry” there is a real risk that any subsequent zoning decisions or decisions about the scope of any quarry-related objectives, policies and rules, will fail to provide for these other activities. For example, in some district plans, the extent of the quarry zone is limited to the known area of rock resource. Because it is undesirable to sterilize a future rock resource by placing overburden on top of it, this inevitably means that some quarry-related activities need to occur outside the quarry zone and that they will need resource consents to do so. This will inevitably lead to submissions from neighbours opposing those activities and instead requesting that all quarry activities are contained within the quarry zone.
14. As noted in the section of the submission above on the “cleanfill” definition, many infrastructure and housing developments require the disposal of cleanfill offsite. Because these developments also require significant volumes of aggregate resources, being able to “backload” cleanfill from the development sites and dispose of the cleanfill at the quarries supplying the aggregate represents a very efficient method of disposal. (In other words, rather than the trucks returning to the quarry empty, the trucks would contain cleanfill which can then be disposed of at the quarry, and the trucks can return to the development site with another load of aggregate and so on.) Other than the significant economic savings, this method reduces vehicle numbers and associated emission of greenhouse gases. In addition, because quarries are essentially large, integrated, earthworks sites, the deposition of cleanfill can be done in a manner than ensure all environmental effects are appropriately addressed. This is preferable to other, ad hoc, cleanfill sites that might otherwise be established in a pepper-pot manner throughout the rural areas.
15. The proposed amendments sought by Brookby are shown below in mark up:

means an area of land where the excavation, with or without the processing, of minerals and other solid natural substances occurs, and where other associated activities take place including blasting, removal of vegetation, removal and deposition of overburden, deposition of cleanfill, and the collection, storage and treatment of stormwater and groundwater.
16. This proposed relief is based upon a number of elements of “mineral extraction activities” as defined in the Auckland Unitary Plan. A copy of that definition is set out below. As can be seen, these activities specifically include “cleanfill” and also “managed fills”.

Mineral extraction activities

Activities carried out at a quarry. Includes:

- blasting;
- excavating minerals;
- processing minerals by crushing, screening, washing, or blending;

- storing, distributing and selling mineral products;
- accessory earthworks;
- removing and depositing overburden;
- treating stormwater and waste water;
- landscaping and rehabilitation of quarries;
- cleanfill and managed fills;
- recycling or reusing aggregate from demolition waste such as concrete, masonry, or asphalt;
- accessory activities and accessory buildings and structures such as laboratories; and
- workers accommodation.

Excludes:

- common marine and coastal area mineral extraction.

Alternative relief in respect of the definitions of “Quarry” and “Cleanfill”

17. In the event that Brookby’s request above is not accepted by the Ministry, Brookby requests that the proposed definition of “quarry” be deleted altogether. This is because while a standard definition may assist, including an incomplete definition is likely to cause far more confusion than it would remedy. Likewise, unless the definition of cleanfill is amended, Brookby’s preference is that the proposed definition of cleanfill be deleted altogether.

Further information

18. Brookby would welcome the opportunity to discuss this submission further with the Ministry staff.



B J Matheson

On behalf of Brookby Quarries Ltd

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.

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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*	Bruce Taplin
Organisation (if applicable)	Ballance Agri-Nutrients Limited
Address	
Phone	
Email*	
Submitter type*	Individual NGO Business / Industry Local government Central government Iwi Other (please specify) ☐ ☐ ☒ ☐ ☐ ☐ ☐ Click here to enter text.

* Questions marked with an asterisk are mandatory.

Draft first set of National Planning Standards

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

- ☒ Yes, in part
- ☐ No

Ballance Agri-Nutrients Limited (or 'Ballance') supports an approach to achieve national consistency in Planning Standards, however there are aspects we feel could be improved.

For context, Ballance is a farmer-owned co-operative with over 19,000 shareholders and approximately 800 staff throughout New Zealand. We place a strong emphasis on delivering value to our shareholders and on the use of the best science to inform sustainable nutrient management. A national consistency planning approach and framework, for the protection of natural resources, is highly desirable.

18. CM-1: Definitions standard

Ballance supports nationally consistent definitions as they will promote efficiencies in the interpretation and application of objectives, policies, and rules.

a. Individual definition

The proposed National Planning Standards definition for fertiliser is:

- (a) means any substance or biological compound that is—
 - (i) applied to plants or soils, whether in solid or liquid form; and
 - (ii) supports or sustains the growth, productivity or quality of soils, plants or, indirectly, animals; but
- (b) does not include livestock and human effluent, or pathogens.

This definition is acceptable, but it is not consistent with the statutory definition of fertiliser, Section 3 of the Agricultural Compounds and Veterinary Medicines (Exemptions and Prohibited Substances) Regulation 2011. Ballance sees no advantage in having inconsistent definitions, so suggests only a reference to the ACVM (Exemptions and Prohibited Substances) Regulation. If the regulation is updated then Ballance supports using the definition in the updated regulation.

Ballance is supportive of consistent noise measurements (i.e. L_{Aeq} , $L_{AF(max)}$, L_{A90} , L_{peak} , L_{dn}) that are supported by New Zealand Standard 6801:2008 - Measurement of Environmental Sound. Ballance believes this will foster the best overall result across the country.

Ballance is supportive of the definition for 'official sign' which includes '... all signs required or provided for under any statute or regulation, or are otherwise related to aspects of public safety'. Ballance has had issues with District signage rules capturing 'official signs' amongst advertising signage.

b. Additional definitions

Ballance has no additional definitions to propose.

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

Ballance supports nationally consistent rules that manage noise emissions to reflect the latest version of the relevant acoustical New Zealand Standards and provide a consistent methodology for the management of vibration effects.

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

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

By email: planningstandards@mfe.govt.nz

Dear Sir/Madam,

2degrees Submission – Draft National Planning Standards

1. Introduction

2degrees supports the draft set of National Planning Standards (**Planning Standards**) as a nationally consistent template. As a network operator continuously investing in mobile and fixed networks across New Zealand, we are actively engaged in the planning process and rely heavily on effective regional and district plans to build and operate our network.

We set out below an overview of our experience with the current planning environment (section 2) and comments and suggested amendments regarding specific Planning Standards (section 3) for your consideration as part of this consultation process.

2. Current planning environment

The National Environmental Standards for Telecommunication Facilities Regulations 2016 (**NESTF**) enables 2degrees to more effectively and consistently upgrade and develop our existing networks in roads and rural areas throughout the country. However, we still experience a range of issues relating to the significant variation in planning documents throughout New Zealand, including:

- Variations in the layout of planning documents.
- Limited use of electronic plans. Instead, PDF documents are common, making it difficult to navigate planning documents.
- Variation in build costs between districts due to inconsistencies in district plan rules and resource consenting thresholds, which require us to develop bespoke solutions for each site.
- Planning restrictions which require network operators to compromise on the design of the network creating inefficiencies and network risk.



These issues have resulted in:

- Time delays - as we must undertake complex planning assessments, resource consent applications and are frequently required to attend hearings on each plan review process. Such delays directly affect our customers by delaying 2degrees' ability to upgrade or extend available services.
- Less than optimal service for network users. For example, height restrictions often mean that coverage is not provided to the full user catchment, impairing users' ability to take advantage of the benefits of improved wireless coverage and services.
- Inconsistent outcomes cross New Zealand, which also creates business uncertainty.
- Unnecessarily high costs for both network operators and Councils.

3. Structure Standards

General comments

2degrees supports the proposals in the Planning Standards. These enable users who must navigate multiple district and regional plans to understand how the plans relate to the National Environmental Standards.

2degrees agrees that it is appropriate that Councils who have recently completed plan reviews have seven years to transition to the new Planning Standards.

S-ASM: Draft Area Specific Standard

The use of discretionary direction for zones is appropriate as it enables a necessary level of flexibility.

2degrees considers that the format and information requirements for a designation are appropriate, as these ensure that plan users can easily find out what a requiring authority can execute on a designated site.

S-IGP: Draft Introduction and General Provisions Standard

We support the requirement to set out details of which rules are more lenient or stringent than the NES in the National Direction Instruments Chapter, as this will provide clarity for plan users.

4. Form Standards

F-1: Electronic accessibility and Functionality Standard

Mobile and fixed line access via the rural broadband and ultra-fast fibre projects mean that electronic documents will soon be accessible just about anywhere in New Zealand.

However, the majority of planning documents are not electronic. We consider the transitioning to electronic plans a critical step to improving access to relevant planning documents, improving time efficiencies during the planning process and significantly reducing administrative costs.

F-2: Mapping Standard, F-3 and F-4: Spatial Planning Tools (District) Standard

The requirement to have printed maps should be discretionary. An electronic plan provides the ability to print plans relevant to a particular project if necessary.

We support the development of a black and white palette of symbols and abbreviations, as this recognises the cost of printing colour and associated environmental issues. Moreover, the colour palette, especially when printed, is not always easy to read without symbols.

F-5: Chapter Form Standard & F-6: Status of Rules and Other Text and Numbering Form Standard.

We support the use of the standard template format in F5 and F6, which supports nationally consistent, easy-to-understand plans.

5. Content and Metric Standards

CM-1: Definitions standard

2degrees considers that “operational need” should also be included as a defined term, given that this term is currently in use in the Auckland Unitary Plan and Christchurch District Plans. Those plans provide the following definition, which should be incorporated in the Planning Standards:

The need for a proposal or activity to traverse, locate or operate in a particular environment because of technical or operational characteristics or constraints.

2degrees is concerned that the definition of “height”, is open to interpretation and may result in confusion.

In addition, the definition concerning the method by which height is measured is in direct conflict with NESTF, Regulation 7(6). 2degrees is of the view that this conflict should be recognised and resolved by incorporating the NESTF height measurement regulations.

6. Future Content for Draft National Planning Standards and Additional National Planning Standards

We support the development of future content and additional planning standards, such as the draft National Planning Standard for Network Utilities (NPSNU) that is currently being developed. Network utilities are core infrastructure, relied on by all New Zealanders. As such, the regulatory framework that applies to this infrastructure needs to be consistent, yet retain flexibility in areas where variation is appropriate. For example, it is appropriate to retain a flexible approach in relation to how telecommunications facilities or mobile sites are permitted in areas of outstanding national landscape.

The NPSNU will go a long way in addressing the issues we have identified in the current planning environment, and we encourage the Planning Standards Team to consider where the NPSNU could be used to replace the utility and network provision chapters in district

plans. Currently, attempts to integrate the NESTF 2016 into district plan rules can result in complications for utility operators who are not also telecommunications operators.

Thank you for the opportunity to submit on this review. Please let me know if you have any questions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ben Blakemore', with a stylized, cursive script.

Ben Blakemore
RAN Acquisition Manager

Draft first set of National Planning Standards

SUBMISSION FORM – FOREST OWNERS ASSOCIATION

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>.

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Contact information

Name*	Venise Comfort
Organisation	Forest Owners Association (FOA)
Address	
Phone	
Email*	

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

* Questions marked with an asterisk are mandatory.

Draft first set of National Planning Standards

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

- ☒ Yes in part
- ☐ No

We support in part

2. S-RPS: Regional policy statement structure standard

We support

- 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

We suggest that a further theme be added and that is “beds of lakes and rivers” Our reason is that section 13 of RMA provides for uses of beds of lakes and rivers as a separate matter and there are legal presumptions concerning some of the uses that are different to the use of land.

- b. Part 6 – Evaluation and Monitoring

[Click here to enter text.](#)

4. S-DP: District plan structure standard

See comments below on General wide matters.

5. S-CP: Combined plan structure standard

The comments above concerning regional plan structure and the suggestion to include a section on “uses of the beds of lakes and rivers” are also applicable.

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

We support the use of a table 15 to provide details as to which rules are more lenient or stringent to NES standards. This table should assist land uses in being able

to fully assess the rules applicable to their activities and the circumstances where they must look beyond NES standards.

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

Recognition of iwi/hapū chapter

[Click here to enter text.](#)

a. Tangata whenua local-authority relationships chapter

[Click here to enter text.](#)

b. Iwi and hapū planning documents chapter

[Click here to enter text.](#)

c. Consultation chapter

[Click here to enter text.](#)

d. 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

Section 6 a

The provision provides that identification may be by “either mapping or narrative”. These terms are not repeated in any other section referring to identification of a feature. We require that identification must be by mapping. As rules in the coast may be more stringent than other land use rules it is important for enforcement purposes that land owners and councils know exactly where the boundary is.

Section 7 a should be amended to ensure that identification is by mapping. It appears that the draft favours overlays for these matters and therefore it should be clear that identification is by way of mapping.

The same applies to section 17, 18 and 19 matters.

Section 20 should be clear that “amenity” issues would fall within the scope of this section.

b. Environmental Risks Chapter

[Click here to enter text.](#)

c. Community Values Chapter

[Click here to enter text.](#)

d. Infrastructure and Energy Chapter

Section 23c These provisions concerning reverse sensitivity should be rewritten as “provisions to manage and or mitigate reverse sensitivity effects...”

The provision to just “manage” reverse sensitivity effects provides a presumption of priority status for the relevant infrastructure.

e. Subdivisions Chapter

[Click here to enter text.](#)

f. General District Wide Matters Chapter

We question the singling out of “earthworks” as a matter for district wide rules in a district plan.

Most of the controls for earthworks are dealt with by regional council functions concerning soil conservation and water quality matters. District council rules concerning earthworks mostly cover visual and amenity issues. We consider that the visual effect of earthworks would fall within the scope of other community values and there would be no need for a separate matter of “earthworks”.

The visual effect of earthworks would then fall within the scope of amenity values/other community values section and there would be no need for a separate matter of “earthworks”.

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.](#)Purpose statements

It is not clear what are the differences between a rural zone and a rural production zone.

It is not clear where plantation forestry would fit. Plantation forestry is primary production and trees rely on the productive nature of soils. In other words trees do not grow in glass houses. While some may consider that plantation forestry should be located on marginal soils such an approach does not consider the scientific facts that plantation forestry thrives on other soils and operational costs and effects are much lower when one operates on flattish land.

It is therefore not clear why the draft is separately providing for an area that is primarily for primary production activities and for an area that prioritises rural production activities that rely on the productive nature of soils.

We are also not clear why separate terms are used to provide for “rural support

services”. The rural zone provides for “activities which support rural production” but the Rural Production zone provides for “associated rural industry”.

We comment on the definitions of “rural industry” and “industrial activity” in the definitions section. However, with regard to the purpose statements it is not clear if an activity that falls within the scope of the definition of “rural industry” could only be provided for within a Rural Productive zone and not a “Rural zone”. It appears that “rural Zones” could only provide for a rural support activity as long as it did not fit within the definition of an “industrial activity”. This will create a major confusion in rural areas and their existing support services.

It is not clear from any other the consultation documents as to any difference between an “activity that would support rural production” and a “rural industry”.

It is suggested that the Rural production zone be deleted and the purpose for the rural zone be amended to include both “rural industry” and “activities that would support rural production”.

b. Additional special purpose zones and criteria

[Click here to enter text.](#)

c. Precincts chapter

[Click here to enter text.](#)

d. Development areas chapter

[Click here to enter text.](#)

e. 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

Earthwork

We have concerns about the relationship of this definition and the definition in the National Environmental Standards for Plantation Forestry. We require that either the definition excludes forestry earthworks or that the definition within the NES-PF is referred to and is the definition to be used with regard to earthworks relating to forestry activities.

Quarry

we have concerns about the relationship of this definition and the definition in the NES-PF for forestry quarrying. We require either an exclusion of forestry quarrying from this definition or a statement that with regard to forestry activities that the “forest quarrying” definition of the NES-PF will be applicable.

Rural Industry and Industrial activity.

Industrial activity does not capture all the activities that already occurring in rural areas and are ancillary to and support forestry. There are a number of truck stops within forests which provide the sale of petrol etc. In the future these facilities could be extended to supplying electricity to electric vehicles.

It is not clear that “distribution” would cover all the activities of a truck stop. We require that the definition be extended to “sale and distribution activities”

With regard to (b) some forestry research activities do not include laboratories. Scion has offices, nursery areas and laboratories on its sites. Accordingly we require the definition to be amended to “research facilities...” rather than just “research laboratories”.

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

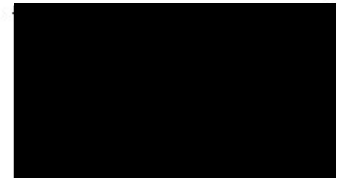
- Microsoft Word document.

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.



Name: Emma Coote



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

17 August 2018

Draft National Planning Standards Submission Form

Submitter details

Organisation: Tegel Foods Ltd ("Tegel")



Contact number:



Contact email:



Introduction

- 1 This is a submission on the Draft National Planning Standards.
- 2 Tegel is submitting on the *Draft Area Specific Matters* and *Draft Definitions* within the National Planning Standards. For ease of processing, the attached submission table separates the submission points into different categories.

Scope of Submission

The aspects of the Draft National Planning Standards that this submission relates to are:

- S-ASM: Draft Area Specific Matters Standard
- CM-1: Draft Definitions standard

Submission

Our submission is set out below:

Background

Tegel is New Zealand's leading poultry producer, established in 1961. Tegel processes approximately 58 million birds per year, across vertically integrated operations from feed procurement and feed-milling to breeders, hatcheries, farms, processing facilities, and distribution.

Tegel operates across the country with existing key facilities located in the Waikato, Auckland, Canterbury, and Taranaki regions. The National Planning Standards are therefore a welcome tool to provide consistency and standardisation with regard to the consenting of our facilities across New Zealand. They also have the potential to greatly influence the operation and future development of sites or services relating to the poultry industry. As a result we take great interest in their development. To provide context for this submission, the types of farms that Tegel operates is summarised below.

Breeder farms produce fertile eggs into the hatcheries in order to provide chicks into the grower farms. With over forty such farms across New Zealand, these are the basis for Tegel's business. Breeder farms have high levels of biosecurity to protect the exotic disease free status of the poultry industry in New Zealand. Ideally, breeder farms are located in close proximity to hatcheries to reduce travel time and to maintain animal welfare standards.

Hatcheries take the fertilised eggs, incubate them, and produce day old meat growing chicks. Incubation takes approximately 21 – 25 days. Once the chicks are hatched, the birds are inspected, sorted by sex and then transported to the grower farms on the same day. Specialised climate-controlled trucks are typically used to transport the birds.

Tegel grower farms are either free range or barn raised and are always cage free. The birds are grown from day old chicks to approximately 38-42 days old. For free range facilities young birds are kept safe and warm inside until they are approximately 20 days old and have plumage. At this point the sides of the sheds can be opened and the birds are free to range during day light. When they have reached the required weight they are removed from the sheds and transported to the processing plant for processing and ultimately distribution.

Decision sought from the Ministry for the Environment

Tegel seeks the following decision from the Ministry for the Environment:

- Amend the Draft National Planning Standards in accordance with the 'relief sought' in the attached table (Attachment A), or words to like effects (additions underlined, deletions ~~struckthrough~~).

Date: 17 August 2018



Signature: _____

Emma Coote

Environmental Manager – Tegel Foods Limited

Reference	Provision wording	Support/ Oppose	Comment	Relief sought
S-ASM: Draft Area Specific Matters Standard				
Rural Production zone	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 rural industry.	Support in part	Intensive primary production and rural industry do not rely on the productive nature of the soils. Therefore it needs to be made clear that these are separate aspects of the rural production zone and not considered together.	Amend text as follows: The purpose of the Rural production zone is to prioritise primary production activities that rely on the productive nature of the soils, <u>and/or</u> intensive primary production, and <u>and/or</u> ~~also~~ providing for associated rural industry.
CM-1: Draft Definitions standard				
Fertiliser	(a) means any substance or biological compound that is— (i) applied to plants or soils, whether in solid or liquid form; and (ii) supports or sustains the growth, productivity or quality of soils, plants or, indirectly, animals; but (b) does not include livestock and human effluent, or pathogens	Oppose	Poultry litter once removed from the sheds (containing bedding and manure) is often spread to land as a valuable fertiliser. Therefore, Tegel considers that livestock effluent or manure be included in this definition, rather than excluded.	Amend text as follows: (a) means any substance or biological compound that is— (i) applied to plants or soils, whether in solid or liquid form; and (ii) supports or sustains the growth, productivity or quality of soils, plants or, indirectly, animals; but (b) does not include ~~livestock and human effluent, or pathogens~~

Intensive Primary Production	Means primary production activities that involve the production of fungi, livestock or poultry that principally occur within buildings	Support in part	Tegel supports this definition, subject to new definitions being provided for poultry farming. Poultry farming has inherently different effects from other types of intensive primary production activities and therefore should be considered separately.	Retain as currently worded, subject to new definitions being provided.
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	Support in part	There is no definition in the Draft National Planning Standards that outlines the meaning of “activities sensitive to noise”. This term is subjective and will have implications when implementing noise rules.	Provide a new definition for “noise sensitive activities”.
Primary production	a) means any agricultural, pastoral, horticultural, forestry or aquaculture activities for the purpose of commercial gain or 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	Support in part	As specified above, Tegel supports this definition, subject to new definitions being provided for poultry farming.	Retain as currently worded, subject to new definitions being provided.
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	Support	Tegel supports this definition, as it is necessary that lawfully established farms are not compromised by establishing sensitive activities.	Retain as currently worded.

	of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an existing activity			
Rural industry	Means an industrial activity where the principal function supports primary production or aquaculture activities	Support	Tegel considers there are activities that are industrial in nature, but must be situated in a 'rural zone', for example quarrying or transport depots.	Retain as currently worded.
Sewage	Means any water that contains any toilet or urinal waste, or any waste in water from industrial or commercial processes	Oppose	Trade waste that is produced from industrial or commercial premises is different to that produced from toilet or urinal waste and is treated differently. Therefore, Tegel considers that a separate definition for trade waste is provided.	Provide a new definition for "trade waste".
Wastewater	Includes sewage, and greywater	Oppose	As specified above, the definition treats sewage and trade waste together. Tegel considers that these should be separated out as they are different types of waste.	Includes sewage, <u>trade waste</u> , and greywater
Poultry farming (new definition)	There is currently no definition for poultry farming	-	Tegel considers that a definition for poultry farming should be provided in the National Planning Standards, to ensure consistency with definitions across the country. As specified above, poultry farming results in different effects from other types of intensive farming and therefore it is considered that this should be separated out. Tegel (as well as other poultry producers) operates many farms in various parts of	Add definition as follows: <u>The commercial raising of poultry for meat and egg consumption and for breeding purposes, where birds are housed in either stationary, permanent or moveable structures or buildings. Includes free-range poultry farming.</u>

			the country and therefore it is considered an industry specific definition is justified in the National Planning Standards. This will assist in the creation of provisions for poultry farming when plans are drafted.	
Free-range poultry farming (new definition)	There is currently no definition for free range poultry farming	-	As specified above, Tegel considers that a definition for free-range poultry farming should be provided.	Add definition as follows: <u>The commercial raising of poultry where birds are housed in either stationary, permanent or moveable structures or buildings which enable them to have access to the outdoors.</u>

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*	Jessica Tuilaepa – Senior Strategy and Policy Planner
Organisation (if applicable)	Selwyn District Council
Address	
Phone	
Email*	
Submitter type*	Individual ☐ NGO ☐ Business / Industry ☐ Local government ☒ Central government ☐ Iwi ☐ Other (please specify) ☐

* 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

Selwyn District Council (SDC) appreciates the opportunity to provide a submission on the key elements of the first draft set of National Planning Standards.

This submission has been prepared by SDC, who are subject to specific functions and responsibilities under the Resource Management Act 1991 (RMA) and the Local Government Act 2002 (LGA).

SDC acknowledges that the intent of the first set of draft National Planning Standards is to provide a clear national direction for the core structural elements of RMA plans, which has been lacking in the past and has resulted in a noticeable variation in Plan consistency across New Zealand.

SDC invites the Ministry for the Environment to further discuss the development of the National Planning Standards, noting that the Council is already a willing participant in the Ministry's Pilot programme.

SDC's analysis of the draft standards relevant to our District has identified several key areas of interest. SDC would like to provide feedback focusing on the following issues:

- S-DP – Draft District Plan Structure
- S-DWM – District Wide Matters
- S- ASM – Draft Area Specific Matters Standard
- S- SAM – Draft Schedules, Appendices and maps Standard
- F-2 Draft mapping standard
- F-4 – Draft Spatial Planning Tools (District) Standard
- CM-1 – Draft Definitions Standard

Where practicable SDC has provided detailed evidence based examples to support its submission points. Points on which SDC does not seek to make a submission have been removed from this submission form.

2. S-DP: District plan structure standard

SDC is generally supportive of a standardised District Plan Structure across the country. However, the Council does have some concerns about aspects of the structure. The draft Standards feature Parts, Chapters and Sections. SDC believes this could result in an additional layer of complexity in District Plans, which does not necessarily result in added value.

SDC is of the opinion that

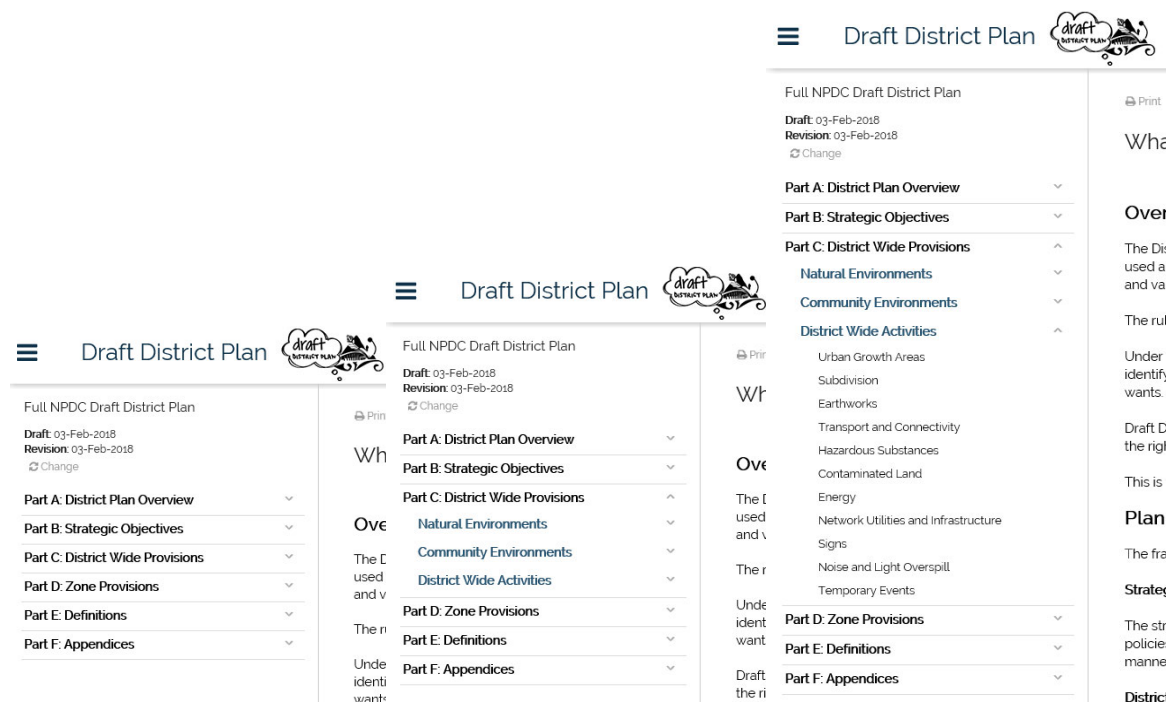
- 1) the top level headings like 'Community Values' and 'General District Wide Matters' should be removed from the plan structure; and
- 2) 'Signs', Historic Heritage' and 'Coastal Environment' should become their own chapters, as opposed to sections under the proposed Chapters (General District Wide Matters, Community Values and Natural Environment).

The following is a demonstration based on the New Plymouth Draft District Plan. If a plan user wishes to view the 'signage' rules they need to click through several upper layers.

In the NPDC example, there is no additional layer to objectives and policies to set the scene for

each of the Natural Environment, Community Environment and District Wide Activities subcategories. The Planning Standards could therefore retain the Natural Environment header, however everything else is district wide so why differentiate between community values and others? Planners understand that this aligns with s7 etc. of the RMA but most plan users will not appreciate the distinction so there is no need to differentiate.

Figure 1: Process required to view signage rules under proposed standard using Draft New Plymouth Plan as an example.



Below (**Figure 2**) is an example of how it could look by removing the additional layer of complexity (using NPDC draft plan content, not national planning standards). There may also be the opportunity to alphabetise this list to again make it easier for plan users.

Figure 2: Less complex structure using Draft New Plymouth Plan as an example.

Part A: District Plan Overview	▼
Part B: Strategic Objectives	▼
Part C: District Wide Provisions	^
Indigenous Biodiversity	
Outstanding Natural Features and Landscapes	
Coastal Environment	
Natural Hazards	
Waterbodies	
Historic Heritage	
Notable Trees	
Viewshafts	
Entrance Corridors	
Public Access Corridors	
Urban Growth Areas	
Subdivision	
Earthworks	
Transport and Connectivity	
Hazardous Substances	
Contaminated Land	
Energy	
Network Utilities and Infrastructure	
Temporary Events	
Part D: Zone Provisions	▼
Part E: Definitions	▼
Part F: Appendices	▼

SDC have similar concerns for Area Specific Matters (refer S-ASM: Draft Area Specific Matters). Given that the zone names are already quite detailed (in terms of which type of zone applies e.g. Local Commercial, Rural Production, Medium Density Residential), is there a need for the added layer of headings to further distinguish between Commercial, Industrial, Rural, Residential and Special Purpose zones. However, we understand that these Zones (Rural, Residential, etc.) are more likely to have 'overarching' objectives, policies and rules than, for example, the General District Wide Matters.

SDC therefore requests the removal of the additional layer of complexity which results from having Chapters with subsections (E.g. District Wide Matters -> General District Wider Matters -> Signage) and instead requests that these sections (e.g. Signage/Heritage) become chapters in their own right as outlined above.

Alternatively, if the 'top level' headings are to remain, SDC requests the removal of the requirement for all Chapters AND Sections to have Objectives, Policies and Rules (if any). As per S-NEV (3), S-ER (10), S-CV (15) (as detailed in S-DWM: District Wide Matters and S-ASM: Area Specific Matters), Councils MUST include objectives, policies and rules (if any) for 'this chapter'

and 'any section', which SDC interprets to mean that any chapter needs a set of Objectives and Policies and the further subsections also require this.

SDC believes this could lead to Objectives and Policies being regurgitated elsewhere in the Plan. For example, in the case of the General District Wide Matters chapter, the requirement as per S-GDW (28) to include Objectives, Policies and Rules (if any) at Chapter and Section level will result in double ups, as it is likely to be difficult to write generic policies to cover a variety of topics because the standards require it, where the sub section will likely repeat these.. A different approach has been taken in relation to the Subdivision and Infrastructure & Energy standards, but if for example, the IE chapter was to have subsections, for example Transport, there could be double ups in terms of Objectives and Policies.

Something that is also discussed in the spatial planning tools section of this submission, but relates to Plan Structure, is that SDC also requests flexibility to move objectives, policies and rules relating to the precincts Chapter into the relevant zone chapter and not have a separate precincts chapter, unless there was a reason to do so. SDC understands that situations may arise that require a 'Precinct's chapter, such as in the case of Eden Park in Auckland, where the Precinct spans multiple zones, however this will not always be the case.

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

a. Natural Environment Values Chapter

SDC is generally supportive of having specific objectives, policies and rules relating to the: Coastal Environment, Landscapes, Landforms and Natural Character and Ecosystems and Indigenous biodiversity.

b. Environmental Risks Chapter

SDC is generally supportive of having specific objectives, policies and rules relating to Natural Hazards, Contaminated Sites and Hazardous Substances (where necessary).

c. Community Values Chapter

SDC is generally supportive of having specific objectives, policies and rules relating to Historic Heritage, Sites of Significance to Maori and Protected Trees.

d. Infrastructure and Energy Chapter

SDC is generally supportive of having specific objectives, policies and rules relating to Infrastructure and Energy. SDC do however suggest that the requirement for a Roothing/Transport section be added to this chapter. SDC understands that there is the ability to create this section as per the Standard, however, most Councils are likely to require this chapter and it would make more sense to standardise this to avoid some councils including it in this chapter and others locating it in the General District Wide matters chapter because of lack of specific national direction.

e. Subdivision Chapter

SDC is generally supportive of having specific objectives, policies and rules relating to Subdivision. SDC supports the inclusion of one subdivision chapter which relates to all zones in the District. In the operative Selwyn District Plan (SDP) there are

currently 3 subdivision chapters (Rural, Living and Business) and as such, there is a lot of repetition, particularly in relation to the rules around boundary adjustments and the creation of access, utility lots and reserves.

f. General District Wide Matters Chapter

SDC is generally supportive of having specific objectives, policies and rules relating to the remaining District Wide Matters.

As discussed above, SDC is generally supportive of the standards requiring Councils to include Objectives, Policies and Rules relating to the District Wide Matters discussed above, however SDC requests the removal of the requirement for all Chapters AND Sections to have Objectives, Policies and Rules (if any). As per S-NEV (3), S-ER (10), S-CV (15) (as detailed in S-DWM: District Wide Matters), Councils MUST include objectives, policies and rules (if any) for 'this chapter' and 'any section', which SDC interprets to mean that any chapter needs a set of Objectives and Policies and the further subsections also require this.

As discussed above, SDC believes this requirement could lead to double ups, as it is likely to be difficult to write generic policies to cover a variety of topics because the standards require it, where the sub section will likely repeat these.

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

a. Zone framework (individual and range)

SDC generally supports the inclusion of a 'suite' of zones, which are largely generic across the country, but the Council has some concerns when applying these zone options to the Selwyn context.

RURAL ZONES

Rural: Initially SDC was concerned that the proposed Rural zone options were somewhat limited, but after consideration, SDC will likely apply the generic Rural Zone across the majority of the rural area of the District and use Precincts to differentiate where activities and densities need variation. SDC do have concerns about the use of the term 'Precinct' as it relates to rural areas, this is outlined in Section 7 (d) of this submission.

Rural Residential: It is unlikely that SDC will use the Rural Residential zone option unless substantial changes are made. In the Selwyn context, rural residential development includes land holdings integrated into existing townships that range in size from between 0.3ha to 2ha in size at an average density of one to two households per hectare. This form of development is managed through the Living 3 zone of the SDP and an overarching Rural Residential Strategy that is mandated through the operative Canterbury Regional Policy Statement.

This differs from the National Planning Standards, which states:

The purpose of the *rural residential zone* is to provide primarily for a residential lifestyle within a rural environment, while still enabling primary production to occur appropriate to the size of the lots.

SDC will likely use the proposed Low Density Residential Zone to achieve what is currently our Living 3 - Rural Residential zone. Conversely, the current 'Inner Plains' zone better aligns with the purpose statement of the Rural Residential Zone, where the minimum lot size is 4ha and these are often considered to be lifestyle blocks. There appears to be a lot of variation across New Zealand as to what constitutes 'rural residential', further investigation into this at a national level could be beneficial.

SDC notes that the New Plymouth District Plan has a Rural Lifestyle zone. This terminology may better align with the proposed zone statement.

Rural Settlement Zone: Ideally SDC would like to utilise a small settlement zone, which if we are to comply with the Standard, means implementing the 'Rural Settlement Zone'. This zone would be applied to the district's smaller settlements, which currently have a residential zoning and are managed by the objectives and policies of the Residential chapter of the plan (e.g. Glentunnel and Rakaia Huts). However, by using the 'Rural Settlement Zone' in its current form (i.e. with its present purpose statement, and placement under the wider 'Rural Zone' chapter) this would mean the residential objectives and policies could no longer apply, thus creating integration difficulties with the Rural Zone provisions.

SDC therefore propose that:

- 1) the word 'rural' is removed from the description (thus becoming 'Settlement Zone') AND the zone is relocated to nest within the residential zones; or
- 2) if the Rural Settlement Zone is unable to be renamed and relocated (which we understand may not be possible, as other Council's may wish to use it in its current form) SDC request an additional Settlement Zone be included within the Residential .

RESIDENTIAL ZONES

SDC supports the variety of Residential zones proposed in the Standards. The majority of residential zone types will work in the Selwyn context and SDC find the reasonably loose purpose statements for each zone type beneficial. As per the comments above, it is considered that an additional 'Settlement Zone' would be useful for rural councils particularly those who have townships that do not have commercial zoning and would benefit from a zone that allows for: *"a mixture of residential, commercial, light industrial activities and community activities located within rural areas that support a small settlement and surrounding rural area"* (S-ASM Rural Settlement Zone)

COMMERCIAL

SDC generally supports the variety of commercial zones available, however SDC has concerns that the definition of the Commercial Zone itself is too broad.

“The purpose of the Commercial zone is to provide primarily for a broad range of commercial activities. It also provides for activities that are not sensitive to the effects generated from commercial activities.” (S-ASM Commercial Zone)

As with the City Centre and Town Centre Zones, a variety of commercial activities are anticipated in the Commercial Zone. The Standards proposed a definition for ‘Commercial Activity’ as meaning *“an activity with the primary purpose of trading in goods, equipment or services”*. SDC anticipates using the ‘Commercial Zone’ over a portion of land in Rolleston that is currently zoned ‘Industrial’ but has a resource consent to develop a Large Format Retail park on the site. It is the intention of Council to rezone this site as part of current District Plan Review.

When considering the future zone options for the site, based on the proposed Standards, the options are limited. Industrial can no longer apply given the use of the site and for that reason a precinct over the Industrial zone is also not an option. The site is unable to be incorporated into the Town Centre zone and is not able to be classified as either Local or Neighbourhood Commercial – which leaves two options: A) Commercial or B) a Special Purpose Zone.

Keeping in mind, A Commercial activity is presently defined in the draft standards as being: *an activity with the primary purpose of trading in goods, equipment or services*, Option A is not technically an option because by zoning this area ‘Commercial’, a zone which is intended to provide for a broad range of commercial activities. Activities on the subject site would not be able to be easily limited to large format retail, because a commercial zone anticipates a variety of activity types. In the Selwyn context, not actively managing the types of activities on the subject site would result in the District Plan being inconsistent with the Canterbury RPS. To achieve the most desirable outcome, SDC would need to create a Special Purpose Large Format Retail zone. The guidance that was produced with the draft Planning Standards suggested that a Precinct could be applied atop of the Commercial zone to create a something akin to a ‘Large Format Retail Zone’, SDC suggests that is multiple councils will end up creating a similar precinct (which our discussions with other Councils have indicated is the case), then this is something that should be considered.

SDC requests that a ‘Large Format Retail’ zone be included as another Commercial Zone option.

INDUSTRIAL

SDC is supportive of the variety of Industrial Zones available.

SPECIAL PURPOSE ZONES

SDC is supportive of the ability to utilise the variety of Special Purpose Zones available and to create additional Special Purpose Zones where necessary.

Maori Cultural Zone: SDC considers the name of the Maori Cultural Zone should be flexible to allow Councils to determine the name of any Maori Cultural Zone, in collaboration with Mana Whenua. For example, SDC is in the process of carrying out a District Plan Review and the preferred term by local rūnanga is Kāinga Nohoanga Zone.

Port Zone: SDC is generally supportive of the inclusion of Special Purpose Port Zones, where necessary.

b. Purpose statements

SDC supports the inclusion of Purpose statements, however the wording of some of the proposed purpose statement in their current form could be problematic for Selwyn.

SDC proposes that if the Large Format Retail zone, as suggested previously, is to be included that its purpose statement manages the scale or types of commercial activities that are anticipated in the zone.

SDC proposes an amendment to the Local Commercial zone Purpose Statement and guidance to recognise that the zone could apply to commercial areas of small towns and that the commercial areas not only service residential catchments but also surrounding rural areas.

SDC proposes an amendment to the Purpose Statement and guidance for the Port Zone to recognise that the zone could apply to inland ports as well as coastal ports.

SDC also notes that the current purpose statements for Residential Zones use the phrases Urban and Suburban environments but do not provide clarification as to what is meant by these.

c. Additional special purpose zones and criteria

SDC support the ability to use both the prescribed zones and to create additional special purpose zones to reflect the specific environment, and the previous patterns of development. Not all districts have universities and ports, but they may have additional areas such as ski fields which may not neatly fall within the provided suite of zones. SDC are however, hesitant to support the strict requirements for Councils to demonstrate why a special purpose zone is required. Whether done by a special purpose zone, a precinct or an overlay, an added level of complexity may be justified in the plan and, in some cases, a zone chapter will be easiest for the end plan user to decipher.

d. Precincts chapter

SDC initially questioned the need for a separate 'Precincts' chapter. Following discussion with MfE, SDC understand that this may be due to the ability of Precincts to span multiple zones. As such, 'Precincts' needed a home outside of the zone chapters.

SDC requests that the planning standard be amended to reflect that, where precincts apply to a specific zone only, they can also be located at the end of said zone chapter and for the Standard to allow flexibility to 'group' precincts/overlays that have shared objectives and policies.

e. Development areas chapter

As with the comments for precincts above, SDC propose that, if the development areas relate only to a specific zone, the information should be held at the end of the zone chapter, which will enable plan users to be sure they have found the suite of rules that applies to their site. The operative SDP has these types of documents held in separate appendices at the end of the plan and the District Plan Review has so far uncovered that these types of documents are better located within the chapter to which they relate.

SDC requests that the planning standard be amended to reflect that where the development area applies to a specific zone only it could also be located at the end of said zone chapter and for the Standard to allow flexibility to 'group' development areas that have shared objectives and policies.

f. Designations chapter

SDC supports this standard.

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

SDC believes that the requirement in S-SAM Direction 6 for properties subject to an overlay to also be listed in separate schedules in the Plan will create unnecessary on-going administration for little benefit. If, for example, areas of outstanding natural landscape (ONLs) were to have their own schedule in the District Plan, this could create unintended consequences. For example, it could become problematic when a subdivision is carried out in an ONL, resulting in new legal descriptions, which will then require the schedule to be amended, which will need to be done through a Plan Change process. ONLs are also not confined to property boundaries, so it could create confusion if only parts of properties affected are listed in the schedule. It is further noted that SDC currently manages density in the rural area through overlays and if this continued then every rural property in the district would need to be listed in an appendix, which would need updating every time a rural subdivision resulted in a new title being issued.

Scheduling of all natural hazard sites would also create the same issues. SDC currently uses overlays to manage density in the rural area, and is likely to continue to do so into the future, therefore, the current requirements would also mean that every rural property with its density managed by an overlay would also need to be listed in a schedule within a Plan. Again requiring multiple plan changes every time a rural subdivision is completed.

SDC therefore considers that because these sites are clearly depicted on the planning maps, additional schedules in the District Plan are unnecessary, especially in the era of ePlans. Given the number of properties located in overlays across the Selwyn District these schedules will add unnecessary length to the Plan.

SDC is also concerned that S-SAM Direction 8 potentially limits the ability to have appendices that contain design guidance as opposed to rule requirements.

SDC therefore requests the removal of Direction 6 and the amendment of Direction 8 to allow for the inclusion of design guidance in appendices.

6. F-2: Mapping standard

SDC is supportive of having a generic zone colour palette. However, after undertaking an internal exercise which involved applying the proposed colour palette to Selwyn townships and rural areas, the following issues were identified:

a. Zone colour palette

Whilst SDC supports the inclusion of a standardised colour palette, SDC is concerned that draft colour palette has not been subject to the colour blindness test. The Council's GIS officer has been asked to prepare maps of Selwyn's largest Township using the proposed colour palette (thus removing several of the colour options assigned to unnecessary zones).

Below are two examples. Figure 3 is Rolleston, the larger town in the Selwyn District, with the zone palette as proposed in the draft standard. Figure 4 is the same township with some alterations to the RGB. We believe this demonstrates how small changes could help improve the contrast between zones.

Figure 3: Rolleston Township with proposed RGB codes

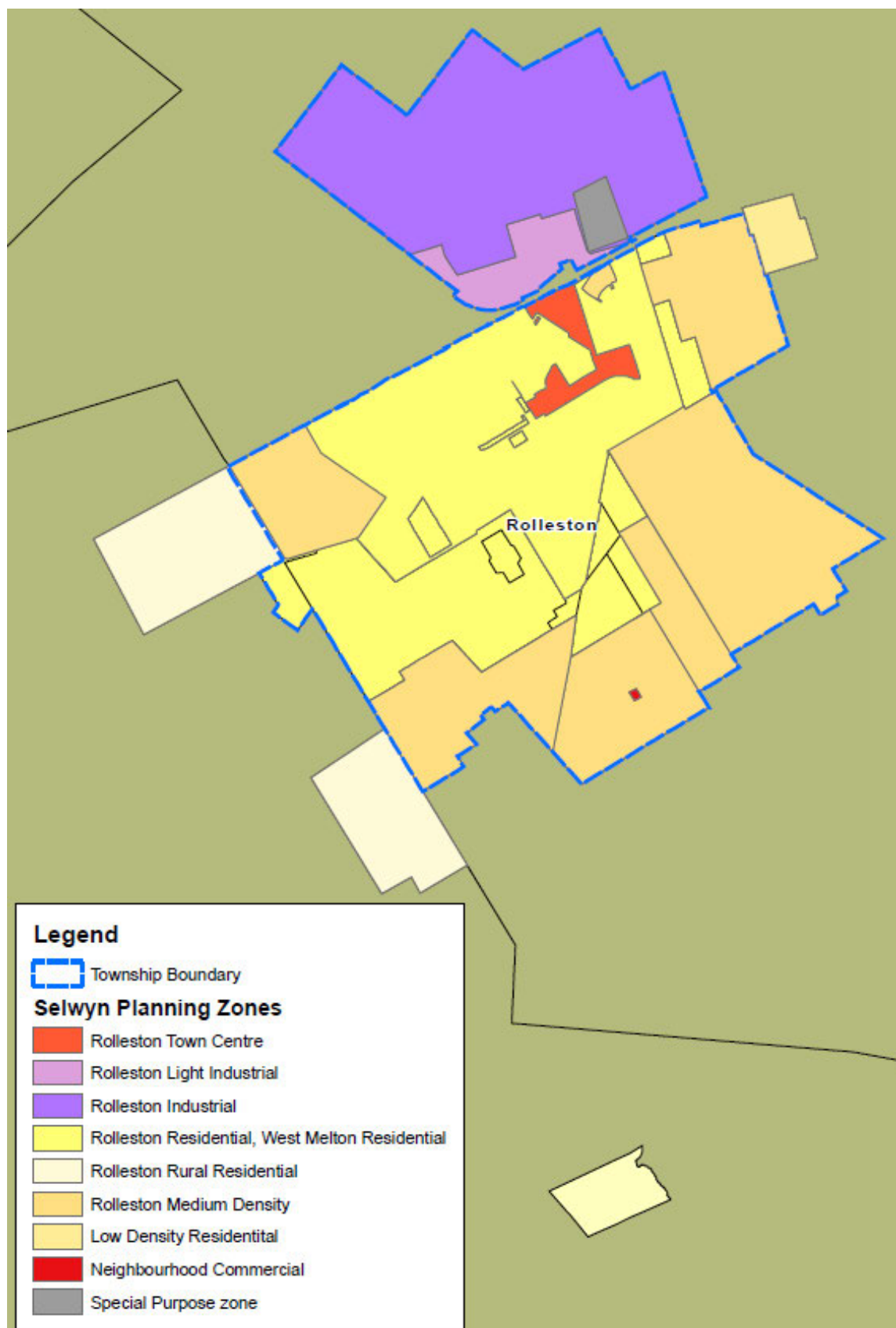
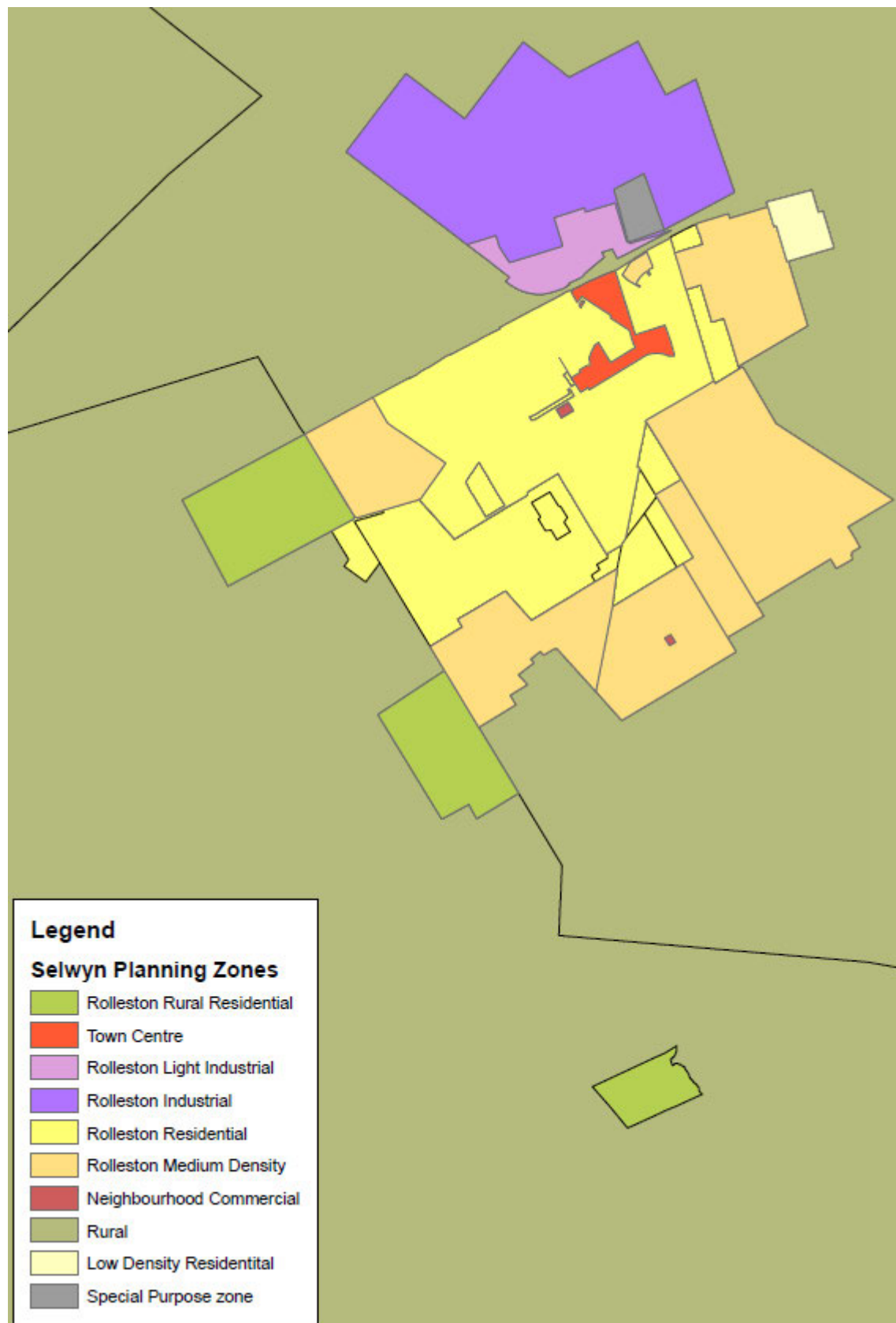


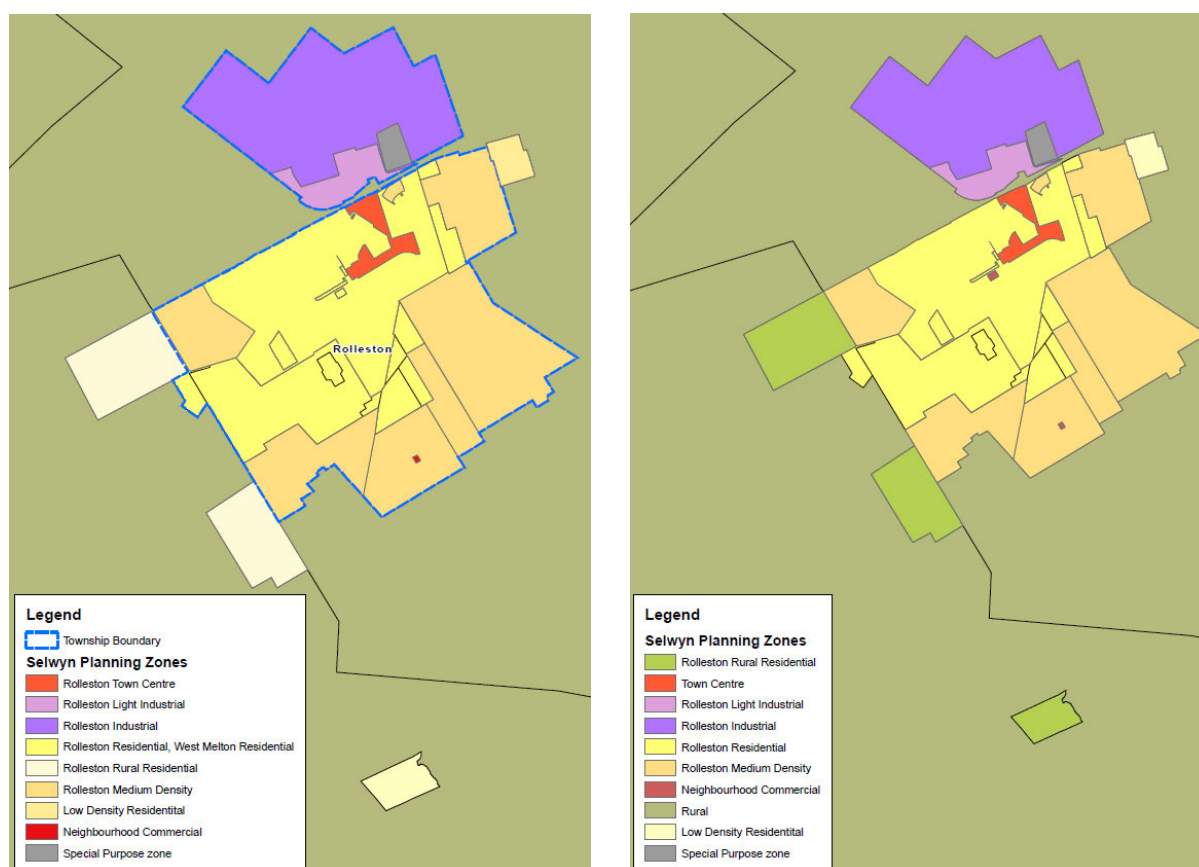
Figure 4: Rolleston Township with alternative RGB codes



SDC is concerned that Figure 3 demonstrates the lack of contrast between certain zones, specifically the medium and low density zones. The proposed colour for the low density residential zone is too similar to the medium density residential zone colour. These are two zones that have the potential to be represented on a planning map side by side and it could be difficult to differentiate between the two. SDC suggests that if the saturation of a colour is intended to represent density, then the low density residential zone should be a pale yellow. If the darker the colour is supposed to represent a higher density, then the rural residential zone should also be a darker green.

After discussion with a colour blind staff member SDC has several suggestions for improving the colour palette. *Figure 4* based on an alternative colour options for the zones discussed above.

Figure 3 & 4 side by side to demonstrate differences



For reference the alternative RGB codes used in the Figure 4 above are:

- Rural Residential R 181 G 208 B 82
- Low Density Residential R 254 G 254 B 190

b. Symbolology

SDC is also concerned about the requirement to have only one symbol to map the various types of natural hazards. Canterbury has a number of flood areas, fault lines etc. that warrant their individual symbolism.

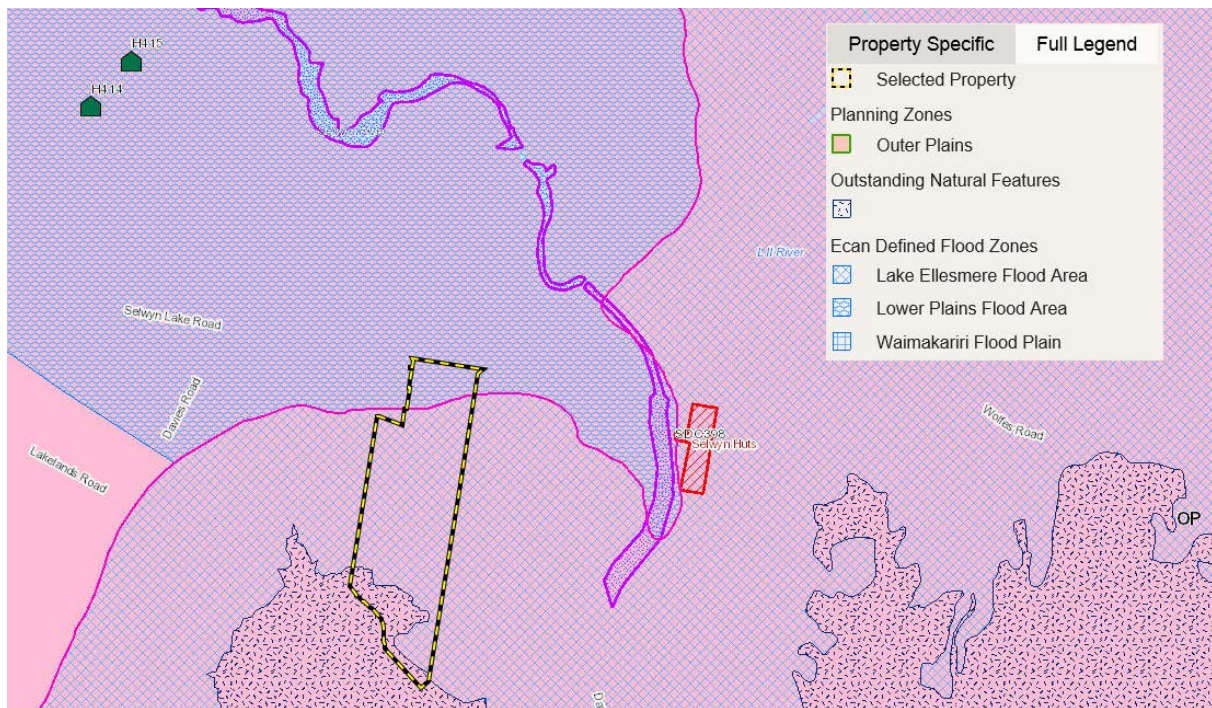
SDC currently uses a red hatching to demonstrate where a designation occurs in the plan. SDC is aware that this is unlikely to continue to be an option given that the colour red has been allocated to the suite of commercial zones, however the symbology proposed in the draft standards for designations when a property is selected (as demonstrated on our map below) it means that the user would be unable to see the blue designated site border. If a designated site was adjacent to the site selected the blue border would be visible but if the designated site itself had been selected, it would not.

Figure 7: Example of how the operative SDP demonstrates designated sites (red hatched area). Black and yellow border around property next to ME10 demonstrates how the 'selected' site is depicted in our current ePlan.



Figure 8 demonstrates the Lower Plains Flood Area, the Lake Ellesmere Flood Area and also depicts a river and Lake Ellesmere. The distinction between the different flood areas is needed because rules vary depending on which flood area your property is located.

Figure 8: Example of multiple natural hazards currently mapped in the SDP.



SDC requests that Councils are able to determine their own symbology for demonstrating on maps where designated sites and natural hazards apply (i.e. remove these aspects from the standards).

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

a. Range of tools

SDC supports the draft planning standards allowing District Councils to use a variety of spatial planning tools to help demonstrate which rules apply where in the District.

b. Zone

SDC supports the ability to use this spatial planning tool as and when required.

c. Overlay

SDC supports the ability to use this spatial planning tool as and when required.

d. Precinct

SDC supports the ability to use this spatial planning tool as and when required, however SDC proposes that the term 'Precinct' be interchangeable with the term 'Area' where it is sensible to do so. SDC considers that the term *precinct* is to *urban* what the term *area* is to *rural* – meaning, it makes more sense to apply the term Precinct in an Urban context and use the Area in the Rural context. It is noted that the Regional Planning Standard allows for the use of the term *area* and it is similar to the description of *precinct*. SDC does not believe this change would confuse plan users, given the District Planning Standard also allows for the use of the term 'development areas'.

SDC therefore request that flexibility in the terminology used is allowed when applying a Precinct in a Rural area.

e. Specific control

SDC supports the ability to use this spatial planning tool as and when required.

f. Development areas

SDC supports the ability to use this spatial planning tool as and when required.

g. Designation

SDC supports the ability to use this spatial planning tool as and when required.

8. CM-1: Definitions standard

SDC are generally supportive of the inclusion of standardised definitions in the National Planning Standards, however a few of the proposed definitions are perceived to be problematic. These are discussed in more depth below.

SDC considers it unnecessary for the National Planning Standards to repeat the wording of definitions derived from legislation (e.g. RMA 1991). This could create unintended issues if a definition in the legislation was to change, resulting in the need to change both the National Planning Standards and subsequent plans. Given technological advances, ePlans are able to link directly to the original source of the definition, through a hyperlink.

Further, SDC considers that additional confusion is created by choosing to only incorporate some, but not all, of the RMA definitions into the draft National Planning Standards.

SDC have concerns about the following definitions:

a. Cleanfill

The proposed National Planning Standards definition of cleanfill is inconsistent with the MfE National definition contained on p6 of the 2002 “A Guide to the Management of Cleanfills” and still current/available via the website:
<https://www.mfe.govt.nz/sites/default/files/cleanfills-guide-jan02.pdf>

The definition of ‘cleanfill’ proposed by the National Planning Standards would allow material that, while inert and non-decomposing, still poses an environmental or health risk (such as asbestos) to be deposited as cleanfill.

The existing relevant MfE definitions, as set out in the above publication, are:

Cleanfill material:

Material that when buried will have no adverse effect on people or the environment. Cleanfill material includes virgin natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:

- *combustible, putrescible, degradable or leachable components*
- *hazardous substances*
- *products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices*
- *materials that may present a risk to human or animal health such as medical and veterinary waste, asbestos or radioactive substances*
- *liquid waste.*

Cleanfill:

A cleanfill is any landfill that accepts only cleanfill material as defined above.

Accordingly, SDC requests that the proposed definition of 'cleanfill' be amended to reflect the current National approach.

b. Coverage/Footprint

The term *coverage* relates to the coverage on the site. SDC proposes that the terminology used to describe this definition becomes 'site coverage'. Irrespective of the final terminology chosen (coverage vs site coverage), the meaning should be adjusted to be of more benefit to plan users.

Whilst SDC agrees that it makes sense to include reference to *footprint* in this definition, one of the main issues SDC encounters when determining site coverage percentage is how the 'footprint' is actually measured. Are pergolas and carports included? Is the measurement taken from the foundation or the exterior materials (e.g. bricks)? The current proposed definition largely leaves this to the plan user's discretion. SDC believes it would be beneficial for this definition to include a specific manner for measurement. As an example, the wording used in the '[gross floor area](#)' definition could be used in this situation:

- **Site Coverage** means: the percentage of [net site area](#) covered by the footprint of structures as identified in the relevant rule. Coverage shall be measured from the exterior faces of exterior walls, and in the absence of a wall on any side, measured to the exterior edge of the floor.

SDC requests that the meaning of *coverage* be amended to include more information as to how this should be measured.

c. Educational Facility/Industrial Activity

SDC has identified a potential issue with the definition of *educational facility*. At present the definition does not include anything that is otherwise defined as an *industrial activity*, which at face value does not seem entirely problematic. However, the proposed definition of [industrial activity](#) includes '*research laboratories used for scientific, industrial or medical research*'. SDC perceives this to be problematic in the case of Lincoln University – which is an Educational Facility with research laboratories.

If the proposed National Planning Standards definition of 'Educational Facility' is to be retained, then SDC proposes that the reference to research laboratories is

removed from the **Industrial Activity** definition and if deemed necessary, an additional definition for *Research Activity* be added to the National Planning Standards. SDC otherwise supports the exclusion of '**industrial activity**' in the definition of '**Educational Facility**'

SDC currently has definitions for both Educational Facility and Research which are:

Educational Facility: *includes any land, building or structure which is/are used for the provision of regular instruction or training of students by suitably qualified instructors and any ancillary activities, and includes any pre-school.*

Research: *means the use of land and buildings for the purpose of scientific research, inquiry or investigation, product development and testing, and consultancy and marketing of research information; and includes laboratories, quarantines, pilot plant facilities, workshops and ancillary administrative, commercial, conferencing, accommodation and retail facilities.*

The current definitions in the SDP recognise that, in the case of universities, education and research are interlinked and, as such, the proposed definition in its current form is problematic. SDC requests that the reference to research activities be removed from the definition of **industrial activity** and that a separate 'research activity' type definition be inserted into the standards.

d. Intensive Primary Production/Primary Production

The definition of 'intensive primary production' is perceived by SDC as being overly simplistic. An example of how it could be problematic is how it may relate to free range poultry farming.

This activity is currently permitted under the Canterbury Air Regional Plan. However the proposed National Planning Standards definition's declaration that primary production (eggs) occurring within buildings is intensive primary production, this activity would now be treated the same as a piggery (where stock do not have outdoor access). This would trigger the need for a resource consent for the free range poultry activity, unless an additional definition outside of the National Planning Standards is created for 'free range poultry farming', AND an exception is added to the proposed **intensive primary production** definition. Unfortunately, this would make the plan more complex, being the very thing the Standards are seeking to reduce.

Additionally, regarding the production of fungi, the primary odour creator as part of this activity is from the manufacture of compost and not the actual growing of the mushrooms. Composting will be classified as a '**rural industry**' activity which is appropriate, but the **intensive primary production** definition does not leave enough flexibility for fungi growing where its effects are different to other activities classified under the definition.

SDC therefore requests that either the Intensive Primary Production definition be removed from the National Planning Standards or that alternative wording is selected to ensure that unintended consequences are minimised.

SDC is also concerned that the definition for ‘Primary Production’ could be problematic. The definition currently defines “Primary Production as: *meaning a) any agricultural, pastoral, horticultural, forestry or aquaculture activities for the purpose of commercial gain or exchange, b) includes any land and auxiliary buildings used for the production of products that result from the listed activities; but c) does not include the processing of those products.*”

SDC assumes that the farming of chickens, pigs and fungi (where not at an intensive scale) are intended to fall within this definition, but it could be argued that the farming of chicken, pigs and fungi is neither agricultural, horticultural nor pastoral and there could be issues if the definition is retained in its current form when trying to determine the status of activities under this definition.

e. Retirement Village

SDC notes that although the proposed definition for **retirement village premises** has been adopted directly from the RMA, the wording for said definition was intended to be applied specifically to retirement village premises at the time of subdivision, and its inclusion in the National Planning Standards is trying to extend this meaning beyond its originally intended use. SDC supports the National Planning Standards having a definition relating to this type of activity, however further thought should be given to this definition to determine its appropriateness in all situations.

f. Site

The draft National Planning Standards definition for ‘site’ means:

- a) an area of **land** comprised in a single computer freehold register (record of title as per Land Transfer Act 2017); or
- 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
- c) the **land** comprised in a single **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.

In order to be a useful definition within a District Plan:

- Definition (a) – Consideration needs to be given to including the types of estate described in s12(1)(b)-(e) of the Land Transfer Act 2017 for which a record of title may be issued, not just the freehold estate described in s12(1)(a). In most particular, titles created consistent with s218 RMA and previous equivalent legislation. Should be *an area of **land** comprised in a single ~~computer freehold register~~ (record of title as per the Land Transfer Act 2017); or equivalent*. The Registrar-General of Land should be consulted in relation to this wording.
- Definition (b) – There are instances within Selwyn of two or more allotments that are held together such that they cannot be administered separately without the consent of council (e.g. by a s220(1)(b) covenant rather than an amalgamation condition), but which are not adjoining. They may be separated by a road or a river or by another Title. How many “sites” are these properties?

- Definition (c) – as for (a), consideration needs to be given for other forms of Title. The definition should therefore read *the **land** comprised in a single **allotment** or balance area on an approved survey plan of **subdivision** for which a separate ~~computer freehold register~~ record of title could be issued without further consent of the Council; or equivalent.*
- Definition (d) – Does not provide for land subdivided under the Unit Titles Act 2010, which appears to be inconsistent with s2(1) RMA definitions of ‘unit’ and ‘unit plan’.
- Definition (e) – as for (a), consideration needs to be given to other forms of Title. In addition, this is a use-based definition, and so is inconsistent with (a) – (d). The inclusion of definition (e) within this term creates the potential for confusion about what is meant when applied to Plan provisions. The definition itself is potentially useful, subject to amendment as for (a), but should be associated with a different term. e.g., *Activity area means an area of adjacent **land** comprised in two or more ~~computer freehold registers~~ records of title where an activity is occurring or proposed.*

Future content for standards

SDC has no comments regarding this as this time.

Other comments

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

Releasing submissions

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

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

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.



THE ASSOCIATION FOR RESOURCE MANAGEMENT PRACTITIONERS

Te Kahui Ture Taiao

Draft National Planning Standards

TO: Ministry for the Environment

Email: standards@mfe.govt.nz

Submission on behalf of the Resource Management Law Association of New Zealand Inc

Introduction

1. This Submission is made by the Resource Management Law Association of New Zealand Inc (**RMLA**).
2. The RMLA is concerned to promote within New Zealand:
 - a. An understanding of Resource Management Law and its interpretation in a multi-disciplinary framework
 - b. Excellence in resource management policy and practice
 - c. Resource management processes which are legally sound, effective and efficient and which produce high quality environmental outcomes.
3. The RMLA has a mixed membership. Members include lawyers, planners, judges, environmental consultants, environmental engineers, local authority officers and councillors, central government policy analysts, industry representatives and others. Currently the Association has some 1,100 plus members. Within such an organisation there are inevitably a divergent range of interests in views of members.

4. While the membership has been consulted in preparing this submission, it is not possible for the RMLA to form a single universally accepted view on the proposed regulations. It should also be noted that a number of members may be providing their own individual feedback and those may represent quite different approaches to the views expressed here.
5. For these reasons, this submission does not seek to advance any particular policy position in relation to the proposed regulations, but rather is made with a view to ensure that the proposed regulations:
 - a. are consistent with the general framework of existing laws and policies of relevance, and the Resource Management Act 1991 ("**RMA**");
 - b. are practicable and workable; and
 - c. will assist in promoting best practice.

SUBMISSION

Draft National Planning Standards Overarching issues

Integration

6. The extent to which planning matters are interconnected means that implementation of the draft Standards will inevitably result in the need for consequential changes to many parts of a planning document, some of which would could be significant. Those changes will also need to be consistent with the relevant Standard. Guidance as to how these consequential amendments should be undertaken (specifically, how such consequential amendments should be staged and when they will reach the point of having to follow the Schedule 1 process) would assist Councils with this task.
7. Mandatory division of plan content may be unrealistic in some circumstances. While it is considered appropriate to include chapters in regional and district planning instruments on a thematic basis (e.g. historic heritage, infrastructure and energy, water), it is important to ensure that the national planning standard does not compartmentalise the management of natural and physical resources in a manner that does not support integrated management. We are not convinced that provisions regarding the use and management of physical/built resources can be entirely separated from provisions relating to the management of natural resources, and suggest that a softening of the directions regarding plan content division may be required.
8. For example, there is often a link between the management of infrastructure and energy and the coastal environment. Provisions relating to each are not mutually exclusive, as indicated in Figure 1 below:

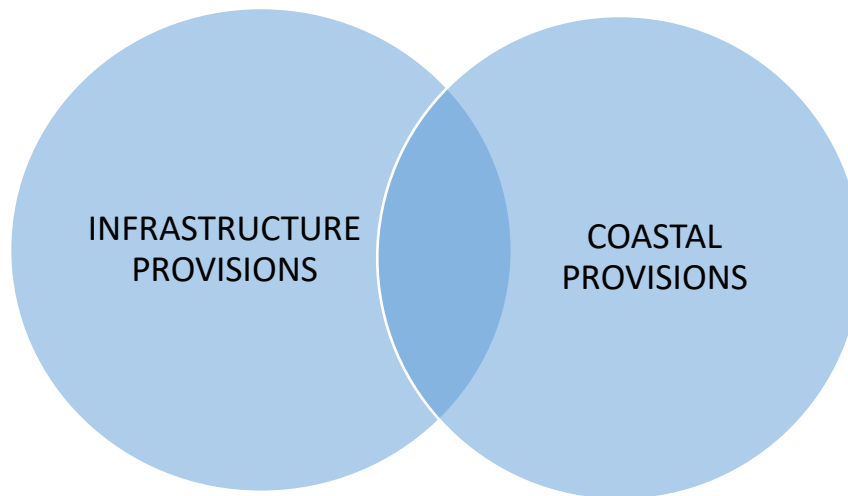


Figure 1: Example of how the subject matter of provision overlaps

9. The provisions in the overlap might relate, for example, to structures in areas with outstanding natural character in the coastal environment. The requirement for provisions regarding the management of infrastructure and energy matters to be included in one chapter, and provisions regarding the management of water and the coastal environment in another chapter, fails to recognise the extent to which such provisions overlap. It also has the potential to perpetuate issues of conflict between provisions, rather than supporting integrated decision-making at a plan level. Sufficient flexibility is required to ensure that matters relating to more than one topic may appear in one, other or multiple chapters/sections.
10. An alternative approach would be to attempt to define themes to further minimise overlap. We do not support that approach as it is likely to result in artificial distinctions between topics, and is less consistent with integrated management.

Implementation

11. Proactive implementation training and monitoring of the effectiveness of implementation of the Standards will be important to ensure the goals for standardisation are achieved.
12. The 5 and 7 year implementation timeframes will represent a resourcing challenge to local authorities in terms of time, staff and cost. Comprehensive implementation guidance including good practice examples and on-the-ground support will be critical to assist in

meeting this challenge and ensure that the initial cost of implementing the standards is not so significant that it will outweigh any benefits that could be achieved from having them in place.

13. The present implementation timeframes are likely to result in significant “planning fatigue” and inefficiencies for local authorities that have recently completed a major plan review exercise, such as Auckland Council and Christchurch City Council. Consideration should be given to excluding such local authorities from having to implement the draft Standards at all or, at the very least, those Councils should not be required to implement the draft Standards until they undertake their next plan review process.
14. At present, the Standards that will comprise a whole planning instrument (i.e. structure, form and content) are presented separately. A template that shows how the individual Standards look when brought together in a planning instrument is likely to assist implementation. For example, the Ministry for the Environment (“MfE”) could make available at least some of the planning instruments that have been prepared under its “Council pilot programme” as “best practice” examples for other Councils to use.

Scope for consequential amendments

15. Section C (Recognition in Plans) in each Standard sets out the mandatory and discretionary directions. Mandatory directions and any consequential amendments that are needed to avoid duplication or conflict with amendments must be implemented without following a Schedule 1 process. Decisions about whether consequential amendments go beyond the scope of amendments authorised by section 58I (3)(d) of the RMA are likely to be difficult. We foresee this as a particular issue where the Standards require use of a standard definition, and where a planning instrument already contains a suite of provisions that are based around a different definition (e.g. “earthworks” or “height”).
16. The objectives of the standard will be undermined if scope decisions on similar issues are litigated around the country. The extent of the Environment Court’s jurisdiction to consider these issues is also unclear: we anticipate that the declaration provisions are likely to apply but if they are not, parties may seek to use judicial review to challenge scope decisions. We consider that the High Court would not be the appropriate place for these issues to be determined, and suggest that consideration is given to an amendment to section 310 (as necessary) to ensure that Environment Court declaratory powers are available.

Information that should be provided in a s 32 evaluation rather than in plans

17. Several aspects of the Standards direct Councils to detail information in the planning document that should instead be provided in s32 evaluations which are prepared to guide and record the plan development process. This includes summaries of the district land area, economic activity, population etc. There is an opportunity to make plans shorter and more relevant by removing this content from the plan and instead ensuring s32 evaluations are made easily available on Council websites. The Ministry could consider the extent to which it can include requirements around the availability of s32 evaluations in the draft Standards.

Private Plan Changes

18. In the private plan change process the proposer – rather than the Council – sets the agenda and start time, often with a desired time for the conclusion or resolution of the private plan change in mind. Therefore, Councils may feel obliged to process private plan changes ahead of Council-led plan reviews. Private plan changes will be required to comply with the contents of the Standards, but issues arise as to how sequencing will occur and this adds an additional layer of complexity to the “consequential amendments” issue addressed above. Guidance on this issue would likely assist.

Variations and proposed instruments

19. The standards all apply to regional policy statements, regional plans, district plans and combined plans. Yet the proposed standard itself refers to s58I of the RMA. In that section “document” also includes a proposed plan, a variation, and a change. It would therefore be useful to clarify that the standard applies to variations, changes and proposed instruments as well.

Additional matters that could have usefully been included in the draft Standards

20. The draft Standards appear to have missed an opportunity to address a range of matters that would have assisted to improve planning instruments and which many practitioners were expecting to see included in the Standards. For example, we anticipated that the draft Standards would include a comprehensive and well-tested set of provisions relating to infrastructure activities, given these are often lineal networks which cross local authority boundaries. They are accordingly exactly the type of activities that would most benefit from having a common and clear set of rules throughout the country. Hopefully such matters can be considered in future draft Standards.

21. **Recommendations** relating to overarching issues:

- a. MfE should provide guidance on scheduling or staging of the implementation of Standards to ensure Councils can undertake this work as effectively and efficiently as possible. This guidance needs to address how consequential amendments should be undertaken (specifically, how such consequential amendments should be staged and when they will reach the point of having to follow the Schedule 1 process).
- b. MfE should consider excluding such local authorities who have recently completed a major plan review exercise from having to implement the draft Standards at all or, at the very least, those Councils should not be required to implement the draft Standards until they undertake their next plan review process.
- c. Support integrated planning by providing sufficient flexibility to address overlapping issues. This is addressed further below in relation to specific draft Structure and Form standards, as relevant.
- d. Assistance with implementation and effectiveness monitoring of the standards could include:

- i. The provision of targeted MfE support to a group of local authorities within a region to ensure consistent implementation of the Standards at the regional and sub-regional level;
 - ii. Provision of a review service prior to confirming a non-schedule 1 implementation or prior to public notification of amendments introduced alongside Schedule 1 plan changes; and
 - iii. Regular workshops, training and review sessions with practitioners to ensure feedback on and learnings from implementation of the Standards can be captured, analysed and responded to in a timely manner to benefit all territorial authorities.
- e. Comprehensive implementation guidance that is issued prior to or at the same time as gazettal of the Standards.
- f. MfE to work with local authorities to identify opportunities to share resources, disseminate learnings and maximise potential efficiencies relating to the implementation of the Standards.
- g. MfE to create consolidated planning instrument templates, which are released as part of the guidance prior to or at the same time as gazettal of the Standards.
- h. MfE to advise the Minister on the appropriateness of an amendment to s 310 to ensure Environment Court declaratory powers are available to determine issues of scope to make consequential changes.
- i. Amend the Standards to remove directions that planning instruments include content that is properly to be included in s 32 evaluations. Require that s 32 evaluations are available on council websites.
- j. MfE to produce guidance (to be issued either prior to or at the same time as gazettal of the Standards) that provides advice as to how Councils can best manage sequencing and consequential amendments in circumstances where they are processing private plan changes concurrently with making changes to implement the Standards.
- k. MfE to provide on-the-ground support to Councils and planning practitioners preparing or processing private plan changes to ensure that the efficiency benefits anticipated by the introduction of the Standards are realised.
- l. Clarify that standards apply to proposed instruments, changes and variations.

S-RPS: Draft Regional Policy Statement Structure Standard

22. Water Conservation Orders ("WCOs") are not currently listed as a mandatory section heading in Part 1 of Table 3. Although WCOs will not be relevant to all regions, we suggest that their inclusion in this section list would still provide a useful indicator for those regions that do have waterbodies subject to WCOs and wish to list those WCOs among the other

National direction instruments. An instruction should make it clear that the inclusion of this heading is only mandatory for those local authorities for which it is relevant.

23. The instruction regarding the proposed Land chapter in Part 4 of Table 3 states: "If land matters are addressed in the regional policy statement they must be included in the Land chapter. Local authorities must consider whether to combine this chapter with the Water chapter". There is a corresponding instructions for the Water chapter. It is not stated how the two chapters are to be combined, or whether local authorities may also consider combining other chapters. This creates ambiguity and is contrary to the Standards stated intent of creating clarity and uniformity.
24. It is also not stated why specific instructions have been given regarding combining the Land and Water chapters, in contrast to chapters regarding other themes, where there is similarly (or more likely) to be a degree of overlap. For example, "Landscape, landforms and natural character", "Ecosystems and indigenous biodiversity", "Environmental risk" and "historic heritage" can all be found on land or in the coastal environment. As currently drafted, the Standard would indicate that where these matters overlap, they should be duplicated or even triplicated, which will render the Regional Policy Statement ("RPS") repetitive and over-long. Further, if the Land and Water chapters are combined, this combined chapter will overlap with nearly every other chapter, with the end result being neither efficient nor user friendly.
25. This is made more difficult by the ambiguity of what exactly falls into which chapter. While "Land" is given the same definition as in s2 of the RMA, it is unclear whether a "land matter" must relate to land primarily, exclusively, or in any capacity? The degree of potential overlap between themes and chapters might be clearer, if the extent of each theme is more clearly defined or explained.
26. The broad scope of each theme also serves to limit the value of the "Special topics" chapter, which may only be used to address "other matters or topics that cannot be addressed under the other chapters". If land and water matters are defined widely, there will be very few matters that could not be addressed within those chapters (or combined chapter) and that could therefore legitimately fall to be considered in the "Special topics" chapter.
27. It may be more useful to specify that the Special topics may be used for matters that, despite relating to another theme, are more appropriately discussed within a discrete chapter. For example, a region with an identified seismic vulnerability may wish to address earthquake matters distinctly from general Environmental risk, or regions with significant geothermal resources may find it preferable to approach this in a chapter separate from other matters relating to Water or Infrastructure and Energy.
28. There is also no clear pattern to the order in which the themes are listed, being generally alphabetic with the exception of "Landscape, landforms and natural character." Given that all other themes are ordered, this appears to be a result of an error, and will impede the navigability of the proposed RPS until it is rectified.
29. **Recommendations:**
 - a. Include WCOs in the list of National direction instruments (where relevant).

- b. Provide an instruction or guidance note clarifying how chapters may be combined and whether chapters other than the Land and Water chapters may be combined.
- c. Amend the instruction requiring all matters relating to a given theme to be included in that chapter, so that the extent of potential overlap and repetition may be reduced. It would be useful to substitute this with an instruction about how local authorities should manage and prioritise matters that may apply to multiple themes.
- d. Provide an instruction or guidance note that more clearly explains the intended scope or extent of each theme, and the degree to which a matter must relate to a given theme in order for its inclusion in that chapter to be mandatory.
- e. Amend the instruction relating to “Special topics”, to provide for its use even when the matters may relate to another theme listed in Part 4.
- f. Move the “Landscape, landforms and natural character” theme so that the list of themes is properly alphabetised.

S-RP: Draft Regional Plan Structure Standard

- 30. The list of National direction instruments in Part 1 of Table 4 does not include any relevant WCO. As for the draft RPS Structure Standard, we suggest that the list of National direction instruments should be amended to include any relevant WCO. An instruction should make it clear that the inclusion of this heading is only mandatory for those local authorities for which it is relevant. It would also be useful to make reference to the RPS as providing direction at a regional level, where a regional plan is prepared separately from an RPS.
- 31. Part 3 of Table 4 states that “if the local authority includes issues and objectives in a separate section this part must be used”. This instruction appears contrary to the instruction regarding objectives in the draft Chapter Form Standard (see page 63 of the draft Standards), which states “where provided, objectives must be grouped together”. This would appear to imply that objectives are to be grouped together within chapters, contrary to the requirement to combine all objectives together in one place in the draft Regional Plan Structure Standard.
- 32. As per our comments in paragraphs 21 to 26 of this submission, the following aspects of Part 4 of Table 4 require further consideration and amendment:
 - a. There is a lack of clarity as to the process for combining chapters, and whether local authorities’ power to combine chapters is limited to Land and Water matters.
 - b. Requiring all matters relating to a theme be included in that chapter will create unnecessary duplication and impede the usability of the plan.
 - c. The intended scope or extent of each theme is unclear and would benefit from further definition or clarification.

- d. The breadth of what can be covered under each theme (particularly the Land and Water themes) could serve to limit the utility and usefulness of the “Special topics” chapter, to the point of rendering it redundant.
 - e. The list of themes is not alphabetically ordered.
- 33. Unlike the draft Structure Standard for District Plans, the draft Structure Standard for Regional Plans does not provide for a “Strategic Direction” chapter. We suggest that there should be consistency between the two planning instruments in this regard and that even aside from such matters, it would be useful for Regional Plans to include a “Strategic Direction” chapter.
- 34. **Recommendations:**
 - a. Include WCOs in the list of National direction instruments (where relevant) and the RPS as providing relevant regional direction.
 - b. Clarify whether objectives are to be grouped together within chapters, or within one section of the Regional Plan.
 - c. Provide an instruction or guidance note clarifying how chapters may be combined and whether chapters other than the Land and Water chapters may be combined.
 - d. Amend the instruction requiring all matters relating to a given theme to be included in that chapter, so that the extent of potential overlap and repetition may be reduced. It would be useful to substitute this with an instruction about how local authorities should manage and prioritise matters that may apply to multiple themes.
 - e. Provide an instruction or guidance note that more clearly explains the intended scope or extent of each theme, and the degree to which a matter must relate to a given theme in order for its inclusion in that chapter to be mandatory.
 - f. Amend the instruction relating to “Special topics”, to provide for its use even when the matters may relate to another theme listed in Part 4.
 - g. Move the “Landscape, landforms and natural character” theme so that the list of themes is properly alphabetised.
 - h. Consider whether Regional Plans might also benefit from inclusion of a “Strategic Direction” chapter.

S-DP: Draft District Plan Structure Standard

- 35. The list of National direction instruments in Part 1 of Table 5 does not include any relevant WCO. As for the draft RPS and Regional Plan Structure Standards, we suggest that the list of National direction instruments should be amended to include any relevant WCO. An instruction should make it clear that the inclusion of this heading is only mandatory for those

local authorities for which it is relevant. It would also be useful to make reference to the relevant RPS as providing direction at a regional level.

36. As worded, Part 3 of Table 5 would require every district plan to have a “Strategic Direction” chapter, as district plans will necessarily include provisions on significant resource management matters. We suggest the instructions for this part of Table 5 should be amended to clarify that a Strategic Direction chapter is only required where the local authority is including specific and separate provisions regarding resource management matters that are of particular significance to the district.
37. There does not seem to be a pattern to the manner in which the district-wide matters listed Part 4 of Table 5 have been ordered. As it is compulsory for local authorities to include these chapters (and presumably in this order listed), it would seem prudent for some consideration to be given to what an appropriate order should be. Alphabetical order would seem suitable and easy to implement. Alternatively, related chapters (e.g. National environmental values and Community values) could be linked.
38. 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 were removed from s31 of the RMA by the Resource Legislation Amendment Act 2017. The inclusion of “hazardous substances and contaminated sites” as a section in the Environmental risks chapter seems contrary to this clear signalling of a move away from territorial authorities’ responsibility in this area.
39. It is not clear why Infrastructure and Energy and Subdivision need to be made separate topics under the draft Standard. For example, Infrastructure and Subdivision both can be found under the Auckland-wide heading in the partly operative Auckland Unitary Plan (“AUP”).
40. In Part 5 of Table 5, using the names of zones for naming zone chapters seems likely to cause confusion. For example, having a number of zones including one called “Rural zone”, in a chapter called “Rural zones” would make the plan difficult to use and navigate. The same can be said of the “Commercial zones”, “Industrial zones” and “Residential zones” chapters.
41. As with Part 4 of Table 5, there is no discernible pattern to the manner in which the area-specific matters listed in Part 5 of that table have been ordered. As it is compulsory for territorial authorities to include these chapters in this order, it would seem prudent for some consideration to be given to what the appropriate order is. The ordering of the sections within the Special purposes zones chapter in particular would benefit from being alphabetised.
42. **Recommendations:**
 - a. Include WCOs in the list of National direction instruments (where relevant) and the RPS as providing relevant regional direction.
 - b. Clarify that a “Strategic Direction” chapter is only required in respect of resource management matters that are of particular significance to the district.

- c. Arrange the district-wide matters in a coherent manner (e.g. alphabetically; thematically).
- d. Delete the “hazardous substances and contaminated sites” section from the Environmental risks chapter.
- e. Amend the chapters so that Infrastructure and energy and Subdivision fall within General district-wide matters or provide clarification as to the rationale for their exclusion.
- f. Amend the names of the zone chapters so that they are not the same as zones within those chapters.
- g. Arrange the area-specific matters and sections within the Special purpose zones alphabetically.

S-CP: Draft Combined Plan Structure Standard

- 43. The list of National direction instruments in Part 1 of Table 6 does not include any relevant WCO. As for the draft RPS, Regional Plan and District Plan Structure Standards, we suggest that the list of National direction instruments should be amended to include any relevant WCO. An instruction should make it clear that the inclusion of this heading is only mandatory for those local authorities for which it is relevant.
- 44. As per our comments in paragraphs 21 to 26 of this submission, the following aspects of Part 3 and Part 4 of Table 6 require further consideration and amendment:
 - a. There is a lack of clarity as to the process for combining chapters, and whether local authorities’ power to combine chapters is limited to Land and Water matters.
 - b. Requiring all matters relating to a theme / region-wide matter be included in that chapter will create unnecessary duplication and impede the usability of the plan.
 - c. The intended scope or extent of each theme / region-wide matter is unclear and would benefit from further definition or clarification.
 - d. The breadth of what can be covered under each theme / region-wide matter (particularly the Land and Water themes / matters) could serve to limit the utility and usefulness of the “Special topics” chapters, to the point of rendering those chapters redundant.
 - e. The list of themes / region-wide matters is not alphabetically ordered.
- 45. The various topics in Part 4 of Table 6 are referred to as “Region-Wide Matters”. This is inconsistent with Part 4 of Table 4 (in the draft Regional Plan Structure Standard), where these topics are referred to as “Themes”. This has the potential to create confusion and inconsistency between Regional Plans and the corresponding (Regional Plan) sections of Combined Plans.

46. It is also not clear why Infrastructure and Energy and Subdivision need to be made separate topics in Part 4 of Table 6. As noted, Infrastructure and Subdivision both can be found under the Auckland-wide heading in the AUP.
47. As with the draft District Plan Structure Standard, using the names of zones for naming zone chapters in Part 6 of Table 6 seems likely to cause confusion. For example, having a number of zones including one called “Rural zone”, in a chapter called “Rural zones” would make the plan difficult to use and navigate. The same can be said of the “Commercial zones”, “Industrial zones” and “Residential zones” chapters.
48. There is also no discernible pattern to the manner in which the area-specific matters listed in Part 6 of Table 6 have been ordered. As it is compulsory for local authorities to include these chapters in this order, it would seem prudent for some consideration to be given to what the appropriate order is. The ordering of the sections within the Special purposes zones chapter in particular would benefit from being alphabetised.
49. Unlike the draft Structure Standard for District Plans, the draft Structure Standard for Combined Plans does not provide for a “Strategic Direction” chapter. We suggest that there should be consistency between the two planning instruments in this regard and that even aside from such matters, it would be useful for Combined Plans to include a “Strategic Direction” chapter.
50. **Recommendations:**
- a. Include WCOs in the list of National direction instruments (where relevant).
 - b. Provide an instruction or guidance note in Part 3 and Part 4 clarifying how chapters may be combined and whether chapters other than the Land and Water chapters may be combined.
 - c. Amend the instructions in Part 3 and Part 4 requiring all matters relating to a given theme to be included in that chapter, so that the extent of potential overlap and repetition may be reduced. It would be useful to substitute these instructions with an instruction about how local authorities should manage and prioritise matters that may apply to multiple themes.
 - d. Provide an instruction or guidance note in Part 3 and Part 4 that more clearly explains the intended scope or extent of each theme / region-wide matter, and the degree to which a matter must relate to a given theme / region-wide matter in order for its inclusion in that chapter to be mandatory.
 - e. Amend the instruction relating to “Special topics” in Part 3 and Part 4, to provide for their use even when the matters may relate to another theme / region-wide matter listed in Part 3 or Part 4 respectively.
 - f. Arrange the themes / region-wide matters in Part 3 and Part 4 a coherent manner (e.g. alphabetically).

- g. Consider whether topics in Part 4 should be referred to as “Themes” rather than “Region-Wide Matters”, to be consistent with the draft Regional Plan Structure Standard.
- h. Amend the chapters in Part 4 so that Infrastructure and Subdivision fall within General region-wide matters or provide clarification as to the rationale for their exclusion.
- i. Amend the names of the zone chapters in Part 6 so that they are not the same as zones within those chapters.
- j. Arrange the area-specific matters in Part 6 and sections within the Special purpose zones alphabetically.
- k. Consider whether Combined Plans might also benefit from inclusion of a “Strategic Direction” chapter.

S-IGP: Draft Introduction and General Provisions Standard

- 51. In the Introduction chapter, it would be helpful to say how far back the obligation to state the date policy statement or plans became operative extends, or whether it is only a pro-active requirement. As to clause 4c, it is not clear what the obligation is. It simply states: “local strategic scene setting”. As to clause 5a, we query the value in requiring inclusion of information as to the role of the policy statement or plan. As to clause 6a it would be helpful to include a guide as to the expectations of the standard as to “key information about the region and/or district that is of relevance from a resource management perspective”.
- 52. In the “How the Policy Statement/Plan Works” Chapter, it is not clear why the statutory requirements in ss60, 64, 65 or 73 of the RMA need to be explained in the relevant planning document. This is likely to add unnecessary detail. As to clause 7b and c, there seems to be a double up of the information required. It would be helpful to clarify the expectation of 7b, as that would inform the operation of 7c as well. As to clause 8, there seems to be a double counting of the requirements of this part of the standard. It would be helpful for example to outline the requirements of clause 8e “an outline of the administrative or other provisions of the RMA that apply” as that may reduce the need for some of the other requirement of 8 a – f. As to clause 10, the required information could be helpful, but again it seems to double up on the statutory provisions of the RMA which explain these matters.
- 53. **Recommendations:**
 - a. Generally do not require the inclusion of material that repeats the Act unless there is a good reason for it.
 - b. Where information required by the Act must be stated in a planning instrument, provide guidance as to the level of detail required.

S-TW: Draft Tangata Whenua Structure Standard

54. It is useful to ensure that tangata whenua matters are given appropriate prominence in planning instruments, consistent with the Act's requirement to take into account the principles of the Treaty. However, the s 8 obligation applies when exercising all functions and powers under the Act, and we question whether separation of tangata whenua matters into a separate chapter appropriately discharges that duty in a sufficiently integrated way. We note from the s 32 evaluation that this issue was specifically considered in the consultation with tangata whenua over the content of this standard, and that the intention is to strike a balance between placing "process" matters up front in a prominent way and integrating "content" matters throughout. As we have said in other parts of this submission, we are not convinced that the standards adequately provide for that integration.

S-SD: Draft Strategic Direction Structure Standard

55. We have no comments on this draft Standard.

S-DWM: Draft District Wide Matters Standard

56. The Natural Environmental Values chapter directs district councils to include in this chapter sections on:
- a. the coastal environment (if relevant);
 - b. landscape, landforms and natural character;
 - c. other section so address other particular natural environment values on a district wide basis that are not addressed within specific zones;
 - d. matters relating to ecosystems and indigenous biodiversity.
57. Natural character is included in the same section as landscape and landforms. Natural character is not defined in the RMA, but preservation of the natural character of particular areas from inappropriate subdivision, use and development is specifically provided for in s6(a) of the RMA, separate from outstanding natural features and landscapes, which are provided for in s6(b). Landscapes and features must meet a threshold to be a matter of national importance which does not apply to natural character – this distinction is not well recognised by clause 7a (see paragraph 59 below). In addition, Policy 13(2) of the New Zealand Coastal Policy Statement (NZCPS) directs that it must be recognised that "natural character is not the same as natural features and landscapes or amenity values", and goes onto identify the matters that may be included in the concept of 'natural character' in the coastal environment. While the Standards do not preclude planning instruments providing for natural character distinctly from landscape and natural features within the 'landscape, landforms and natural character' section, this grouping may not encourage local authorities to apply best planning practice when identifying areas with high or outstanding natural character and developing provisions and methods to manage outcomes in respect of natural character.
58. The intention of clause 6c, which refers to "objectives that will ensure the life supporting capacity of these systems are safeguarded" is unclear. Section 5 includes a requirement to

safeguard the life-supporting capacity of air, water, soil, and ecosystems as part of sustainable management. Other parts of s 5 are also relevant, as are relevant parts of s 6 and 7. It would be broader, and more appropriate, to direct councils to include in this chapter objectives, policies and methods, including rules (if any) to implement the council's functions (referring to s 31 matters) and duties (referring to part 2 matters and the matters that must be addressed in district plans) in relation to the coastal environment. In that case it would not be necessary to refer to management of effects in the coastal environment (clause 6d) as this would be covered by reference to council's functions. This submission also applies to clause 7b, and the same formulation could be used for each of the subsequent District Wide Matters chapters.

59. "Landforms" is not a term used in the RMA. The RMA refers to landscapes and features. If the term landforms is intended to cover features, and perhaps something more, we suggest that it is defined.
60. Clause 7a refers to landscapes, landforms and natural character that are outstanding, significant or valued by the community. "Significant" is not a term normally associated with landscapes, landforms or natural character. Natural character is to be preserved from inappropriate subdivision, use and development regardless of whether it meets a threshold of value (beyond having natural character). We suggest that this provision could be amended to better align with the RMA.
61. Clause 9 refers to "biodiversity" which is not a term used in the RMA, and we suggest that either the term biological diversity is used or "biodiversity" is defined by reference to the RMA definition of biological diversity.
62. The Community Values chapter requires, in relation to *Sites of significance to Maori*, an explanation of how iwi are engaged. Engagement may be with a group other than iwi, and we suggest that it would be appropriate to reflect this.
63. The infrastructure and Energy chapter directions include that the chapter must be consistent with the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2016 and the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016. It is not just this chapter, but the whole plan, that must be consistent with those regulations, and many other higher order instruments. We suggest that the Standard does not need to repeat this requirement, as it is specified in the RMA. Alternatively, all relevant higher order instruments should be referenced, and all parts of the plan should be required to be consistent with them (or give effect to them, depending on the instrument in question)..
64. This raises a broader issue about integration across chapters, which was also addressed in our comments on overarching issues. Current practice is to implement higher order documents in an integrated way where provisions "speak to" each other. For example, provisions relating to outstanding natural landscapes in the coastal environment might be located in a coastal environment chapter, provisions in an infrastructure and energy chapter might be qualified by reference to the landscape provisions in the coastal environment chapter. In contrast, the Standards specify that provisions to give effect to the NZCPS are

to be located in the coastal environment section of the Natural Environmental Values chapter. We suggest that a statement providing for integrated planning across a plan is included in the Standard.

65. Clause 23 refers to “infrastructure, including where relevant...” and there follows a list of built features. This includes matters that are not infrastructure as defined in the Act. In particular “street furniture”. We suggest that this should be deleted. Other features that are infrastructure are not listed, in particular structures for transport on land by cycleways and walkways, facilities for the loading or unloading of cargo or passengers transported on land by any means and navigation installations. We suggest that it may be more appropriate just to refer to infrastructure, without including this list which is not comprehensive and which includes things that are not infrastructure.

66. **Recommendations:**

- a. Include a statement after clause 2 that: Where it is necessary in order to achieve integrated management of natural and physical resources, the matters to be addressed in particular chapters or sections may be cross-referenced or partially addressed in other chapters or sections.
- b. Amend “landforms” to “features” in clause 7 or define “landforms” to include features and any other matters that it is intended to cover.
- c. Address natural character separately from landscapes and landforms, or at a minimum amend 7.a to refer to: identification of landscapes or landforms ~~and natural character~~ that are outstanding, ~~significant~~ or valued by the community, or areas having natural character.
- d. Amend clause 6c to: objectives, policies and methods, including rules (if any) ~~that will ensure the life supporting capacity of these systems are safeguarded to implement the council's functions and duties in relation to the coastal environment.~~
- e. Amend clause 7b to: objectives, policies and methods, including rules (if any) ~~that will ensure the life supporting capacity of these systems are safeguarded to implement the council's functions and duties in relation to landscapes, landforms and natural character.~~
- f. Consequentially delete clause 6d and 7c.
- g. Amend all subsequent chapters to use the same formulation.
- h. Amend clause 9 to refer to biological diversity.
- i. Amend 18f to refer to: an explanation of how engagement with tangata whenua is anticipated to occur ~~iwi are engaged.~~
- j. Amend clause 23f by deleting the list of features at i. to x.

S-ASM: Draft Area Specific Matters Standard

67. Although it is not expressly stated in the title, the Draft Area Specific Matters Standard relates to district plans (and district plan provisions of combined plans) only. It could usefully be renamed Draft Area Specific Matters Standard (District) and clause 1 amended to refer to district councils and district plans/combined plans.
68. Under clause 7, it is not clear if one or all criteria (a), (b) and (c) must be met to qualify for a special purpose zone. This could be clarified.
69. We understand that the zone purpose statements in clause 8 are part of the Standard and must be given effect to by district councils. We have some concern about the potential for conflict between giving effect to the zone purpose statements and other requirements to give effect to national direction or implement council functions and Part 2. For example, the purpose of the Rural Production Zone is to “prioritise” primary production activities. As a description of the zone, this is not contentious, but as a purpose that must be implemented there is potential for conflict with other matters that should be “prioritised” such as natural hazard mitigation, maintenance of indigenous biological diversity, or implementation of national direction regarding electricity transmission. Other zone purposes state that the purpose is to “enable” particular activities, when in practice they are only enabled to the extent consistent with other RMA functions and duties. We suggest that reframing the purpose statements as descriptions without the use of directions like “prioritise”, “provide” or “enable” would achieve the objective of having consistent use of zones without this potential for conflict.
70. This Standard includes Zones, Precincts, Development Areas and Designations but does not include Overlays. We recommend that Overlays are provided for in accordance with the Spatial Planning Standard.
71. **Recommendations:**
- a. Amend title of Standard to Draft Area Specific Matters Standard (District) and amend clause 1 to: Except as provided in direction 2 below, ~~local authorities~~ district councils must amend their ~~documents~~ district plans and combined plans....
 - b. Clarify whether a special purpose zone must meet one or all of sub-clauses 7(a)-(c).
 - c. Reframe zone purpose statements as zone descriptions and avoid the use of terms such as “prioritise”, “provide” or “enable.”
 - d. Include mandatory or discretionary directions on use of Overlays.

S-SAM: Draft Schedules, Appendices and Maps Standard

72. Clause 1 provides that the purpose of this Standard is: *To enable consistent schedules, appendices and maps are provided in policy statements and plans*. It is not clear whether the intention is to refer to “consistent schedules”, or “consistent schedules, appendices and maps”. If the latter, a minor amendment is required to correct the syntax (changing “are” to “to be”).

73. RMLA supports proposed Schedule table 17 and considers that a requirement to identify sites including a description of values will assist plan users and local authorities to understand how activities may affect areas of value. We suggest that a link or cross-reference to the site's location on planning maps would further assist.

74. **Recommendations:**

- a. Consider whether Clause 1 should be amended to: To enable consistent schedules, appendices and maps ~~are~~ to be provided in policy statements and plans.
- b. Require that sites/areas identified in schedules include a cross-reference or link to their location on planning maps.

F-1: Draft Electronic Accessibility and Functionality Standard

75. Local authorities are required to comply with baseline accessibility within 12 months of gazetting, and level 5 of the ePlan electronic accessibility and functionality scale (F-1 D) within 5 years. Level 5 sets out "*ePlan spatially integrated with GIS system, allowing click and drill through different map layers and specific rules that apply to particular properties or activities and infrastructure services.*" This will enable users to "click to drill", view the plan in full or through user queries, download and print out, including with the council seal. The standard also allows users to make submissions on a plan change on-line.

76. These standards when achieved will provide for generally efficient and effective online access to plans. However, the transition to ePlanning raises a number of issues.

77. The provisions apply to all local authorities. A number of the larger local authorities have 7 years to comply, however the requirements may place heavier cost and resource load on some smaller local authorities (in population terms) which nevertheless cover substantial geographic areas.

78. Second, a core characteristic of ePlanning and standardisation is the opportunity to realise economies of scale, where the same capabilities including GIS platforms may be applied across small or larger geographic areas at little extra cost – especially if the same standards apply throughout. The Discussion Document noted this potential for efficiencies, including through resourcing at regional council level being made available to the constituent territorial local authorities. This prospect is not raised in section F-1, though it is likely to enhance efficiency, effectiveness and speed of implementation of ePlanning.

79. A third issue is with electronic information is version control, to ensure both that the current or most recent information is available (as per Table 18.6), and that previous information which was relevant at any earlier point in time is also accessible. This record or archive function is important, and the shift to the ePlan standard needs to make provision for this.

80. A fourth issue is maintaining the comprehensiveness of ePlan and its equivalents across all aspects of council functions. While ePlanning is raised here in the context of National Planning Standards, it is a major trend in its own right. This suggests the primary requirement

is to ensure that the transition to ePlanning is efficient and effective, and that an important part of that transitions is compatibility with, and contribution to, national standards. In Discussion Document H, it was noted that *“MfE remains broadly interested in the issues and opportunities associated with advancing an ePlanning system that involves all planning functions moving online. Early areas of focus are likely to be: online consent applications (submission and tracking), online submissions on plans changes, and online forms and fee payment for all services.”* This suggests that in parallel with ePlan development, community interaction with councils will be predominantly on-line (through the planning interface) and that community expectations are likely to be for similar levels of service across other council functions.

F-2: Draft Mapping Standard

81. The mapping standards relate to colour coding for specific zones, and use of symbols.
82. Notwithstanding any issues about the adequacy of the range of zones, the basic requirements are the visual clarity of maps – so that different zones have clearly different colours – and the integrity of the zone groupings – so that similar zones may be distinguishable according to their basic colour, which is also an important aspect of map interpretation.
83. There are six standardised zonings are Residential (4), Rural (4), Commercial (6), Industrial (3), Open Space and Recreation (2) and Conservation (1), plus Special Purpose zones (7+). However, as currently proposed (Table 21 Zone colour palette table) there appears to be close similarity within-zone (for example, Low-density residential and Medium-density residential have very similar colours). Similarly, the Commercial zoning group all have shades of red pink or dark orange which aids interpretation, but the Industrial grouping also includes pink (Light industrial).
84. We recommend consideration be given to re-allocation of the colour palette, so that each major zone (Residential, Commercial, etc) be allocated a distinct main colour (such as yellow, red, green, blue) and that the within-zone colours are distinguishable within that main colour (in similar vein to the proposed Commercial colours).
85. The list of symbols (Table 22 Symbolology table) is brief. We assume that a range of additional symbols to denote points or places of planning significance are able to be included.

F-3: Draft Spatial Planning Tools (Regional) Standard

86. The Standard provides that an overlay spatially identifies an area, feature or item that following a region-wide assessment has been determined to have distinctive values or environmental risks that require management. There are a number of reasons why areas, features or items may be identified in an overlay without a region-wide assessment having occurred. Examples are: where the area is identified through a private plan change, where areas are sequentially identified following sub-regional assessments (eg by catchment), or where additional sites that were not identified in a region-wide assessment are subsequently added by a plan change. We do not consider that the reference to a region-wide assessment is necessary to achieve the objective of standardising the use of overlays.

87. **Recommendation:**

- a. Delete reference to “region-wide” in description of Overlay function.

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

88. We make the same comment with respect to the reference to “district-wide” in the description of the Overlay function in this Standard.

89. **Recommendation:**

- a. Delete reference to “district wide” in description of Overlay function.

F-5: Draft Chapter Form Standard

90. The F-5 provisions set out a chapter form standard which appears generally suitable.

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

91. The F-6 provisions set out a Text and Numbering form standard which appears generally suitable in terms of structure, order and comprehensiveness.

CM-1: Draft Definitions standard

92. Section 2 RMA provides a list of definitions that apply “In this Act, unless the context otherwise requires”. The same formulation is regularly used in Plans. Unlike the Act, the Standard does not enable reference to context to check the appropriateness of applying definitions to particular circumstances, as definitions are described as mandatory, and clause 3d states that the definitions appearing in the definitions table apply wherever the term (or a synonym of a term) is defined in a regional policy statement or plan. Where the Standard uses a definition that is from the RMA, it converts the definition into one that applies regardless of context. We consider that this may lead to unintended consequences, and that it would better provide for the application of legal terms to real life situations if the Standard, like the RMA, provided for definitions that apply “unless the context otherwise requires”. Establishing that context requires that a specified definition does not apply is a high bar, and not likely to occur regularly.

Definition	Comment	Recommendation
Accessory building	Under the draft definitions a 'building' is a subset of a 'structure', i.e. a building is a structure but not all structures are buildings. A primary structure may include accessory buildings/structures in the same way that a primary building includes accessory buildings/structures. For this reason 'accessory building' should be amended to 'accessory structure'.	Amend 'accessory building' to 'accessory structure'.

Bore	A bore is typically drilled. The reference to “constructed” in the definition appears artificial.	Amend to “ <i>any hole drilled or constructed into the ground...</i> ”
Building	There is a potential issue with the ‘building’ definition which applies to any structure “...enclosed with two or more walls and a roof, or any structure that is similarly enclosed”. Infrastructure, e.g. hydro dams, can include internal rooms that are enclosed by walls and a roof but the rooms are not the principal purpose. The same would apply to other enclosed structures, such as tunnels, pipelines, and wind turbine towers. These examples are types of ‘infrastructure’ which are structures that are usually managed differently in policy statements and plans from other types of ‘buildings’. These structures could be classified as a ‘structure’ and specifically excluded from the ‘building’ definition.	Consider the definition of building and whether some structures that are normally regulated as infrastructure should be excluded from the definition. It may not be appropriate to exclude all infrastructure because some infrastructure buildings will be regulated as buildings.
Cleanfill	A distinction between “cleanfill” (i.e. natural material such as clay, gravel, sand, soil and rock which may be deposited on a site as fill during earthworks) and “a cleanfill” (i.e. the site where cleanfill material is deposited) is necessary.	Include definitions of “cleanfill” (site) and “cleanfill material” as per examples such as the AUP.
Drain	It is uncertain whether the definition would capture a canal for irrigation or electricity generation purposes – which are artificial watercourses but are not normally defined as drains. The words “drainage of surface water” may capture water being “carried or taken away” in a canal for hydro / irrigation purposes.	Amend to exclude “ <i>an irrigation canal, water supply race or canal for the supply of water for electricity power generation.</i> ”
Drinking water	We recognise that this definition largely reflects the New Zealand Drinking Water Standards, but the reference to “intended to be used” is subjective and the reference to intention is unnecessary.	Amend to the following: “ <i>Water for human consumption; and includes water for food preparation, utensil washing, and oral or other personal hygiene.</i> ”
Earthworks	The definitions distinguish between land disturbance and earthworks – the latter applies only to land disturbance that changes the existing ground contour or level. The NES for Plantation Forestry uses a very different definition for the term earthworks. This creates a potential conflict when plans attempt to implement the standards and recognise the NES.	Clarify how definitions that are differently defined in national direction are to be applied. Provide guidance for reconciliation of the Standards and the NESPF.

Functional need	The definition does not cover technical, logistical or operational requirements or constraints that impact on the need to locate in a particular environment. This was previously covered in a separate operational need definition.	Include a new definition of operational need, as follows: <i>“The need for a proposal or activity to traverse, locate or operate in a particular environment because of technical or operational characteristics or constraints.”</i>
Ground level	The definition of ground level seems to have been written for subdivisions that include building platforms and doesn't work well for old sites with retaining walls on multiple boundaries with in-fill housing	Consider whether the definition is suitable in those circumstances.
Height	The Standard proposes two definitions for 'height'; one for district plans that uses 'ground level' as the reference point; and the other for a RPS or regional plan that uses different reference points. The district plan 'height' definition is problematic for lake bed or riverbed structures, such as hydro power schemes. Part of the issue stems from the overlapping jurisdiction for lake beds or riverbeds whereby district councils control land use which can extend to land covered in water that amounts to the bed of a lake or river. It is these circumstances where an alternative reference point becomes appropriate, for example using the existing hydro dam crest for the construction of a minor structure on top of the dam, as 'height' assessments relative to 'ground level' become somewhat meaningless. Other alternative reference points include a reduced level elevation (RL) or a water level datum. To address this matter different reference points are required to measure 'height' of 'structures' where it is not practical to use 'ground level' and this will ensure the 'height' definition does not unnecessarily modify an existing permitted activity framework, i.e. where the district plan currently uses a different reference point. We consider that a 'height' definition in district plans that differs from that in a RPS or regional plan only adds unnecessary complexity and a	Include a single definition of height applicable to both district and regional plans, as follows: <i>“The vertical distance between the highest part of a structure and the ground level immediately below or other reference point stated in a rule. The reference point inside the coastal marine area is mean sea level.”</i> Provide guidance to assist in implementation of this definition in rules. For example, guidance could address how rules should address “overall height” where a structure is on a sloping sites and the intention is to regulate the vertical distance between the highest part of the structure and the ground level immediately below the lowest part of the structure.

	single 'height' definition for all policy statements and plans is considered appropriate	
Industrial activity	The definition may exclude existing industrial activities undertaken within industrial zones. In particular, clause (a) needs to be broader than just applying to "goods". For example, a wastewater treatment plant does not involve goods, but the processing of waste materials is industrial in nature and effects. The definition should include a reference to "industrial or trade premises" as defined in the RMA. The MfE Evaluation Report says that the RMA terms are too narrow and circular. By including references to these RMA terms it expressly captures the chain of process from receipt of raw materials through to dispatch or use in another process, and acknowledges that an industrial activity can involve the use, storage, treatment or disposal of waste material, and the discharge of contaminants associated with the industrial or trade process.	Add a new clause (d) to the definition: <i>"including any industrial or trade premises (as defined in section 2 of the RMA)"</i>
Intensive primary production	The definition does not capture all forms of intensive primary production (eg intensive dairy farming or horticulture) but rather captures <u>indoor primary production</u> .	Amend this to be a definition of <i>"indoor primary production."</i>
Reverse sensitivity	Applies to existing lawfully established activities, but not unimplemented consented activities. In contrast, the likes of Policy D of the NPSREG requires decision makers to avoid reverse sensitivity effects on <u>consented</u> and existing renewable electricity generation activities. Given that many infrastructure projects have a long lead from consenting to construction / implementation, the definition of reverse sensitivity should be amended to capture consented activities also.	Amend to cover the situation where the first in time activity is consented but yet to be implemented.
Site	We consider that site has so many different meanings in different contexts that it should be left undefined. The current definition of 'site' is considered unworkable and is a significant issue as the term 'site' is embedded in many of the other definitions. The problems with the definition are: o the definition essentially defines a property, but in plans 'site' can mean a feature or spatial area, a permitted activity area or consent area, all of which may not align to property boundaries; o it is unclear how the definition would be applied in the coastal marine area;	Do not include a definition of site. If a definition is considered essential, it should encompass all of the ways in which site is used, eg: <i>depending on context, means a contiguous area of land, bed or coastal marine area that can be described: a) using legal</i>

	o clause (a) to (e) of the definition all refer to 'land' but the RMA definition of 'land' does not include the bed of a lake or river for the purpose of a regional council function or a regional rule. This is problematic when defining some activities, such as a bridge. o The definitions for 'accessary building' and 'ancillary activity' refer to the principle building/activity or primary activity "on the same site". This becomes problematic under the definition for 'site' which links to the property. For example, a windfarm development (lessee) over a property that continues to be run as a farm (landowner) where to the lessee the primary activity is the windfarm but to the landowner the primary activity is farming. It is unclear if both parties have rights to claim 'accessary buildings' and 'ancillary activities' over the same site. o The definition for 'setback' refers to "...the boundary of its site, or other feature specified in the Plan". Those "other features" should themselves be able to be defined as a site (e.g. a significant natural area, or outstanding landscape). These usually do not align to property boundaries.	<i>identifiers (e.g. legal description or certificate of title); or</i> <i>b) spatially on a plan within which a consented or permitted activity can take place; or</i> <i>c) spatially to identify a feature specified in a policy statement or Plan.'</i>
Stormwater	As written the definition excludes stormwater which does not directly discharge to a waterbody or the CMA. Stormwater which flows to land should also be included.	Amend to refer to: <i>"Water from natural precipitation (including any contaminants it contains) that flows over land or structures (including in a network), to <u>land</u> or to a waterbody or the coastal marine area."</i>
Structure	The standard proposes to amend the definition of structure in the RMA. The MfE Evaluation Report does not provide any evaluation for why the definition differs from that in the RMA. It is unclear whether the RMA or Standard definition would prevail, which creates uncertainty.	Use RMA definition of structure.

93. **Recommendations:**

- a. Amend clause 3b and make any other necessary amendments to specify that definitions apply unless the context otherwise requires.
- b. Amend definitions in accordance with the table above.

CM-2: Draft Noise and Vibration Metrics Standard

94. Part A of the draft Noise and Vibration Metrics Standard requires rules that reflect the latest version of the relevant acoustical New Zealand Standards and “provide a consistent methodology for the management of vibration effects”. Although New Zealand does not have vibration standards, there are appropriate foreign standards that might be referred to, e.g. the German standard DIN 4150-3, for measuring the effects of vibration on structures.
95. Referring to a specific standard may create difficulty should that standard need to be updated. A more appropriate approach would be including a reference to “the most appropriate international standards” and a guidance note indicating how the most appropriate international standards are to be determined and promulgated (e.g. by Standards New Zealand or a nationally recognised and accepted professional body). Any language requiring the “latest version” of these international standards may also benefit from clarity, as some standards (such as DIN 4150-3) have later versions that are yet to be made available in English. Any guidance should specify that it is the most recent English version that needs to be complied with.
96. Paragraph 3 of Part D of the draft Noise and Vibration Metrics Standard refers to “Noise measurement”. This term carries a greater degree of specificity than the more general term “noise assessment”, and may not be the appropriate term with regard to the metrics in the table referenced.
97. Table 30 in Part D of the draft Noise and Vibration Metrics Standard does not include New Zealand Standard 6807:1994 noise management and land use planning for helicopter landing areas. This standard is used nationally, and the reason for its exclusion is unclear.
98. The reference to the Rating Level and LMAX levels in paragraph 4 of Part D of the draft Noise and Vibration Metrics Standard will not always be appropriate, in terms of noise assessment. The Rating Level does not apply to certain specific noise sources, such as aircraft, roads or wind farms, and these should instead be measured in accordance with their relevant standards. To assess these in accordance with 6802:2008 would be incorrect, as that standard explicitly excludes their use.
99. **Recommendations:**
- a. Amend the purpose in Part A to read: *“To require rules that manage noise emissions to reflect the latest version of the relevant acoustical New Zealand Standards and manage vibration effects to reflect the latest version of the appropriate international vibration standards”*.
 - b. Provide a guidance note to indicate the method for determining the most appropriate international standards, and clarifying that “latest version” of such standards means the most up-to-date version currently available in English.
 - c. Amend paragraph 3 of Part D to refer to “noise assessment”, rather than “noise measurement”.

- d. Amend Table 30 to include *New Zealand Standard 6807:1994 noise management and land use planning for helicopter landing areas*.
 - e. Amend paragraph 4 of Part D by adding the following sentence: "*Where there is another applicable acoustical New Zealand Standard listed in Table 30, any rules shall recognise the measurement and assessment methodology of the applicable standard.*"
100. If there is any further opportunity to do so, the RMLA wishes to be heard in support of this submission.



Signature of Karol Helmink on behalf of the Resource Management Law Association

Date: 17 August 2018

Address for Service: [REDACTED]

Telephone: [REDACTED]

Email: [REDACTED]

Contact Person: Karol Helmink

Sent via email: PlanningStandards@mfe.govt.nz

17 August 2018

Attention: Planning Standards Team

Dear Sir/Madam,

Fire and Emergency NZ feedback on phase 1 of the proposed National Planning Standards

Fire and Emergency New Zealand (Fire and Emergency NZ) welcomes the opportunity to provide feedback on the first phase of the National Planning Standards. Fire and Emergency NZ is generally supportive of the overall approach to provide standardisation of plans produced under the Resource Management Act 1991 (RMA). This will support Fire and Emergency NZ in achieving its statutory objectives and functions in an efficient and effective manner.

The feedback in this letter builds on the initial feedback provided to the Ministry for the Environment on 31 July 2017. That letter outlined the roles and responsibilities of Fire and Emergency NZ and how the National Planning Standards could assist Fire and Emergency NZ in meeting its obligations under the Fire and Emergency New Zealand (FENZ) Act 2017 within the RMA framework.

As outlined in the previous feedback provided to the Ministry for the Environment, Fire and Emergency NZ's principal objective under the FENZ Act is to reduce the incidence of unwanted fire and its associated risk to life and property. It is also charged with providing fire prevention, response and suppression services as well as other emergency response for hazardous substances, transport accidents and other incidents. Fire and Emergency NZ's responsibilities are to protect and preserve life (including limiting injury), to prevent or limit damage to property or land, and to prevent or limit damage to the environment.

As such, Fire and Emergency NZ monitors development regulated under the RMA to ensure that, where necessary, appropriate consideration is given to fire safety, emergency preparedness and the health and safety of people and communities.

There are three key topics of relevance to Fire and Emergency NZ within the National Planning Standards, being District Wide Matters Standard, Definitions and Metrics. Each topic is outlined within the following sections of this letter.

1. District Wide Matters Standard (S-DWM)

As noted, Fire and Emergency NZ submits on a number of resource consent applications and plan changes where it considers its operational requirements, notably the provision of adequate firefighting water supply and suitable access for fire appliances, has not been appropriately considered in development proposals. In the high majority of submissions on subdivision and land use consents, Fire and Emergency NZ requests that a condition or standard be imposed requiring compliance with the New Zealand Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 (the Code of Practice) to providing dedicated firefighting water supply and access to that water supply.

Fire and Emergency NZ therefore supports proposed standard S-SUB which would allow for other documents for the management of subdivisions, such the Code of Practice, to be included within the *Subdivision Chapter*

2. Definitions

Proposed definitions supported by Fire and Emergency NZ

Fire and Emergency NZ is supportive of the proposed definitions for the following terms:

- Ancillary activity;
- Minor residential dwelling;
- Residential activity;
- Residential unit; and
- Reverse sensitivity.

Additional definitions to consider including within the template definitions

a. Emergency services

Fire and Emergency NZ supports the inclusion of a definition for community facilities as there are currently inconsistencies across New Zealand. However, emergency services and associated facilities are sometimes included within the definition of 'community facility' (and therefore the associated rules) which can be problematic.

Some examples of how 'emergency services' are defined in various plans around the country is as follows:

Plan	Reference to 'emergency services' in definitions
Auckland Unitary Plan	Defines "emergency facilities" separately to "community facilities"
Thames-Coromandel District Plan	Within "Community facility" definition
New Plymouth Draft District Plan	Defines "emergency service facilities" separately to 'community facilities'
South Taranaki District Plan	Defines "emergency facilities"
Hurunui Operative District Plan	Within "Critical infrastructure" definition
Christchurch Replacement Plan	Within "Community facility" definition – separate rule for fire stations.
Queenstown Proposed Plan	Within "Community Activity" definition
Dunedin Proposed Plan	Defines "emergency services"

The proposed definition of 'community facility' within the draft National Planning Standards contains reference to "*non-profit facilities for the primary use for ... safety and welfare...*", which could be interpreted to include emergency services facilities such as fire stations. Fire and Emergency does not consider that this definition should be used when planning for "emergency services" within planning documents.

Within the original discussion document released by MfE, "emergency services" was identified as a definition that could be standardised. This definition is not included within the draft National Planning Standards Document. Fire and Emergency NZ would like to suggest the MfE considers including an "emergency services" definition within the planning standards. This would provide national consistency for emergency

service providers and save time and money for Fire and Emergency in having to regularly review and submit on definitions. The use of a fire station is different from many other community facilities such as a town hall, sports club, church or welfare centre. Fire stations provide a specific community service, however they are not available for general community use and typically would have different effects from other community facilities.

For this reason, and to provide clarification and certainty, Fire and Emergency NZ suggests that "emergency services" are defined separately to "community facilities." The inclusion of reference to "safety and welfare" within the "Community Facilities" definition may have unintended consequences as it covers a broad range of services. "Emergency services" could be specifically excluded from this rule to provide clarification as to which activities are covered by which rules.

The Civil Defence Emergency Management Act 2002 defines 'emergency services' as:

"means the New Zealand Police, Fire and Emergency New Zealand, and providers of health and disability services"

Fire and Emergency NZ requests that the definition of "community facility" be amended to exclude emergency services and that a new definition of 'emergency services' using the Civil Defence Emergency Management Act 2002 definition, is added to the National Planning Standards.

b. Dwelling

Dwelling is defined in different plans in various different ways. While dwelling could be considered as a relatively implicit word, without a standard definition, how "dwelling" is used within a rule could have unintended consequences, especially when used within a definition for firefighting water supply. If "habitable room" includes reference to commercial buildings, then including reference to the "dwelling" within the rule for firefighting water supply would ensure that compliance with Code of Practice is achieved in the most appropriate way for a dwelling in all zones.

Therefore Fire and Emergency NZ requests that a definition of "dwelling" is included within the National Planning Standards as defined in the RMA:

Dwelling means the same as "dwelling house" as defined in Part 2 of the RMA 1991-

"means any building, whether permanent or temporary, that is occupied, in whole or in part, as a residence; and includes any structure or outdoor living area that is accessory to, and used wholly or principally for the purposes of, the residence; but does not include the land upon which the residence is sited."

Fire and Emergency NZ would be happy to discuss the inclusion of these additional definitions with MfE.

3. Summary

Overall, Fire and Emergency NZ is supportive of the proposal to create national planning standards and requests that MfE considers the matters that have been raised above when progressing with the development of these standards.

Fire and Emergency NZ is happy to work with MfE to develop appropriate plan provisions that support a standardised approach to the management of Fire and Emergency NZ related activities.

17 August 2018

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

By Email: planningstandards@mfe.govt.nz

Dear Sir/Madam,

Please find **enclosed** submission on the Draft National Planning Standards on behalf of Arvida Group Limited.

Please do not hesitate to contact the undersigned if you have any questions.

Yours faithfully,

Haines Planning Consultants Limited



Daniel Shao | Associate

2165 ARVIDA DNPS SUB CVR LTR



SUBMISSION BY ARVIDA GROUP LIMITED

ON THE DRAFT NATIONAL PLANNING STANDARDS

Introduction

1. Arvida Group Limited ("Arvida"), c/- Haines Planning Consultants Limited at the address for service below, makes this submission on the Draft National Planning Standards ("DNPS").
2. Arvida was formed in 2014 and now has 29 retirement villages across New Zealand. Each village operates independently and expresses its own character and identity.
3. As a retirement village operator, Arvida has an emphasis on providing a continuum of care from independent living through to specialised aged-care services. Arvida provides care services and accommodation to almost 4,000 residents, and employs approximately 276 registered nurses, 1,140 caregivers, and other village and support centre staff.
4. An Arvida village may comprise any, or all, of the following:
 - Independent living units.
 - Serviced apartments.
 - Care facilities, including rest homes, hospitals and dementia facilities.
 - Ancillary facilities, for example residents' lounges, cafes, libraries, theatres, hairdressers, swimming pools and other recreational and entertainment facilities.
5. Arvida has an active, nation-wide pipeline of brownfield and greenfield development projects and, as such, it is often involved with the resource consent process. It is acutely aware of the current inconsistencies in both the structure and substance of planning documents promulgated under the Resource Management Act 1991 ("RMA") and the associated difficulties and inefficiencies these bring. Arvida is therefore supportive of the DNPS's purpose in introducing a degree of consistency to a targeted set of planning provisions which can apply across New Zealand.

The Submission

6. This submission only relates to the proposed definition of "retirement village premises".
7. Under the DNPS, it is proposed that retirement village premises will have the same meaning as in section 226A of the RMA (CM-1: Draft Definitions standard, page 87).
8. Section 226A is titled "*Savings in respect of cross leases, company leases, and retirement village leases*", and falls under Part 10 of RMA, which relates to "Subdivision and reclamations".
9. Section 226A(3) states "*for the purposes of this section, retirement village premises 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.*"
10. The above definition serves a specific purpose in respect of retirement village leases, and does not currently have any meaning outside of section 226A(3). Indeed, Arvida considers that this definition does not adequately capture the range of activities that are typically found in a modern retirement village. If adopted in the DNPS without amendment, it will have the effect of precluding most integrated retirement villages with care and communal facilities.
11. Arvida seeks the following changes to the definition of retirement village premises:

means premises (including any land and associated buildings) within a complex of premises for occupation as residences and/or care facilities predominantly by persons who are retired and any spouses or partners of such persons, and may include accessory recreation, leisure and supported residential activities.
12. If there is any further opportunity to do so, Arvida wishes to be heard in support of this submission.
13. Arvida would be pleased to discuss the content of this submission with the relevant staff at the Ministry for the Environment.



Daniel Shao - Haines Planning Consultants Limited

On behalf of Arvida Group Limited

Date: 17 August 2018

Address for Service:

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

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

2165 ARVIDA DNPS SUB

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*	Wendy Saunders
Organisation (if applicable)	GNS Science
Address	
Phone	
Email*	

Submitter type*	Individual	☐
	NGO	☐
	Business / Industry	☐
	Local government	☐
	Central government	☐
	Iwi	☐
	Other (please specify)	X Crown Research Institute

* 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

In principle yes, with recommended amendments discussed in the following sections.

By way of background, GNS Science has been researching planning for natural hazards, and applying this research, for more than 15 years. We now have a team of three planners with a sole focus of natural hazards planning. This research has produced a number of guidance documents, science reports, and journal articles, many with the support of MfE, and all of which are publicly available. We undertake our research with the intention of improving planning practice for natural hazards in New Zealand. We therefore wish to contribute our knowledge to the development of the National Planning Standards. Our submission points are focused on improving the way the Draft National Planning Standards enable best practice planning for natural hazards, noting that the general aspects of best practice for natural hazards are also best practice for all planning.

2. S-RPS: Draft Regional Policy Statement Structure Standard

We recommend that 'Natural Hazards' is specifically identified as a theme for inclusion in regional policy statements, in Part 4 – Themes. Regional policy statements are essential for setting the direction for natural hazard management within a region, and are particularly important in the absence of any national direction on natural hazards. The management of significant risk from natural hazards is now a matter of national importance in section 6 of the Resource Management Act 1991 (RMA), which justifies the specific identification of this theme in the national standards. Every regional council in New Zealand has natural hazards it needs to manage, and s30 of the RMA specifies the control of the use of land for the purpose of the avoidance or mitigation of natural hazards as being a function of regional councils. It is not appropriate to include natural hazard risk as a sub-set of 'environmental risk' – it warrants its own specific chapter in an RPS.

3. S-RP: Draft Regional Plan Structure Standards

For the reasons given above, we recommend that 'Natural Hazards' is specifically identified as a theme for inclusion in regional plans, in Part 4 – Themes. Regional councils play a significant role in the management of natural hazards, and regional rules and maps, in particular, are essential tools.

4. S-DP: Draft District Plan Structure Standards

While we are supportive of natural hazards being identified as a district-wide matter, we recommend that it is included as its own matter, rather than as a sub-set of 'environmental risk'. This would more appropriately give effect to the fact that the management of significant risk from natural hazards is a matter of national importance.

We recommend some improvement to the way the spatial planning tools in the Forms standards are integrated with the structure standards. Spatial planning tools are a key part of the overall planning framework. Some sort of mapping is essential to the operation of most rules. Therefore, a reference to the spatial planning tools that are available, in the structure standard, would be helpful. In addition, it appears there is an intention to standardise the use of particular spatial planning tools with particular types of chapters, as the consultation document supporting the Draft National Standards states (on page 16) that *"topic-based chapters apply district-wide provisions and provisions that apply within overlays."* This is not made clear in the structure standard. While it may be obvious that the zone spatial tool would be used in conjunction with the zone chapters, it is less obvious which type of chapters would use the other spatial tools, for example overlays.

5. **S-CP: Draft Combined Plan Structure Standards**

We recommend that our requests outlined in the sections above for the structure of regional policy statements, regional plans and district plans, be applied to the combined plan structure as well, for the reasons given above.

6. **S-TW: Draft Tangata Whenua Structure Standard**

GNS Science is currently undertaking research on the role of Iwi Management Plans in hazard management. We are supportive of the structure standards for the tangata whenua chapter.

7. **S-DWM: Draft District Wide Matters Standards**

In line with our recommendations above, we recommend that an additional chapter is added to the district wide matters standards, so that natural hazards has its own chapter, rather than being a section within the 'environmental risk' chapter. This would more appropriately give effect to the fact that the management of significant risk from natural hazards is a matter of national importance.

8. **S-ASM: Draft Area Specific Matters Standards**

We recommend that a 'hazard avoidance zone' and a 'hazard management zone', or similar, be included in the list of possible zones for district plans. There are certain hazard management situations where a zone is necessary, rather than an overlay, as the only rules that should apply within the area relate to hazards. For example, a fault avoidance zone needs its own specific rules, supported by objectives and policies, and would not operate appropriately as an overlay, where underlying zone rules still apply. In addition, should managed retreat be progressed in plans as a means of managing impacts of hazards or sea level rise, a managed retreat zone may be implemented, with a complete set of objectives, policies and rules to manage this process.

We are concerned that the current wording of Mandatory Direction 7 would preclude a council using a Special Purpose zone for hazard avoidance. This is because Mandatory Direction 7 (pasted below) is set up for enabling activities and development, and does not appear to contemplate use of a zone to restriction or prohibit development. Therefore, we see the need for an additional hazard avoidance zone and hazard management zone.

Mandatory Direction 7:

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.*

Possible wording for the purpose statement of a hazard avoidance zone could be: *the purpose of the hazard avoidance zone is to avoid risk from natural hazards within the zone.*

Possible wording for the purpose statement of a hazard management zone could be: *the purpose of the hazard management zone is to control activities to manage risk from natural hazards and/or sea level rise.*

9. F-2: Draft Mapping Standard

In line with our request above to include an additional hazard avoidance zone and hazard management zone, we recommend that two additional rows be added to Table 21: Zone colour palette table, for these two types of zones. We recommend that more than one colour shade is made available in each zone, to give flexibility to councils that need to use more than one hazard avoidance zone or hazard management zone with different corresponding rules, policies and/or objectives (e.g. fault avoidance and erosion avoidance).

Table 22 (Symbolology table) includes one symbol for four types of hazard (coastal, flood, volcanic, fault) and one symbol for fault lines. This limited range has the potential to severely limit the ability of councils to appropriately manage risks from natural hazards, including significant risk, which is a matter of national importance. GNS Science supports the concept of standards for mapping natural hazards, and recognises that the proposed standard is a minimum. However, we recommend that the overlay options for hazards, and how they are represented on planning maps, be further reviewed, and we would welcome the opportunity to contribute further to the development of this standard. Appendix 1 to this submission provides details on the key matters we suggest are considered when reviewing the mapping standard. Dr Wendy Saunders has a report pending on mapping of natural hazards for land use planning, which will be forwarded to MfE once it is officially released. In addition, GNS Science has produced a number of publications that comment on and make recommendations on mapping of natural hazards in RMA plans. Our suggestions in Appendix 1 are informed by this research. Appendix 1 also provides examples of relevant guidance, and a list of relevant GNS Science publications.

10. F-3: Draft Spatial Planning Tools

We support the inclusion of zones as spatial planning tools, but are concerned that the draft standard limits their application in regional plans. The function statement includes the following sentence: *In regional plans, a zone only applies to the coastal marine area.* We recommend that this sentence is deleted. While zones may usually only be used in coastal marine areas in regional plans, there is no barrier in the RMA to using them in other circumstances. In particular, we do not want to see the option of regional councils using zones for hazard management foreclosed, when this is an option open to regional councils under the RMA. Regional rules are the only method currently available under the RMA to manage and override existing use rights, and so are an important tool in the context of management of significant risk and managed retreat. It is not unforeseeable that a 'managed retreat zone', or similar, may be a tool used in a regional plan in the future.

Overlays are a key spatial planning tool for managing the risks from natural hazards. In line with our submission points above, we consider that natural hazards need to be acknowledged separately, and not as a sub-set of environmental risk. As such, we recommend that the wording of the function of an overlay is changed so that it specifically refers to natural hazards, as well as environmental risk.

11. F-4: Draft Spatial Planning Tools (District)

We request that our recommendation above for separately identifying natural hazards in the overlay function description is also applied to this district plan standard.

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

In line with our requests above for natural hazards to be specifically identified as its own theme and chapter, rather than as a sub-set of environmental risk, we recommend that the objectives example on page 69 is changed. In addition, we recommend that Table 28 (numbering table) is updated to reflect our request.

13. CM-1: Draft Definitions Standard

We support the inclusion of a definition of natural hazards that replicates the definition in the RMA.

We would like to see other definitions relevant to natural hazard management included in future National Planning Standards, and would appreciate the opportunity to contribute to the development of these.

Other comments

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

This submission has been drafted by Dr Wendy Saunders and Emily Grace, Natural Hazard Planners at GNS Science. It is based on the information provided in the June 2018 Ministry for the Environment report, Draft National Planning Standards, and informed by the significant body of research on planning for natural hazards undertaken at GNS Science. Please let us know if you would like to discuss our submission, or would like advice on the outcomes of our research.

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.

Appendix 1: Summary of key considerations for mapping of natural hazards

Using hazard zones and overlays on planning maps is an essential component to implementing an effective planning framework for the management of natural hazards. The maps work in conjunction with the rules, and the mapping of natural hazards cannot be considered separately from the management approach contained in the objectives, policies and rules.

Following are five key matters that we suggest are considered in the further development of the mapping standard (based on the extensive research we have done on planning for natural hazards).

1. Types of hazards

The National Planning Standard needs to allow for more hazards than it currently does. Detailed and specific hazard management approaches need to be able to apply different rules and standards within different mapped hazard areas. All hazards have varying consequences, and there needs to be an ability to tailor planning responses appropriately. For example, different floor levels for buildings may apply within different flood hazard areas (e.g. river corridor, overflow path, ponding). Volcanic hazards include pyroclastic flow areas, lahar paths, bombs, ashfall, geothermal activity, and caldera boundaries, which could all be managed with different types of rules and standards (although we note that volcanic hazards are very rarely included in RMA plans). Similarly, 'coastal' could include inundation, erosion, sea level rise, and tsunamis, again, each with their own unique planning responses required. Liquefaction is not currently specified, but poses a hazard in a number of locations across New Zealand, and needs to be included in the mapping standards, again, with different sub-categories to match the different planning response required. Landslides are also not currently included, but also pose a hazard in a number of locations across New Zealand, and can be triggered by both extreme weather and earthquake shaking. Land instability needs to be included as a separate hazard, with the option for sub-categories.

2. Management of uncertainty

Different rules and standards are needed to address different levels of uncertainty in hazard extent. This requires the ability to include different overlays to identify different levels of uncertainty. For example, for active faults, different categories of well defined, distributed or poorly constrained location, with corresponding rules with varying degrees of control, can be, and are, used successfully in RMA plans (see Figure 1 below). The option of applying a detailed and specific planning framework to manage natural hazards needs to be kept open in the National Planning Standards.

In addition, the ability to implement an adaptive management framework to address issues such as climate change, which is a framework for addressing uncertainty in the timing of the onset of particular consequences, needs to be maintained in the mapping standard.

3. Addressing 'overlapping' hazards

Locations can often be affected by multiple natural hazards. For example, a parcel of land can have an active fault located through it, as well as being on a flood plain. If one polygon is provided for each of these i.e. you cannot differentiate between the two, then the policy and rule framework will not be able to provide appropriate restrictions. It also does not provide certainty as to what the hazard is that has required the overlay. An example of a district plan map which provides multiple hazard overlays is shown in Figure 1.

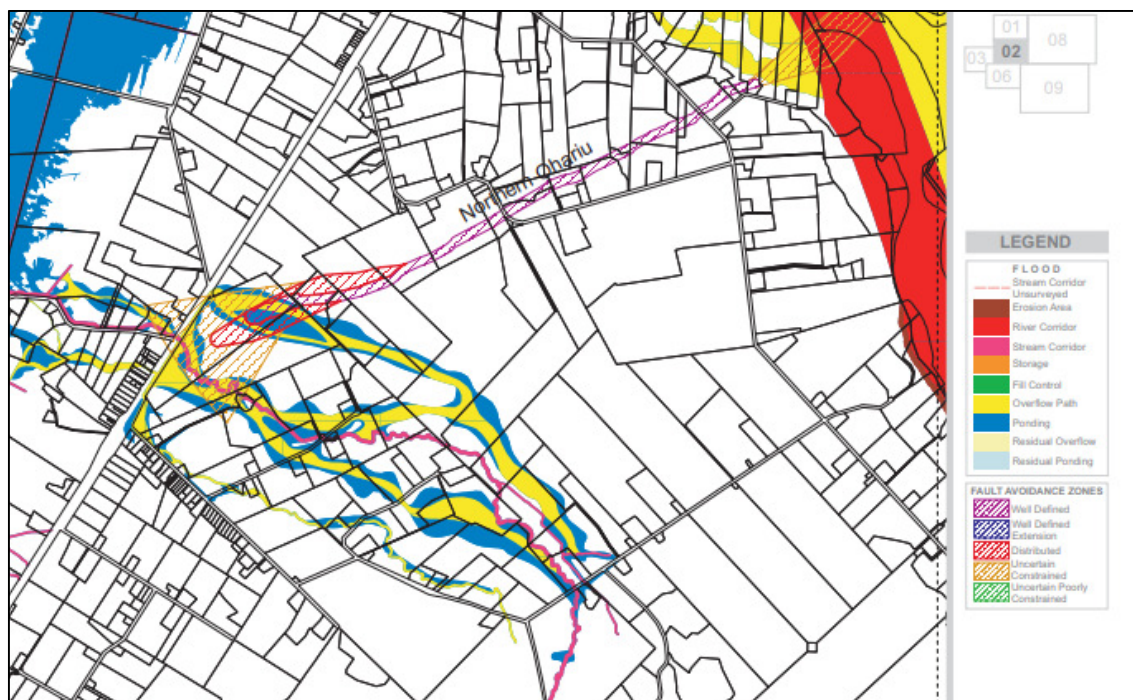


Figure 1: Exert from Map 02 Natural Hazards, Kapiti Coast District Council Planning Maps, 2010.

Figure 1 clearly shows the location of the Ohariu fault and flood areas, with subcategories. If these areas were all one polygon (as under the current draft mapping standard), the details of these – and associated policies and rules - would be lost.

4. Managing risk

The Christchurch City Plan provides an example of subcategories for land instability, which implements a very specific rule framework that addresses varying levels of risk (rather than just hazard) (Figure 2 below). Mapping of risk is rare in RMA plans, but should be enabled and encouraged, as it is a very sophisticated and effective way to achieve the purpose of the RMA. The Christchurch framework would not work without the ability to include a number of different overlays for different levels of risk. The mapping standard should maintain this ability.

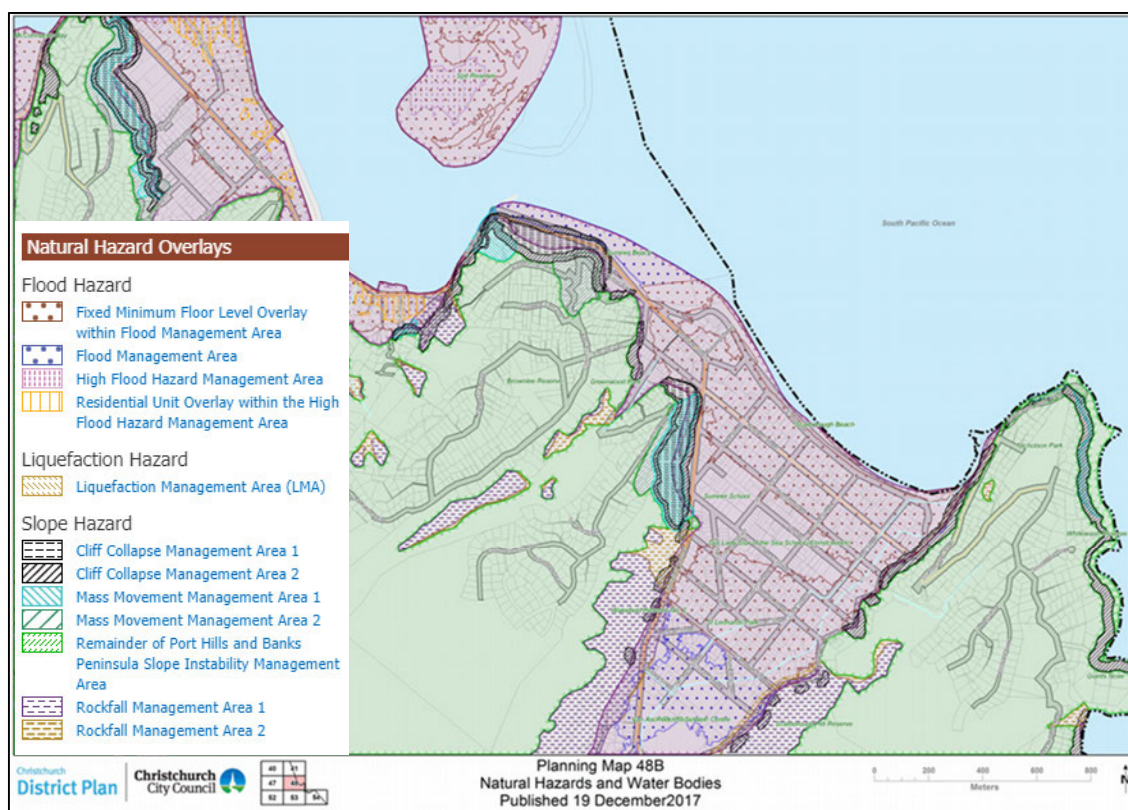


Figure 2: Subcategories of land instability, Christchurch City Council Planning Map 48B, 2017.

5. Consistency in mapping format

In addition to the above natural hazard specific points, the following good practices should be encouraged for all maps, and included in the National Planning Standard:

- North point
- Scale
- Title
- Clear readable legend
- Date
- Publisher (e.g. Council name)
- Map reference number

Further detail on general good practice for mapping can be found on the Quality Planning website (<http://www.qualityplanning.org.nz/index.php/manual/imposing-penalties/10-useful-links/511-maps>)

Publications

Examples of guidance on planning for natural hazards, including mapping, are listed in Table 1 below.

Table 1: Examples of Natural Hazards Guidance, current in 2014

Agency	Year	Publication
Ministry for the Environment	2003	Planning for the development on land on or near active faults (Kerr et al., 2003)

Agency	Year	Publication
	2008	Coastal hazards and climate change: a guidance manual for local government in New Zealand (MfE, 2008)
	2009	Preparing for coastal change: a guide for local government in New Zealand (MfE, 2009)
	2010	Tools for estimating the effects of climate change and flood flow: a guidance manual for local government in New Zealand (MfE, 2010b)
	2010	Preparing for future flooding: a guide for local government in New Zealand (MfE, 2010a)
Standards New Zealand	2004	Risk management guidelines: companion to AS/NZS 4360:2004 (Standards New Zealand, 2004)
	2008	Managing flood risk: a process standard NZS 9401 (Standards New Zealand, 2008)
	2009	Risk management – principles and guidelines AS/NZS 31000 (Standards Australia/New Zealand, 2009)
GNS Science	2007	Guidelines for assessing planning policy and consent requirements for landslide prone land (Saunders & Glassey, 2007)
	2008	Pre-event recovery for land use in New Zealand (Becker, Saunders, Hopkins, Wright, & Kerr, 2008)
	2011	Incorporating tsunami inundation modelling into land-use planning (Saunders, Prasetya, & Leonard, 2011)
	2012	When should liquefaction be considered in land use planning? (Saunders & Berryman, 2012)
	2013	Risk based land use planning for natural hazard risk reduction (Saunders, et al., 2013)
Centre for Advanced Engineering (CAE)	1998	Owning the future: integrated risk management in practice (Elms, 1998)
	2004	Planning for natural hazard risk in the built environment (CAENZ, 2004)
	2009	Land-use planning for natural hazards: stewardship for the future (CAENZ, 2009)
Other	1986	Creating flood disasters? (Ericksen, 1986)
	2003	Planning for sustainability: New Zealand under the RMA (Ericksen, et al., 2003)
	2013	Quality Planning 'natural hazard' guidance note (Quality Planning, 2013)

More recent guidance:

Case study D: Static versus dynamic inundation mapping. In Bell, R., Lawrence, J., Allan, S., Blackett, P., & S. Stephens, 2017: *Coastal hazards and climate change: guidance for local government*. Ministry for the Environment, Wellington (i.e. p157).

Assessment and mapping. In Ministry for the Environment & Ministry for Innovation, Business & Employment, 2017: *Planning and engineering guidance for potentially liquefaction-prone land*, Ministry for Innovation, Business & Employment, Wellington (e.g. p58)

Relevant GNS Science publications:

Grace, E.S.; Saunders, W.S.A. 2016 **Good practice case studies of regional policy statements, district plans, and proposal plans**. Lower Hutt, N.Z.: GNS Science. *GNS Science report 2015/03*. vi, 82 p.; doi: [10.21420/G2RP4B](https://doi.org/10.21420/G2RP4B)

Saunders, W.S.A.; Massey, C.I. 2016 **Using quantified risk assessment results in land use plans : a case study of post-earthquake planning for land instability in the Port Hills, Christchurch**. p. 110-115 In: Johnston, D.M.; Gunn, H.; McSaveney, E.R.; Coomer, M.A. *Proceedings of the 4th International Conference on Urban Disaster Reduction (4ICUDR)*. Lower Hutt, N.Z.: GNS Science. GNS Science miscellaneous series 98

Saunders, W.S.A.; Ruske, M.; Coomer, M.A. 2015 **Natural hazards : RMA plan analysis to manage existing use rights and implementation of the New Zealand Coastal Policy Statement 2010**. Lower Hutt, N.Z.: GNS Science. *GNS Science report 2015/30*. 78 p.

Saunders, W.S.A.; Ruske, M.; Coomer, M.A. 2015 **Natural hazards : plan analysis of existing use rights and the implementation of the New Zealand Coastal Policy Statement 2010 : protocol and data report**. Lower Hutt, N.Z.: GNS Science. *GNS Science report 2015/31*. 171 p.

Mieler, D.H.; Beban, J.G.; Saunders, W.S.A. 2014 **Land use planning policies and initiatives in San Francisco for earthquake : what can Wellington learn?**. Lower Hutt, NZ: GNS Science. *GNS Science report 2014/47*. 52 p.

Saunders, W.S.A.; Beban, J.G. 2014 **Petone Plan Change 29 : an example of science influencing land use planning policy**. Lower Hutt, NZ: GNS Science. *GNS Science report 2014/23*. 56 p.

Saunders, W.S.A.; Beban, J.G.; Coomer, M.A. 2014 **Analysis of natural hazard provisions in regional policy statements, territorial authority plans, and CDEM Group Plans**. Lower Hutt, NZ: GNS Science. *GNS Science report 2014/28*. 72 p.

Saunders, W.S.A.; Beban, J.G.; Taig, T.; Morris, B.; Mieler, D.H.; Massey, C.I. 2014 **Case studies on national and international approaches to risk reduction through land use planning**. Lower Hutt, NZ: GNS Science. *GNS Science report 2014/46*. 67 p.

Saunders, W.S.A.; Grace, E.S.; Beban, J.G. 2014 **Overview of the state of land use planning for natural hazards in New Zealand**. Lower Hutt, NZ: GNS Science. *GNS Science report 2014/63*. 30 p.

Saunders, W.S.A.; Ruske, M. 2014 **Data from analysis of natural hazard provisions in regional policy statements, territorial authority plans, and CDEM group plans**. Lower Hutt, N.Z.: GNS Science. *GNS Science report 2014/55*. 1 DVD

Saunders, W.S.A.; Ruske, M. 2014 **Tabulated results from review of natural hazard provisions in regional policy statements, territorial plans, and CDEM group plans**. Lower Hutt, NZ: GNS Science. *GNS Science report 2014/04*. 84 p. + 1 appendix

Beban, J.G.; Saunders, W.S.A. 2013 **Planning for risk : incorporating risk-based land use planning into a district plan**. Lower Hutt: GNS Science. *GNS Science miscellaneous series 63*. 52 p.

Saunders, W.S.A.; Beban, J.G.; Kilvington, M. 2013 **Risk-based land use planning for natural**

hazard risk reduction. Lower Hutt: GNS Science. *GNS Science miscellaneous series 67.* vi, 97 p.

Saunders, W.S.A.; Berryman, K.R. 2012 **Just add water : when should liquefaction be considered in land use planning?**. Lower Hutt: GNS Science. *GNS Science miscellaneous series 47.* 13 p.

Saunders, W.S.A.; Prasetya, G.; Leonard, G.S. 2011 **New Zealand's next top model : integrating tsunami inundation modelling into land use planning.** Lower Hutt: GNS Science. *GNS Science miscellaneous series 34.* 37 p.

Draft National Planning Standards Submission

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*	Liam Hodgetts	
Organisation (if applicable)	New Plymouth District Council - Management Submission	
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Submitter type*	Individual ☐ NGO ☐ Business / Industry ☐ Local government ☒ Central government ☐ Iwi ☐ Other (please specify) ☐ Click here to enter text.	

* Questions marked with an asterisk are mandatory.

Draft first set of National Planning Standards

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

The New Plymouth District Council (NPDC) considers that the draft National Planning Standards will provide a nationally consistent framework which will result in Plans that are simpler to prepare, and easier for plan users to understand, compare and use.

NPDC is in the process of reviewing its District Plan and has worked as a pilot council, providing on-going feedback on the National Planning Standards. The Council has written a Draft District Plan into an e-plan that is based on the national planning standards. Refer to <https://districtplan.npdc.govt.nz/eplan/>

In preparing the Draft District Plan, NPDC has worked closely with Ministry for the Environment (MfE) staff. NPDC staff have shared their practical expertise on the implementation of the standards. Workshop sessions have been held with MfE on plan structure, the e-plan platform, GIS symbology and the rule format.

In this regard NPDC is encouraged to see that many of the Draft District Plan ideas have been incorporated into the National Planning Standards. It is noted that the Draft District Plan is referenced as an example Plan that applies some of planning standards requirements. It is also noted that a similar rule framework to the Draft District Plan has been adopted. In the recent MfE workshops on the National Planning Standards MfE referenced the Draft District Plan as a key example of an e-plan.

NPDC consider it is most efficient to closely align the notification of its Proposed District Plan with the formal adoption of the National Planning Standards scheduled for April 2019. However, there is some risk to NPDC if there are significant changes to the National Planning Standards or the matters identified in this submission are not incorporated. As a precautionary measure NPDC requests that it is provided with a seven year gazettal period, as for recently reviewed District Plans. This is on the basis that most of the work on the Proposed District Plan has already been undertaken.

NPDC would like to continue to work with MfE staff to ensure that the standards can be effectively implemented in the local government context. It is intended that the Proposed District Plan is publicly notified following the release of the National Planning Standards.

Standardising the format, overlays, zones and some definitions as set out in the National Planning Standards will significantly reduce time, money and resource for District Plan Review(s). The standards will enable focus on the appropriate planning response, rather than planning tools and frameworks.

In particular NPDC supports the requirement for an e-plan focus. Working with Isovist Ltd, we have delivered an online platform providing a one stop shop for planning. E-plans make planning and property information more accessible to people allowing citizen led enquiries. There are some parts of the National Planning Standards that can be delivered more effectively to plan users in Plans that have a high level of e-ability. There is a lot of untapped potential in e-planning that the standards need to be flexible enough to adapt to. It is requested that when technology solutions deliver a better outcome than the paper based requirements of the standards that there are exemptions from the more traditional outcomes in the National Planning Standards.

2. **S-RPS: Regional policy statement structure standard**

Comments are provided on Regional Planning documents where there are overlaps with District Planning functions. Regional and District Councils essentially will follow the same structure. This makes for more aligned Plans creating opportunities to share resources between councils more easily. It also allows for increased cooperation on cross-boundary resource management issues identified in Plans. However, NPDC does have some concerns with the structure; namely Part 1 Introduction and General Provisions (specifically National Direction Instruments) and Part 2 – Tangata Whenua

Part 1 Introduction and General Provisions (specifically National Direction Instruments):

While it is noted that Part 1 provides a section to list national direction instruments in the form of Table 13, there is no mandatory section outlining how they will give effect to those relevant higher order documents in a strategic framework. For example, if a Regional Council has within its jurisdiction a territorial authority identified as a high growth under the NPS-UDC, it is reasonable to expect that the Regional Policy Statement will indicate how it is giving effect to the NPS-UDC. Instead Table 13/14 requires that Plans detail the relevant review or plan change has given effect but does not require 'how' it has been given effect to.

To address this, Significant Resource Management Issues should be replaced with mandatory Strategic Direction (in line with Draft District Plan Structure Standard) which demonstrate how the Regional Policy Statement is giving effect to national direction instruments or that Table 13/14 is amended to require that Plans detail which specific policies give effect to the relevant national direction instruments.

Part 2 – Tangata Whenua

NPDC does not support the mandatory inclusion of all parts of the Tangata Whenua section, as it will not allow consideration to reflect local circumstances and relationships. See comments on District Plans relating to Part 2 Tangata Whenua in District Plan Structure Standard.

a. Parts 3 and 4 – Core policy statement provisions

Insert a new mandatory Strategic Direction section outlining how the RPS will give effect to national direction instruments and Significant Resource Management Issues.

Part 4

NPDC support the use of themes. It is recognised that regions do differ throughout the country and most Councils will have regionally specific issues that need to be addressed. However, many matters can be generalised under themes. It is noted that District Plans have a "Draft Area Specific Matters Standard" which provides purposes statements for zones. It is suggested that Regional Policy Statements would benefit from a similar "Theme Specific Standard" that provides purposes statements on what the themes cover.

Putting aside the above comment, it is not clear where strategic regional urban growth matters are to be addressed - presumably under the "Special Topics" theme. This is especially important for those Councils which have special requirements under the NPS-UDC.

NPDC suggest a new "Urban Growth" theme is inserted under the Infrastructure and Energy theme. Alternatively a new section called "Urban Form and Growth" could cover Historic Heritage, Regional Growth and any other relevant regional direction.

- b. Part 5 – Evaluation and Monitoring – N/A.**
- 3. S-RP: Regional plan structure standard – N/A.**
- 4. S-DP: District plan structure standard**

See comments below.
- 5. S-CP: Combined plan structure standard – N/A.**
- 6. S-IGP: Introduction and general provisions standard – Part 1 of all plans and policy statements**

This part of NPDC’s submission focuses on the Draft District Plan Structure Standard.

a. Introduction chapter

NPDC support this section with the following amendments:

Notification: NPDC suggests that a new sub-section is added that specifically covers notification. Under the Notification sub-section, Plans would be required to explain how/when resource consents will be notified. The notification sub-section should be flexible and allow discretion on how notification will be determined (i.e. via a generic statement and/or through rule specific notification/non-notification statements).

Tables 7, 8, 9 and 10:

There is potential for a digital solution in the e-plan that would remove the need for a chapter for proposed Tables 7 to 9 altogether that is user friendly for Plan users. It is requested that if updates information is delivered in an alternative electronic format with a high level of e-plan functionality that the need to provide these tables is removed. In regards to proposed contents table in Table 10, it is requested that the first column is removed as there is no numbering required for chapters or subsection headings. NPDC supports no numbering for the e-plan framework because it creates a more user friendly experience for the e-plan user. NPDC’s Draft District Plan specifically avoided numbering chapter numbering for this vary reason.

Supplementary Guidance: There is an opportunity to standardise this information in Plans and provide a direct link to MfE information. This would cover standard information on “what is a resource consent?” activity status descriptors etc.

b. How plan works chapter

NPDC support this section with the following amendments:

General Approach: NPDC suggests replacing the sub section name ‘General Approach’ with

‘RPS/Regional/District/Combined Plan Overview’ instead. This term is more user friendly and understandable to lay people.

Legal Effect: Statements should be provided to indicate that this sub-section is only applicable during proposed or plan change processes and that the information can be updated or removed without using the Schedule 1 process under the RMA (i.e. Clause 16 – Amendment of proposed policy statement or plan).

c. Interpretation

NPDC support this sub section.

d. Plan integration

NPDC support this sub section.

e. Formation of standards with tangata whenua

NPDC support this sub section.

f. National direction

It is unclear whether this subsection is designed to update Plan users, or whether it is designed to demonstrate how the Plan has given effect to national direction instruments.

As discussed above (see point 2), there is no mandatory section outlining how the Plan will give effect to those relevant higher order documents in a strategic framework. Instead Table 13/14/15 require that Plans detail the relevant review or plan change has given effect but does not require HOW it has been given effect to (i.e. how this has been translated into objectives, policies and rules?).

It is noted that the Natural Environment Values chapter (S-NEV) specifically requires that objectives, policies and methods give effect to the NZCPS. Linking the Table 14/15 to such policies within the Plan would be, in NPDC’s view, a more meaningful way of demonstrating that Council’s Plans are meeting obligations to higher order documents.

In terms of Table 15: National environmental standard table, NPDC questions why it is necessary to detail which rules are more lenient or stringent than an NES. This will add very little value to lay users. There is potential for a digital solution in the e-plan that may provide this type of information to sit outside of the Plan. If Table 15 is retained, it should focus on informing plan users of relevant provisions.

Further, Tables 14/15: National policy statement table somewhat repeats section Table 7: Update table.

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

Targeted engagement with endorsed iwi and hapu representatives as part of the Nga Kaitiaki forum have informed the development of the Draft District Plan. One of the key requests of this group has been to integrate the cultural values identified by the group throughout the Draft

District Plan. The group strongly prefers integration through objectives and policies to ensure Tangata Whenua issues are meaningfully considered throughout the consent process.

NPDC does not support the mandatory inclusion of all parts of the Tangata Whenua section, as it will not allow consideration of local circumstances and relationships. It would be better to make these non-mandatory, as there are times with provisions will be more effectively integrated into other sections of the District Plan, such as through objectives and policies so they have status and weighting in the consenting process.

Mandatory matters in this section put at risk meaningful development of planning provisions, as the default for including these matters is this section, which does not have statutory basis.

a. Recognition of iwi/hapū chapter

Best practise would require co-designed provisions in regards to many aspects of this chapter. Mandatory inclusion in the standards may compromise meaningful engagement.

Inclusion of information on iwi relationships and interests are better addressed in the relevant sections of the Plan to ensure integrated management.

Settlement legislation often requires that statutory acknowledgements are identified in District Plans. In this regard NPDC supports reference to *“a list and explanation of what the statutory acknowledgements for the district and region are. Where possible this should include a link to the relevant statutory acknowledgement legislation”*.

Statutory Acknowledgements are intended for their purpose under the relevant settlement legislation, which then determines their use in the resource management context. Any additional inclusion of Statutory Acknowledgements would need to be considered in a section 32 context with significant engagement with the relevant iwi. This would then be best integrated into Plan provisions in the relevant sections. The inclusion of *“how the statutory acknowledgments affect the plan and/or how statutory acknowledgements are reflected in specific objectives, policies and Methods, including rules”* is not necessary in this section. There is some risk that the planning standard may endorse the use of statutory acknowledgments outside the purpose that they are intended for.

b. Tangata whenua local-authority relationships chapter

There is general support for this sub-section.

c. Iwi and hapū planning documents chapter

There is general support for this sub-section.

d. Consultation chapter

Focus should be given to the statutory tools (i.e. Mana Whakahono a Rohe, Iwi Management Plans) and the relationships chapter and or in the Iwi-hapu planning documents chapter. With the inclusion of this chapter it is not clear what provisions will in fact apply.

Some of these provisions will be better identified through objectives and policies in the relevant section of the Plan. For example it is typical for plans to include “process policies” that will inform consultation status. It is a better outcome to have these identified in meaningful plan provisions throughout the Plan, relative to objectives and policies.

e. Use of te reo Māori

There is general support for this sub-section.

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

NPDC support this section, with the following amendments:

A statement should be added indicates that for the purposes of preparing, changing, interpreting and implementing the Plan, all other objectives and policies in all other chapters are to be read and achieved in a manner consistent with the strategic direction objectives (and policies if used).

Identification and outline of the key strategic or significant resource management matters of importance (i.e. issues) should not be mandatory and instead should be optional. Likewise, policies in this section should also be optional (i.e. leave it to Councils discretion whether they are required or not).

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

NPDC support Part 4. Having a pre-determined structure and format will enhance shared understanding among councils and Plan users. Emphasis on national/regional/local policy hierarchy is reflected in the Part 4 and the use of standard terminology will provide consistency across Plans.

a. Natural Environment Values Chapter

It is noted that the Natural Environment Values chapter (S-NEV) specifically requires that objectives, policies and methods gives effect to the NZCPS. NPDC are supportive of this approach and consider that it is a transparent way of demonstrating a Plan is giving effect to national direction instruments. It is however noted that parts of the NZCPS may also be achieved through other sections e.g. Environmental Risks may include coastal hazards.

NPDC recommend that a generic statement is inserted under point 4 that the objectives, policies and methods must be updated in accordance with section 75 (3) and give effect to the relevant national direction instrument. Language should be sufficiently flexible to ensure that the National Planning Standards do not need to be updated every time a new national direction instrument was released.

NPDC urge MFE to provide supplementary guidance on the Natural Environment Values chapter, particularly point 8 (sections to address other particular natural environment values). Waterbodies are a particularly important issue in the New Plymouth district and it would be helpful to have guidance to support policy development.

b. Environmental Risks Chapter

NPDC support this section.

c. Community Values Chapter

NPDC support the subsections that have been identified and grouped under this chapter, but do have particular comments on the split between Historic Heritage and Sites of Significance to Māori and Protected Trees.

Historic Heritage and Sites of Significance to Māori:

The definition of Historic Heritage under the RMA covers historic sites, structures, places, and areas; archaeological sites; sites of significance to Māori, including wāhi tapu and surroundings associated with the natural and physical resources. Given this definition, NPDC is unsure why sites of significance to Māori have been separated out. In the New Plymouth district historic heritage sites often have both Māori and European associations. For this reason it is preferred that there is the flexibility in the National Planning Standards for both archaeological sites and sites of significance to Maori to be merged into the same sub-section and the same layers.

For example, Pukākā/Marsland Hill is renowned for its views over central New Plymouth and the coast and once was the site of Ngati Te Whiti's Puaka Pa. During the New Zealand land wars, the pa terraces were flattened by the British redcoats and the site used as military barracks. At the foot of Pukākā/Marsland Hill is the nationally significant St Mary's cathedral. The churchyard contains burials dating from the late 1840s and includes Ngati Haua warriors from the Waikato who were killed at or died of wounds at the battle of Mahoetahi in 1860. Marsland Hill was formally renamed Pukākā/Marsland Hill as part of the recent Te Atiawa Claims Settlement Act 2016.

During consultation, separating Historic Heritage and Sites of Significance to Maori was not supported by NPDC's iwi and hapu representatives, due to the intertwined history in the region. The proposed approach would require sites to be duplicated. Separating heritage in this way will cause uncertainty and the potential for misinterpretation for Plan users.

It is requested that the National Planning Standards allow for combined sections and listings where appropriate.

Protected Trees:

NPDC has concerns about the name 'Protected tree or Protected tree group' used in this subsection and consequently for mapping purposes. All overlay features within a Plan have an element of protection, e.g. heritage buildings, natural areas, viewshafts, etc. but they are not labelled "Protected Heritage Buildings," "Protected Natural Areas" or "Protected Viewshafts." NPDC is unsure why this wording should apply only to trees. NPDC recommends consistent terminology for subsections and GIS layers throughout the Plan and therefore recommends the term 'Notable Trees' be used instead.

d. Infrastructure and Energy Chapter

This is a very broad chapter and has the potential to become unwieldy and counterproductive to the overarching goal of providing a nationally consistent framework resulting in Plans that are simpler to prepare and easier for Plan users to understand, compare and comply with.

In line with the framework established in the District Wide Matters Standard, NPDC strongly recommend that this section is amended and broken into subsections. Clear and concise direction should be provided to group activities/matters together, each with their own objectives, policies and rules.

An example how activities could be grouped together are as follows:

1. The following matters must be addressed in the Transport and Connectivity section: Road and rail, localised traffic and transport technical standards.
2. The following matters must be addressed in the Network Utilities and Infrastructure section: Telecommunications, power distribution companies, power plants, gas/underground pipes, three waters and waste.
3. The following matters must be addressed in the Energy section: Renewable Energy and Oil and Gas, power plants and conventional electricity generation.

In addition, it is not clear why airports and ports are mentioned under this chapter when they will be managed under Special Purpose Zones. This is further muddled in point 25 where “the Infrastructure and Energy chapter must refer to relevant applied Special Purpose Zones”. This creates confusion and will result in network utility operators requesting that their activity requires a Special Purpose Zone. Sound direction is required in the standards (supported by supplementary planning guidance) that makes it clear what activities will be managed under the Infrastructure and Energy Chapter v. Special Purpose Zones.

This change will reduce time and cost involved in plan making and go a long way in addressing some of the complexity in implementation of network utility provisions.

NPDC see the benefit in Special Purpose Zones but request that clear guidance is provided to avoid discrete, small scale network utility sites such as a small scale power plant requesting a spot “Special Purpose Zone.”

e. Subdivisions Chapter

NPDC support this chapter.

f. General District Wide Matters Chapter

NPDC support this chapter.

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

a. Zone framework (individual and range)

NPDC is supportive of the overall zone framework but offer the following observations and suggested amendments:

Rural Residential Zone: The term “residential” in the zone name sends the wrong message that rural land can be used for intensive residential purposes. Residential subdivision of

rural land is a key resource management issue in the New Plymouth district and something NPDC wishes to avoid. NPDC submit that the zone name is changed to “Rural Lifestyle”.

Neighbourhood Commercial Zone: The term “commercial” should be replaced with the name “centre” (i.e. Neighbourhood Centre Zone) so that it is more in line with the Town Centre and City Centre Zones. Neighbourhood Centre Zone is more colloquial and easily understood by lay people and also reinforces a centres hierarchy approach to planning.

Local Commercial Zone: The term “commercial” should be replaced with the name “centre” (i.e. Local Centre Zone) so that it is more in line with the Town Centre and City Centre Zones. Local Centre Zone is more colloquial and easily understood by lay people and also reinforces a centres hierarchy approach to planning.

Commercial Zone: NPDC support a Commercial Zone, but not in the enabling way that the National Planning Standards set out. See Purpose Statement comments below.

Large Format Retail Zone: This zone should be included in the National Planning Standards. It is understood that the intent is that this type of retailing could be provided under the Commercial Zone, potentially with a precinct overlay to restrict certain activities. NPDC considers that this is misleading and ineffective. The draft Commercial Zone is too flexible and on the face of it would send mixed messages and frustrate Plan users and investors once they realised that it was subject to a (restrictive) precinct overlay. This type of activity has a particular use and character which is best provided by zone type.

Conservation Zone: Rename this zone “Natural Open Space”. Conservation Zone could be confused with the Department of Conservation land.

Future Urban Zone: This should be removed from the zones and replaced as an overlay. Future land uses can easily be managed by overlays and do not need to be managed as separate zones. NPDC view these areas as places where growth will be directed to occur in the future and until such time as the land is required for growth purposes, the underlying zone provisions (typically, Rural Production Zone) can apply. Additional controls can be applied to ensure that activities do not occur in these areas which might compromise the ability of the area to be used for intended future growth purposes.

To help achieve good quality subdivision and development outcomes in these areas, NPDC prefer that land is rezoned before it can be developed for urban use and/or a structure plan be prepared. This is to ensure development occurs in a holistic manner, with adequate consideration given to key infrastructure, open space elements, cultural areas of significance, key features and site-specific opportunities/constraints.

By catering for growth in a Future Urban Zone in the National Planning Standards it creates expectation that the land is able to be urbanised and places immediate pressure on territorial authorities to enable development, even if the planning parameters and infrastructure requirements are not yet in place.

b. Purpose statements

NPDC agree mostly with the wording of the zone purpose statements, but offer the following suggested amendments:

Commercial Zone: NPDC suggest that this zone could be more specific in its application i.e. a cluster of particular commercial activities. NPDC request that the words “....*primarily for a broad range of commercial activities...*” are replaced with the words “....*primarily for specific, specialised or clustered commercial activities...*”

The Mixed Use Zone then would provide “....*primarily for a broad range of residential, commercial, light industrial, recreational and community activities*”.

The reason for this request is that the Commercial Zone description as it currently written is too broad and enabling and would undermine the New Plymouth centres hierarchy. Managing out of zone activities is a significant resource management issue for our District. Whilst it is noted that a “precinct” could be applied that restricts certain activities, NPDC considers that this would send mixed messages and frustrate Plan users and investment in areas.

Future Urban Zone: The last sentence “*The Future Urban Zone is a transitional zone*” is strongly opposed and should be removed from the National Planning Standards. The word “transitional” will encourage unplanned urban sprawl. NPDC submit that this zone should be replaced as an overlay.

Rural Zone: NPDC are unsure where this zone would be used and what the key differences between the Rural Zone and the Rural Production Zone are? Is it soil quality? Terrain? Further description is required.

Rural Production Zone: This purpose statement takes a narrow view that “*activities rely on the productive nature of soils.....for associated rural industry*”. Rural environments are not just about production from the land - it caters for a wide range of rural activities such as oil and gas activities, sawmills, timber treatment plants, processing of timber grown on a separate property, rural transport depots and contractors depots. These activities are not always reliant on the land but are located there because of their association with the rural environment, technical constraints or because of their effects that are better managed under a rural zone. The purpose statement needs to be broadened to ensure that it is not overly narrow and restricts rural activities that are appropriate in a Rural Production Zone.

c. Additional special purpose zones and criteria

NPDC support this section. Supplementary planning guidance should be provided to support the zone description and provide examples of how the zones will work, as well as examples of activities which are meant to be managed through zones and Part 4 District Wide Matters.

d. Precincts chapter

NPDC have concerns around how the planning standards anticipate precincts will be applied in Plans. The S-PREC chapter has the following description “*A precinct spatially identifies and manages an area where two or more additional provisions apply which modify the policy approach of the underlying zone(s) or refine or modify land use outcomes*”.

NPDC are of the view that, rather than modifying the approach taken in an underlying zone, precincts should complement the zone, but not compromise its role and function. For

example a heritage area in the City Centre Zone may have special requirements around ensuring the retention of heritage buildings, but fundamentally the buildings still retain a commercial or retailing role (therefore are not compromising the role and function of the underlying zone).

If the underlying zone is not fit for purpose, then an alternative, more appropriate, zone should be applied and not be masked or mislead with the application of a precinct. See comments on a Large Format Retail Zone and the Commercial Zone Purpose Statement above.

Further, NPDC does support the concept behind this chapter, but query whether “precinct” is the right tool. The word precinct implies an area, sector, district or quarter. This term is entirely appropriate for a heritage area, but doesn’t work as well for linear methods of control, such as defined pedestrian frontages, coastal frontages, etc. NDPC suggest the word precinct can still be retained, but alternative words such as frontage or line, can be used in a similar way.

e. Development areas chapter

NPDC support this chapter. NPDC seek that it is made clear that once development is completed, the superseded information can be removed from the chapter without using the Schedule 1 process under the RMA (i.e. Clause 16 – Amendment of proposed policy statement or plan can be used).

f. Designations chapter

NPDC challenge the need for a specific Designations chapter because the information proposed for inclusion in this chapter as indicated in Table 16 in the National Planning Standards is a duplication of field information that is already included in GIS fields that display in the Left Hand Panel at a property level. The fields within Table 16 are fields that are already included in New Plymouth’s GIS data for a proposed Designations Layer for the Proposed District Plan (yet to be released). With this information already being in GIS there is very little need for the chapter at all. Nevertheless, a designations schedule for those designations with conditions could be included if appropriate.

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

NPDC is aiming to limit the number of schedules within the e-plan where possible to help deliver streamlined Plans for users but also to maintain the integrity of GIS data. The field information in schedule tables are already in GIS format which are displayed through e-plans at a property level. NPDC is keen to work with others on alternatives to how Council can make GIS data more available through the e-plan. If an e-plan can deliver functionality that allows people to obtain all of the information they want about specific GIS layers such as the Name or Site ID number for a building, then this would negate the need for schedules. The use of open data is obviously one possibility.

The schedules component of the National Planning Standards may have significant risk implications from a data quality and assurance point of view. It will essentially mean that Councils will have to maintain two sets of data in two different places for one topic; data included in schedules and data that is in GIS that displays in the Left Hand Panel with GIS layers. Having to maintain data in two places creates a risk of one of the two data sources being

inaccurate or incorrect and losing 'the one source of the truth' of GIS data. This may create uncertainty for users and will be an increased risk for Councils given they will have to be more open and accountable using e-plan functionality.

NPDC recommend that the e-planning standard includes an exception for e-plans where there is built in functionality to make data more accessible to the public.

The Draft Schedules chapter requires some careful consideration given characteristics of overlays are different and it is difficult to come up with a one size fits all for headings that apply to all overlays. For example NPDC's Notable Trees table to go in as a schedule looks like this:

Site ID	Common Name	Botanical Name	Address	Single/Group	No. of Trees	Category
1	Poplar	Populus Nigra "Italica" Avenue	New Plymouth District New Plymouth	Group	72	1
2	Californian Redwood	Sequoia Sempervirens	New Plymouth District New Plymouth	Group	40	2
3	Pohutukawa	Metrosideros Excelsa	1 Autere Street Strandon New Plymouth	Group	3	2
4	River Sheoke	Casuarina Cunninghamiana	New Plymouth District New Plymouth	Single	1	2

Obviously some of the above information would not apply to a heritage building or a waahi tapu site.

12. F-1: Electronic accessibility and functionality standard

a. Standard baseline requirements – N/A.

b. Level 5 requirements

Overall the proposed 'Level 5' scale seems appropriate for most Councils that have the funding and investment to be able to deliver these types of plans, however smaller Councils around New Zealand may find it challenging who don't have sufficient funding and/or adequate resourcing to maintain the functionality of an e-plan. The delivery of an e-plan requires dedicated resources across multiple disciplines to work with planners while drafting provisions including a dedicated policy planner, consents planner, GIS expert, IT specialist, communications and user experience expert (if available).

Further national support for e-planning will be required and should be facilitated by MfE. This would lead improved functionality development for e-plans to better deliver on the standards. At present Councils are investing separately in e-plans which is not the most effective and efficient outcome.

NPDC does not agree that planning maps must be completely printable and question what the intended purpose of this is. This implies that the National Planning Standards still require Councils to have a paper based plan which is contrary to the key purposes of an e-plan. E-plans have the functionality to compare maps online. Making planning maps printable and in particular for the whole Plan would be a step backwards for GIS data maintenance and may run the risk of losing 'one source of the truth' for GIS data at that point in time. Every time the planning map is updated, Council will still need to maintain the paper based version, which is doubling up.

New Plymouth's e-plan does include printable property reports that include a property based planning map and aerial snapshot.

13. F-2: Mapping standard

a. Zone colour palette

On the whole the primary colours in the National Planning Standard are closely aligned with the zone colour palette for the Draft District Plan, however the colour hues or RGB's chosen for some of the zones in the standard are very garish. In particular the General Residential Zone, the Industrial Zone and the Town Centre Zone hues in the standard are of concern as they are difficult to decipher on the planning map as demonstrated in Diagram 1. Because of the distinctive hues, the General Residential Zone colour doesn't appear to have any type of relationship with other adjoining types of residential zones. It is recommended that some of the zone colours are toned down so that the maps have a softer appearance making it easy for a user to use and understand planning map information as displayed in Diagram 2 below.

Diagram 1: MfE's Zone Colour Palette applied to New Plymouth's Draft District Plan Zones

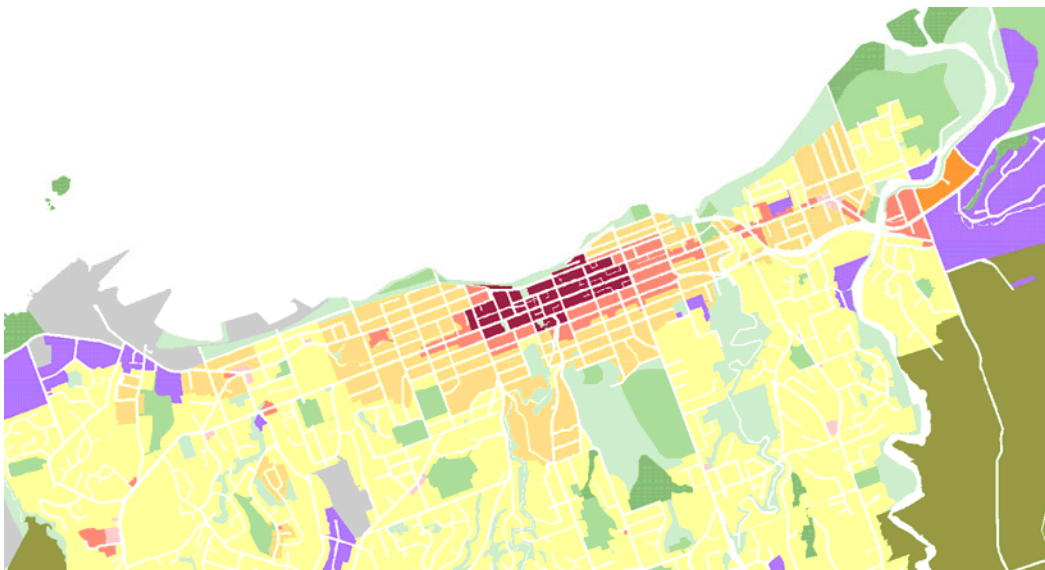
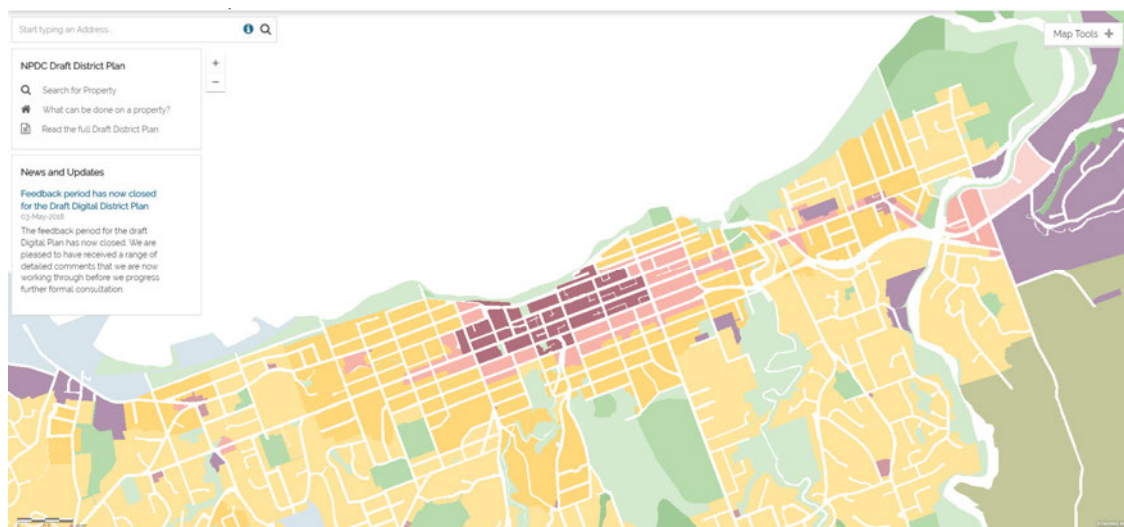


Diagram 2: New Plymouth District Council's Zone Colour Palette used in the Draft District Plan



The orange colour hue proposed for the Town Centre zone doesn't seem appropriate given a Town Centre Zone is closely aligned to the Commercial Zone family where the standard is proposing purples and soft pinks. NPDC recommend a colour that is closer to the Commercial Zone family and that appears logical on a planning map. Ideally a colour in between the colours used for the City Centre Zone and the Local Centre Zone should be used to help reinforce a centres hierarchy.

It is recommended that at a minimum that the General Residential, Industrial and Mixed Use Zone colours are softened and reviewed in the standard. Below is a table showing New Plymouth's RGB Colours that we recommend for inclusion. NPDC acknowledge that the General Residential tone could be slightly lighter to have a clearer distinction with the Mixed Housing/Medium Density Residential zone.

New Plymouth District Council Draft District Plan Zone Colour Palette

Our Zone Equivalent	NPDC Swatch	R	G	B
Large Lot Residential		254	234	147
General Residential		254	220	154
Mixed Housing Residential		254	202	73
Commercial service		244	153	142
Large Format Retail		248	200	193
City Centre		148	27	65
Local Centres Zone		192	117	127
Industry		149	101	144
Rural Production		173	180	119
Rural Lifestyle		135	145	69
Neighbourhood Open space		201	227	192
Sport and Recreation		156	207	146
Natural Open Space		127	184	115
Special Purpose		202	220	230

b. Symbolology

NPDC has spent a significant amount of time and resource on designing a planning map that is easy to use and understand for the user. The symbolology design was undertaken using a collaborative process between a graphic designer, GIS expert and planner that focused on the wider user experience. It was important that the symbolology design was undertaken using worst case scenario thinking, where it is common that a number of features/layers compete with each other on a planning map at a property level. The points were designed with consistent shapes and colours so that the user doesn't get confused about different features and NPDC recommend that the standard reflects this principle. NPDC has also received feedback from a User Experience group that planning map design has a similar look and feel to google maps which is a good indication that the Plan design on the whole is positive.

Heritage items (buildings or structure):

While the National Planning Standards propose to use "Heritage items (building or structure)" as a chapter name, it has other implications for feature naming in GIS. This terminology is not user friendly for those GIS experts that need to set up GIS layer names – two steps would be required to set this up, as brackets cannot be used as characters in layer names in a GIS geodatabase. For the proposed name to display in the Left Hand Panel

when a property is selected a second step would require setting up an 'alias name'. NPDC recommend the name is amended to 'Heritage Building or item' which covers both buildings and structures; is a lot simpler to understand for a user and is easier to configure in GIS.

NPDC does not agree with the symbology proposed for a heritage building as the icon feels very colonial and does not tie well into other overlay features that are commonly in a City Centre Zone such as heritage areas which are being proposed as a solid brown line colour. The circular brown icon and the  that is included in the Draft District Plan has been designed by a graphic designer with input from GIS experts and planners to provide a modern and digital/web feel to the e-plan.

NPDC note that earlier discussions with MfE indicated an openness to providing a circular shape around symbology so that it is easier for a user to understand features when their competing with multiple overlays on a planning map. Again NPDC recommend having a point that is designed with shapes and colours that are consistent with other layers/features that tell a story.

Heritage Precincts:

NPDC support the proposed symbology set out in the standard for heritage areas. The solid line and colour is user friendly and makes polygons easy to understand for the user.

Protected Trees (Notable Trees):

NPDC support the design for the singular protected tree, but suggest a white circular background and a green fill colour for the tree is added so that the point "pops" when it is competing with multiple layers/features at a property level. This same point applies for the protected tree group icon as suggested in the point relating to Heritage Buildings.

NPDC does not support the proposed symbology suggested for a group of trees. The protected tree group icon design portrays that the tree group only applies where there are two different species, when it is often the case that the group of trees is the same species. One of the species in the icon isn't actually native to NZ either. This seems confusing from a user point of view and it is recommend that the same icon is repeated twice for a group of trees with a green colour  so that it is easier to understand for the user.

For your information, NPDC is currently looking into capturing dripline polygons for notable trees to better capture groups of trees and driplines that cross property boundaries.

Sites of Significance to Māori:

NPDC does not recommend a standardised point for sites of significance to Maori given the cultural values for sites have their own local context and will vary across districts and regions across New Zealand. New Plymouth district iwi and hapu representatives agreed on a symbol based on their own cultural values, but that doesn't necessarily mean that those same values apply nationally. NPDC advise that it may be better to leave other iwi and hapu to develop their own symbology as they see fit.

Marae:

NPDC support having a Marae symbol within the standard. As discussed, NPDC see benefit in all icons having a similar shape and have a white background to them where appropriate (not all instances may be).

14. F-3: Spatial planning tools (Regional) standard – N/A.

a. **Range of tools – N/A.**

b. **Zone – N/A.**

c. **Overlay**

National Grid Line and National Grid Underground Cable:

It is noted that the terminology has changed from National Grid Subdivision Corridor to National Grid Underground Cable for this GIS layer. NPDC does not support the change in terminology as it is more of a defined area (a corridor) that the plan is trying to protect. It is recommend that it go back to being called a 'National Grid Subdivision Corridor' as it more accurately reflects the feature on the planning map. NPDC supports the terminology for a National Grid Line.

In terms of design, NPDC recommend avoiding using the black line colour proposed for both the corridor and the grid line. While it is agreed that it is visible on a planning map, the proposed black colour is not visible on an aerial (see attached screenshot) and would be hard for a user to see on the eye. NPDC tested this as part of our design work and chose a red colour so that it is visible on any basemap and with other layers. NPDC is aware that red on green can be an issue for certain types of colour blindness but have not tested our symbology for this. Due to the number of layers in the e-plan it would be very difficult to cater for colour blindness as the colour pallet would be greatly reduced.

See below examples of the differences between the two colours:

MfE's Proposed Corridor and Line Symbology



Red Corridor and Line Symbology



- d. **Specific control** – N/A.
- e. **FMU** – N/A.
- f. **Airshed** – N/A.
- g. **Area** – N/A.

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

Hazards, Coastal Environment, Noise Contours, Designations:

NPDC support the symbology for the Designations, Coastal Environment and Noise Control Boundaries Layer. NPDC received positive feedback regarding these layers as part of the release of the Draft District Plan. The layer default setting in the content editor of the e-plan is useful for turning individual sublayers on and off. For example a property that has multiple hazards layers would be able to only turn on the layers that apply to that property as indicated in the selected property's Left Hand Panel.

Noise Contours:

NPDC recommend staying with the terminology Noise Control Boundaries as the term is more definitive.

Statutory Acknowledgement Areas:

NPDC have concerns with including waahi taonga points within statutory acknowledgement areas. They are a separate feature subject to specific rules in the plan. Statutory acknowledgement areas are subject to their own legislation.

NPDC recognise that statutory acknowledgement areas are common to all Councils around New Zealand, but have concerns with the proposed red outline symbology colour that is proposed. This colour doesn't promote a positive planning message for Statutory Acknowledgement Areas to landowners. Current challenges with statutory acknowledgement areas in the New Plymouth district is that there are a vast amount of waterbodies with a lot of competing features. A recommended design solution for the standard would be to adopt a neutral/transparent polygon with a grey outline colour so that it can be seen on any basemap and features underneath are still visible. See example below of the design that NPDC showed you at a meeting that NPDC is thinking of using for the Proposed District Plan.

Example of an alternative Statutory Acknowledgement Area Symbolology Design



a. **Range of tools** – N/A.

b. **Zone** – N/A.

c. **Overlay** – N/A.

d. **Precinct**

NPDC is supportive of the mapping tool, but not its intended policy application.

e. **Specific control**

It is not clear how this differs from an Overlay v Precinct. More direction is required in the function descriptions. Supplementary planning guidance should also provide examples to help guide how these can be applied in Plans.

f. **Development areas**

NPDC support this mapping tool.

g. **Designation**

NPDC support this mapping tool. See above Overlay comments.

Other:

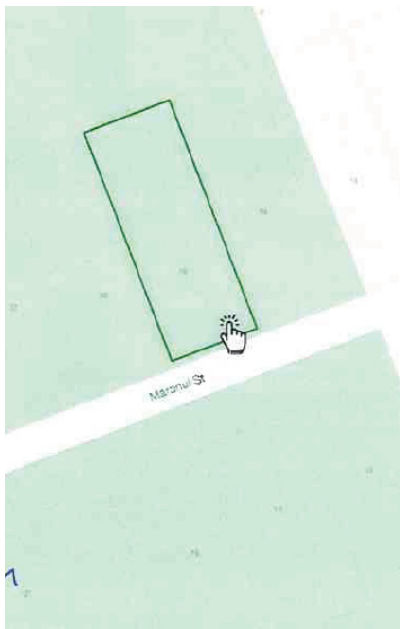
Standardising GIS field names:

After reviewing some of the schedules work and the GIS direction councils will be moving towards, NPDC is of the view that there could be value in standardising some common GIS field names for a number of GIS layers that display in the Left Hand Panel of the e-plan.

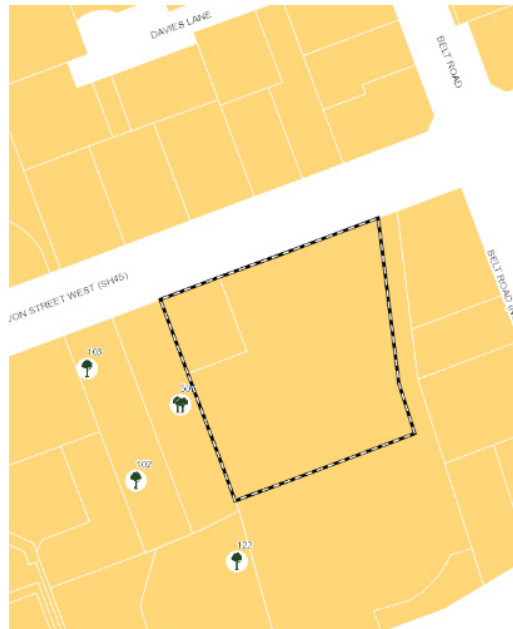
Parcel selector

The outline colour that selects properties and parcels would be useful to standardise. The Draft District Plan started out with a solid green colour that was hard for the user on the eyes. NPDC changed the colour to a black and white hatch which is much more user friendly visually. See example below:

Property selector at beginning of project



Current Draft Digital District Plan Property Selector



Standardising Plan Process stages and updates:

NPDC is starting to look at how to move from Draft District Plan to Proposed District Plan to Operative District Plan and tracking changes once operative. Since e-planning is in its infancy NPDC would like to collaborate with MfE and other Councils to develop guidelines or standards on how to best do this using an e-plan.

16. F-5: Chapter Form standard

a. Chapter form

NPDC support the structure set out in F-5, but it is not inherently clear that query the introduction and issues statements and other methods are optional. Point 4 reads *“Unless otherwise stated, regional policy statement chapters, regional plans chapters and combined plan chapters may contain headings in the order provided”*. Why have District Councils been left off this list?

NPDC recommend that the National Planning Standards are amended to clearly indicate that not all the headings need to be provided for all Plans.

NPDC queries the need for an issues statement.

NPDC also queries whether there is a need for short titles for objectives and policies.

b. Rules

NPDC notes that F-5 Chapter Form Standard and the applicable accompanying documents do not include a populated example of the Rule Table and Rule Requirements Table. NPDC considers that the provision of an example of a fully drafted rule would be beneficial in demonstrating the way in which MfE intends the proposed structure to work and identifying the inefficiencies with the proposed structure.

NPDC notes that Initial Guidance for Standard F-5 Chapter Form states that the NPDC Draft District Plan can be viewed as an example of the application of some of the requirements of the F-5 Chapter form standard. The Draft District Plan was also referred to in the MfE national roadshow on the National Planning Standards. While some aspects of the Draft District Plan are the same as MfE’s proposed structure, there are some significant differences which NPDC considers result in an inefficient and ineffective structure, and which do not allow for easy and intuitive use by the end user.

In principle, NPDC does support the use of rule tables and considers that rule tables are the most efficient and user-friendly way of presenting rules in an e-plan. However, NPDC considers that Table 26 and Table 27 require amendment in order to avoid repetition, inefficiencies and difficulties in drafting.

Included in this submission are populated examples to demonstrate the inefficiencies in MfE’s proposed structure (See Appendix I and 2).

c. Rule tables

Table 26: Rule Table

Deletion of references to rule requirements in the Rule Table:

The third column in Table 26 includes the note: *This cell is required for [permitted/controlled/restricted discretionary/discretionary/non complying] activities if the rule includes rule requirements.*

NPDC submits that this note should be deleted. NPDC considers that it is more efficient for this column to deal with the non-compliance with the rule details of the particular activity, including any relevant matters of control or matters of discretion for such non-compliance.

NPDC notes that the National Planning Standards and the associated guidance documents are not explicit as to the process to be followed where there is non-compliance with “rule details”. NPDC has assumed that the structure of the Rule Table requires a new row to be inserted and the rule details to be rephrased for that particular activity where compliance with the rule details is not achieved and where the activity status is elevated.

If the above assumption is correct, NPDC considers that the current rule structure of Table 26 requires unnecessary repetition and rephrasing of the rule details to address non-compliance with the rule details for each particular activity. An example of this inefficiency is shown in the populated structure in Appendix 1, which populates the rule framework with one of NPDC’s draft sign rules.

It is submitted that it is more efficient for the non-compliance cell in the third column of the Rule Table to address non-compliance with the rule details, rather than requiring an additional row to be inserted with rephrased rule details. Additional rows should only be required for rules which have more than two activity statuses. In the NPDC’s experience, the majority of rules only have two activity statuses and thus the two columns work well.

The proposed structure in Table 26 also has the potential to result in a significant number of matters of control/discretion to be included within this third column of the Rule Table, particularly where there are multiple rule requirements applicable to a particular activity. It is submitted that this approach would result in unnecessary repetition of matters of control/discretion across multiple activities. An example of this inefficiency is shown in the populated structure in Appendix 2, which populates the rule framework with one of NPDC’s draft residential rules.

As set out below, NPDC considers that non-compliance with rule requirements should be dealt with within the rule requirements table rather than in the rule table. It is submitted that this approach avoids the third column of the rule table “blowing out” with matters of control/discretion as set out above, and has the potential to avoid repetition of assessment criteria across activities.

Further to the above, the second column in the Rule Table of F-5 Chapter Form standard includes the note: *Where this activity complies with the following rule requirements: insert reference to rule requirement/s*. NPDC submits that this note should also be deleted.

NPDC considers that Table 26 would work better if a “permitted activity standards” or “performance standards” approach is applied to all activities and therefore direct reference to the rule requirements within the Rule Table would be unnecessary.

The current structure requires Councils to foresee all potential scenarios and include all possible relevant rule requirements within the particular rule. It will be significantly difficult for Councils to ensure that all relevant rule requirements are referred to in each rule. This creates a potential loophole where an activity may not comply with a rule requirement that may be relevant to that activity, however if the rule requirement is not expressly referred to in the relevant rule, the activity will still be compliant and a consent will not be triggered.

Applying a permitted activity/performance standards approach, whereby all permitted, controlled and restricted discretionary activities are required to comply with all relevant

permitted activity/performance activity standards will eliminate this risk, as the standards/rule requirements apply to all activities. The application of the standards can be explained in the *How to Use the Plan* section (or an appropriate alternative). Non-compliance with the relevant rule requirements would then make an activity restricted discretionary, unless otherwise stated.

Table 27: Rule Requirements Table

Additional column in Rule Requirements Table

For any rule requirements where a higher activity status is required or appropriate, NPDC considers that a third ‘non-compliance’ column could be added to the Rule Requirements Table, allowing any non-compliance with a Rule Requirement to be addressed within the Rule Requirements Table (rather than in the Rule Table under the current structure). Any relevant matters of control or matters of discretion in relation to non-compliance with a Rule Requirement can then be set out in this column rather than in the Rule Table.

As there is currently no non-compliance column in Table 27, any assessment criteria in relation to non-compliance with a rule requirement are required to be included in the relevant sections of the Rule Table resulting in the inefficiencies set out above.

NPDC considers that Tables 26 and 27 will not result in the most streamlined and user friendly option, nor will it result in a framework that is easy to draft into and/or easy to ensure robustness. The current approach is particularly inefficient where there are a significant number of rule requirements that must be complied with for each particular activity (as is the case with the Draft District Plan). NPDC considers that it is easier and more efficient for the end user for the non-compliance with rule requirements to be located within the rule requirements table.

NPDC’s preferred structure

Using the terminology and structure template used in Table 26 and Table 27, the draft Rule Table and Rule Requirements Table structure preferred by NPDC is set out below:

Rule Table

Insert unique rule number in format required by the F-6: Status of Rules and Other Text and Numbering Form Standard	Insert rule title in bold text	
This cell is to be used where rules are applied on an area specific basis (i.e. zones or spatial planning tools) If required, insert name of relevant spatial planning tool/s OR If required insert name of relevant zone/s xx zone or all zones	This cell is required for activities with all activity status' Activity status: insert activity status Where: Insert rule descriptor 1. insert rule detail 2. insert rule detail 3. insert rule detail	This cell deals with the non-compliance with the rule details Activity status where compliance not achieved: Insert activity status. If abbreviated use a mandatory abbreviation (Use for C activities) Matters over which control is reserved: 1. Insert matter 2. Insert matter (Use for RD activities) Matters of discretion are restricted to: 1. Insert matter 2. Insert matter Notification: Insert notification detail, if any.

Rule Requirement Table

Insert rule requirement number in the format required by the F-6: Status of rules and Other Text and Numbering Form Standards	Insert rule requirement title	
This cell is to be used when rule requirements are applied on an area specific basis (i.e. zones or to spatial planning tools) Insert name of relevant spatial planning tool Or Insert name of relevant zone/s zone or all zones	Insert rule requirement detail 1..... 2.....	This cell deals with non-compliance with the rule requirements Activity status where compliance not achieved: (Use for C activities) Matters over which control is reserved: 1. Insert matter 2. Insert matter (Use for RD activities) Matters of discretion are restricted to: 1. Insert matter 2. Insert matter

NPDC considers that the above amended structure will work well, and will allow for easy and intuitive use by the end user and can be adapted from other plans. It is noted that the preferred rule structure table has been used and tested in the Draft District Plan.

For clarification, NPDC does not oppose the use of a rule overview table in the form set out in F-5 Chapter form standard.

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

a. Status of rules and other text

NPDC support the use of shading boxes or similar methods to differentiate text that is subject to higher order documents, legal effect and change etc. Other matters to consider are drafting protocols or supplementary planning guidance on the following:

Use of capitals for defined terms headings:

For example home occupation should read Home Occupation whenever it is used.

Use of capitals within sentences:

Where defined terms are within a sentence, they do not need to start with a capital letter. For example: “at least one person engaged in the home occupation must use the residential building as their principle place of residence” – this is because the e-plan will identify all definitions in blue whenever they appear.

Where numbers/sub-paras are within a sentence, they do not need to start with a capital letter. However where numbers are part of a list, they should start with a capital. For example:

Matters over which discretion is restricted:

1. The impact of the building or structure on existing natural landforms.
2. The prominence of the building or structure and its integration into the outstanding natural landscape or feature.
3. Whether the building or structure ...

b. Numbering

NPDC support the numbering form standard outlined in F-6, but to help with ease of use, do make the following suggestions:

Matters associated with rules (points 14, 15 and 16): It would be advisable to provide direction on sequential numbering and the use of bullet points. Numbering should start with default, then lower alpha, then lower roman.

For example:

Where:

1. Text 1
2. Text 2
 - a. Text 3
 - i. Text 4
 - ii. Text 5

Bullet points should not form part of a rule and should only be used in examples where it is for information purposes only. For example:

This rule does not apply to:

- Residential units less than 20 years old.
- Non-habitable buildings which will not be used for residential activities.
- Buildings being repositioned on the same site.

Table 28: Numbering Table

NPDC found that a maximum of number of letters used for numbering should be 5.

Any more impacts on formatting for e-plan table columns.

- EARTH (earthworks), can be shortened to EW.
- HSCS (hazardous substances and contaminated sites) needs to be separated as these matters are not always considered together. NPDC suggest HAZ for Hazard Substances and CL for Contaminated Land.
- Zones should have a “Z” after the letters as this makes it easier for plan users to immediately identify that the rule is for a zone (as opposed to a district wide matter). For example IND (industrial zone) should be amended to INDZ, SPA (Special purpose Airport Zone) should be amended to SPAZ etc.

18. CM-1: Definitions standard

NPDC acknowledge that where a definition contains the word ‘includes’ and is followed by a list, the list shall be non-exhaustive and conversely, if a definition ‘excludes’ a list of matters, this shall be treated as exhaustive. However, it appears that while ‘includes’ is used regularly throughout standard definitions ‘excludes’ or ‘does not include’ is used more sparingly.

NPDC consider that some of the draft definitions seem to be overly simplified and that more exclusions can be built into the definitions (see some examples below noting there will be others that we have not mentioned). NPDC is of the view that a consequence of not defining reasonable exclusions is that rules and standards will require considerable amendments, or even new rules and standards altogether. Ultimately this may overcomplicate other parts of Plans.

Definitions resulting in consequential amendments to plan chapters

NPDC has done some testing of some of the draft definitions in our Draft District Plan and have found that the consequential amendments required to amend the chapters to match the some of the simplified definitions will make our Plan less user friendly.

For example, at the moment, a Plan user generally knows to look at a definition to determine what constitutes *earthworks* or *waterbodies* in the relevant rules, but now users would have to look at the (simplified) definition as well as the rule and advisory text that includes exemptions or clarifications as to what the rule includes or doesn’t include. The advisory text may need to be duplicated in each rule to make it clear to Plan users, which will lead to drawn-out plan chapters and significant duplication of advisory notes throughout.

The consequential amendments that would be required as a result of the simplified definitions seems counter-intuitive to the overall objective of providing simple and user friendly Plans. Worryingly, it could also result in a complete re-write of chapters to include specific permitted activity rules for activities that were previously exempted from the definition and were subsequently exempted from the Plan rules and standards.

NPDC stress that definitions are written a certain way because they are inextricably linked to the rules and standards that they relate to, and the exemptions included within definitions have been carefully thought out. Having exemptions in the definitions makes sense from an e-plan perspective as the definition is easily accessible with the click of a button and reduces the need for duplication throughout the rules (or more rules).

NPDC has strong reservations about the approach taken in the draft definitions not to include exemptions and do not consider it is efficient or effective way of plan making, especially when something could more succinctly be captured under a definition.

Notwithstanding the above, NPDC do support most of the National Planning Standards definitions. For the purposes of brevity, NPDC has only commented on those definitions which it opposes or has suggested amendments.

a. Individual definitions

Accessory building means a detached building, the use of which is ancillary to the use of the principal building, buildings or activity on the same site, but does not include any minor residential unit.

The s32 report for definitions explains that “Our proposed definition of accessory building uses the word ‘detached’ to create a clear distinction between a principal building and an accessory building. For example, if a garage is attached to a residential building, the garage

would form part of the principal building". NPDC questions why a distinction needs to be made? This will result in two sets of rules in order to deal with both attached and detached accessory buildings. NPDC suggest the following changes:

NPDC amendment Accessory Building means ~~a detached building~~, the use of or part use of a building 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. An accessory building may be either a separate building or structure or joined to another building or structure and includes garages, sleepouts, and garden, implement and storage sheds.

If these changes are not supported, at the very least the definition needs to be amended to explain that, for the purposes of the *accessory building* definition, garages that are integral to the design of the building will be considered as part of the principle building. Also see comments on addition definitions on this matter.

Building means any structure, whether temporary or permanent, moveable or fixed, that is enclosed, with 2 or more walls and a roof, or any structure that is similarly enclosed.

NPDC support the above definition as it clear that fences and poles do not have 2 or more walls and a roof and therefore would not be caught by the definition. However, the link to "structure" does cause a concern. NPDC recommend that some consideration of whether the scale of the building can recognised and exempt (i.e. 5m² or greater in area in plan view and 2m or greater in height) Other exemptions to consider are pump stations, bobby calf sheds, rural bus stops, rural mail boxes and water tanks.

NPDC amendment Building means any structure, whether temporary or permanent, moveable or fixed, that is enclosed, with 2 or more walls and a roof, or any structure that is similarly enclosed and is 5m² or greater in area in plan view and 2m or greater in height, or any fence greater than two metres in height, but does not include:

- a) any scaffolding or false-work erected for maintenance or construction purposes;
- b) cranes and derricks/drilling rig masts;
- c) underground pipes;
- d) hard protection works;
- e) farm pump stations;
- f) bobby calf sheds;
- g) stock loading races; and
- h) water tanks.

Structure means any building, equipment, device or other facility made by people and which is fixed or located on or to land; and includes any raft, but excludes motorised vehicles that can be moved under their own power.

For the same reasons as described above, NPDC recommend that exceptions are built into the definition of (either *building* or) *structure*. Fencing is particularly important as under this definition farmers would be required to get a resource consent to construct a boundary fence. As stated above, NPDC does not support a permitted rule frame work which permits minor matters (i.e. post and wire fencing) that can more efficiently captured under an exclusion in a definition.

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

It appears that the intention of this definition is that *earthworks* captures land disturbance where the existing ground contours are changed (permanently), whereas *land disturbance* is intended to capture any temporary earthworks/disturbance.

Earthworks that temporarily change the ground contours should also be captured by the definition of *earthworks*, for example trenching for network utilities (which reinstates the existing ground level), because the potential effects of dust, visual amenity, instability, traffic movements etc. from the temporary earthworks activities needs to be managed. Having these two separate definitions for *earthworks* that permanently alters the landform, and *land disturbance* that temporarily alters the landform may be confusing for Plan users. To avoid potential for confusion it is recommended that the earthworks definition is amended to clarify this matter (see below).

In addition, NPDC recommend that some exemptions are also built into the definition. As described above, NPDC does not support a permitted rule framework which permits an exhaustive list of minor matters that can more efficiently captured under an exclusion in a definition.

NPDC amendment: Earthworks means any land disturbance that results in temporary or permanent changes the existing ground contour or ground level. It does not include:

- a) *Earthworks associated with the replacement, removal and/or installation of underground petroleum storage systems associated with service stations*
- b) *The cultivation of land*
- c) *Grave digging*
- d) *Digging holes for planting trees or other plants*

The definition of 'land disturbance' could still be retained and is appropriate in the context of disturbance near sites of significance to Maori/archaeological sites. Quarries would be managed through the definitions for quarries.

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. A minor residential unit can be attached to the principal building, or a detached stand-alone building.

NPDC support the definition for Minor Residential Unit, but note that because the unit will need to be "self-contained" further supporting definitions are required (see below: additional definitions).

Intensive Primary Production means primary production activities that involve the production of fungi, livestock or poultry that principally occur within buildings.

NPDC support the above definition, with the following exemptions:

NPDC amendment: Intensive ~~Primary Production~~ Rural Activity means ~~primary production~~ activities that involve the production of fungi, livestock or poultry that principally occur within buildings or on animal feed lots with limited or no dependence on the natural soil quality of the site but does not include:

- a) *Shearing sheds and dairy milking sheds*
- b) *Rearing of young stock associated with primary production activities on the same site.*

Primary Production

- a) *means any agricultural, pastoral, horticultural, forestry or aquaculture activities for the purpose of commercial gain or 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*

It is noted that this definition has been drafted from adapted language used in the RMA definition of *production land*. NPDC support the intent of the National Planning Standards *primary production* definition but are concerned that it incorrectly associates the listed agricultural, pastoral, horticultural, forestry or aquaculture activities with “production”. The rural environment is not just about production from the land - it caters for a wide range of rural activities that are not always reliant on the land but are located there because of their association with the rural environment, technical constraints or because of their effects that are better managed under a rural zone.

Given that the RMA production land definition has been adapted for the National Planning Standards purposes, NPDC suggest the definition of primary production can be expanded further, as detailed below:

NPDC amendment: Primary Rural Production Activities

- a) *means any agricultural, pastoral, horticultural, forestry or aquaculture activities for the purpose of research, commercial gain or exchange; and*
- b) *includes any land and auxiliary buildings located on production land and/or used for the production of products that result from the listed activities;*
- c) *does not include processing of those products*

The above changes would then cover farm quarries, stock sale yards and rural research facilities. It would also allow territorial authorities to provide their own district-specific definition for Rural Activities (i.e. domestic animal boarding and breeding) if required.

Rural Industry means an industrial activity where the principal function supports primary production or aquaculture activities.

The draft definition for rural industry restricts activities to a principle function that supports “primary production or aquaculture activities”. As described above, the rural environment is a working environment that is not just about what can be produced from the land, it also caters for a rural industry and other activities that generate effects.

The New Plymouth district rural environment contains a considerable number of activities that are located on production land but not necessarily related to “primary production”. They are there because of locational, technical or sensitively requirements/opportunities/constraints. Some examples include:

- oil and gas activities;
- sawmills;
- timber treatment plants;
- firewood operations, which process timber grown on a separate property;
- rural transport depots;
- agricultural contractors depots;
- commercial quarries and mining; and
- the processing of minerals and quarry products.

Further complicating this matter is that the RMA definition for *production land* specifically does not include land associated with prospecting, exploration, or mining for minerals. Therefore the necessity for a rural industry definition becomes even more important.

An alternative approach is to zone these rurally located sites as Industry Zone. NPDC does not consider that it is efficient or effective to spot zone these types of activities as an Industrial Zone, particularly when these are in isolated locations away from urban areas (noting that urban areas are suitable for industrial activities and industrial zoning). Instead, NPDC submit that the definition needs to be broadened to fully recognise the role and function of the Rural Zones as working environments as follows:

NPDC amendment: Rural Industry *means ~~an industrial activity where the principal function supports primary production or aquaculture activities~~ the use of land and/or buildings for activities that manufacture, process and/or transport raw materials and livestock in a rural environment.*

Inclusions to consider are:

- oil and gas activities;
- renewable electricity generation activities;
- intensive farming;
- sawmills;
- timber treatment plants;
- firewood operations, which process timber grown on a separate property;
- rural transport depots;
- agricultural contractors depots;
- primary processing and packaging of farm produce;
- commercial quarries and mining; and
- the processing of minerals and quarry products

Quarry *means an area of land where the excavation, with or without the processing, of minerals and other solid natural substances occurs.*

NPDC note that the draft definition of *quarry* is broad and does not recognise scale or distinguish between private and commercial use. NPDC is comfortable with this position but points out that territorial authorities are likely to provide their own district-specific definition small scale quarries that are not used for commercial purposes. See comments below additional definitions.

Waterbody *means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.*

The draft definition of waterbody refers to the definition in the Resource Management Act. The Draft District Plan also includes a definition of *waterbody* that refers to the definition in the Resource Management Act, but contains some exemptions/text to clarify that the rules do not apply to overland flow paths, canals, farm drains, etc.

The reason for these clarifications/exemptions is that NPDC has experienced issues in the past where it is uncertain whether the rules apply to artificial waterbodies. NPDC want to make it clear to Plan users that the rules do not apply to artificial waterbodies, overland stormwater flowpaths, etc. NPDC also want to be clear that the rules do not apply where a waterbody is in a canal.

If the National Planning Standard definition, as drafted, is to be compulsory, NPDC would need to make consequential amendments to the Draft District Plan waterbodies chapter, to insert duplicated advice notes or exemptions throughout each of our waterbodies rules as follows:

For the purpose of this rule, waterbody does not include overland stormwater flowpaths, stormwater ponding areas, areas of saturated soils, ephemeral streams, or any artificial waterbodies such as artificial farm drains or ponds, canals, or water supply races.

In this regard, NPDC suggest that the definition of *waterbody* is amended as follows:

NPDC amended Waterbody means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area. For the purpose of this Plan, waterbody does not include:

- a) overland stormwater flowpaths;
- b) stormwater ponding areas;
- c) areas of saturated soils;
- d) ephemeral streams;
- e) or any artificial waterbodies such as artificial farm drains or ponds, canals, or water supply races.

b. Additional definitions

Given the draft definition of *Minor Residential Unit* needs to be “self-contained”, NPDC consider that an additional definition needs to be provided for units that are not self-contained (e.g. sleep outs).

Whilst it is recognised that sleep outs could be covered by the draft definition of *accessory building* (because it is rightly silent on whether the building is habitable or not), the sticking point arises because the definition also states that the building is “detached”. NPDC have already submitted that the draft definition of *Accessory building* should cover both attached and detached buildings, however, in the case where this amendment is not supported; the following definitions are recommended:

NPDC amendment: Self-Contained means a building, or part of a building, being used as a residential unit, and includes bathroom and kitchen facilities.

NPDC amendment: Sleep out means an external bedroom which may have an en-suite, but which is not self-contained. Sleep outs can be attached to the principal residential unit, or a detached stand-alone building and may include, but are not limited to prefabricated transportable or movable buildings built off-site, portable cabins and trailer homes moved onto the site for a 12 month period or more. To be a sleep out the building must be held in common ownership with the principal residential unit on the same site.

Another definition to consider is:

Farm Quarry means an open pit or excavation from which domestic quantities of soil, stone, sand, gravel or mineral is extracted for rural activities on the same site.

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

NPDC support this standard.

- a. **Technical support** – N/A.

20. Implementation

Implementation matters have been discussed throughout this submission.

Other comments

Do you have any further comments you wish to make about the Government's proposal? No

NPDC would like to speak to their submission if the opportunity arises.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Liam Hodgetts', followed by a period.

Liam Hodgetts

Group Manager Strategy

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.

NPDC consent to our submission being released.

Appendix 1

Rule SI-R2 of New Plymouth District Council Draft District Plan

	Temporary signs	
All zones	Activity status: P Where: 1. The sign has a maximum face area of 3m²; 2. There is a maximum of one sign per site; 3. The sign is a maximum of 4m in height measured from ground level; 4. The sign is permitted under all relevant Overlay and District Wide rules; and 5. In the case of any election signs, the sign is erected no earlier than 3 months before the election to which it relates and is removed within 14 days of the election concluding, unless otherwise required by statute. Where this activity complies with the following rule requirements: N/A	Activity status where compliance not achieved: N/A
	Activity status: RD Where: 1. The sign has a face area of more than 3m²; 2. There is more than one sign per site; 3. The sign is more than 4m in height measured from ground level; 4. The sign is not permitted under all relevant Overlay and District Wide rules; and 5. In the case of any election signs, the sign is erected earlier than 3 months before the election to which it relates and is not removed within 14 days of the election concluding, unless otherwise required by statute. Matters of discretion are restricted to: 1. The extent and effect of non-compliance with any relevant rule or standard and any relevant matters of discretion in the infringed rule or standard. 2. Potential adverse effects on the amenity values and character of the surrounding area. 3. Whether the design, dimensions and nature of the sign and/or support structure affects the potential impact of any sign. 4. Potential adverse or positive effects on driver and pedestrian safety. Where this activity complies with the following rule requirements: 1. N/A Notification	Activity status where compliance not achieved: N/A

Appendix 2

Rule RZ-R8 of the New Plymouth District Council Draft District Plan

Note that the NPDC Draft District Plan uses a permitted standards structure, where all zone effects standards (rule requirements) must be complied with.

RES1	Home business	
	Activity Status: P Where: 1. At least one person engaged in the home business must use the residential building as their principal place of residence; 2. No more than 22 daily vehicle movements for the home occupation and household are generated; 3. No more than eight per hour vehicle equivalent movements for the home business and household are generated; 4. The home business does not generate objectionable or offensive effects, including odour, dust or smoke effects, beyond the boundaries of the site; 5. The hours of operation for the home business are between 7am and 7pm; 6. The activity is permitted under all relevant Overlay and District Wide rules. Where this activity complies with the following rule requirements: 1. RES-REQ 1 - 11	Activity when compliance not achieved: RD Matters of discretion are restricted to: RES-REQ1 1. Extent to which building design, siting and external appearance is in accordance with the Residential Design Guide. 2. Effect that the increased density has on amenity values and established streetscape character of the area. 3. Topography, site orientation and planting. 4. Effect on amenity values of nearby residential properties, including privacy, shading and sense of enclosure. 5. On-site amenity values, including the ability to provide adequate outdoor living space for both residential units on site. 6. Parking and access; safety, efficiency and impacts to on street parking and neighbours. 7. Extent of impervious surfaces and landscaping. RES-REQ 2 1. The extent to which the extra height is consistent with any relevant height guidance in the Residential Design Guide. 2. Effect on established streetscape character of the area. 3. Topography, site orientation and planting. 4. Effect on amenity values of nearby residential properties, including privacy, shading and sense of enclosure. RES-REQ 3 1. The extent to which the proposed site coverage is consistent with any relevant guidance in the Residential Design Guide. 2. Effect in established streetscape character of the area.

RES1	Home business
	3. Effect on amenity values of nearby residential properties, especially privacy and outlook of adjoining sites. 4. The ability to provide adequate outdoor living space on site. 5. Whether adequate mitigation of adverse effects can be achieved through the imposition of conditions, such as for landscaping. RES-REQ 4 1. The extent to which the proposed building recession planes are consistent with any relevant guidance in the Residential Design Guide. 2. Effect on established streetscape character of the area. 3. Topography, site orientation and planting. 4. Effect on amenity values of nearby residential properties, including privacy, shading and sense of enclosure. RES-REQ 5 1. The extent to which building design, siting and external appearance meets the intent of the Residential Design Guide. 2. Effect on established streetscape character of the area. 3. Topography and site orientation. 4. Effect on amenity values of nearby residential properties, including outlook, privacy, shading and sense of enclosure. 5. The extent to which the reduction in the setback is necessary due to the shape or natural and physical features of the site. 6. Whether adequate mitigation of adverse effects can be achieved through the use of screening, planting and/or alternative design. RES-REQ 6 1. The extent to which the proposed outdoor living space is consistent with any relevant outdoor living space guidance in the Residential Design Guide 2. Effect on the established streetscape character of the area. 3. Effect on the amenity values of nearby residential properties, especially privacy and outlook of adjoining sites.

RES1	Home business
	4. The ability to provide adequate privacy and outdoor living space on site. 5. Whether adequate mitigation of adverse effects can be achieved through the use of screening, planting and/or alternative design. RES-REQ 7 1. The extent to which building design, siting and external appearance meets the intent of the Residential Design Guide. 2. Effect on streetscape and low density character of the zone. 3. Effect on the amenity values of nearby residential properties, especially privacy and outlook of adjoining sites. 4. The ability to provide adequate outdoor living space on site. 5. Whether adequate mitigation of adverse effects can be achieved through the use of screening, planting and/or alternative design. RES-REQ 8 1. The extent to which building design, siting and external appearance meets the intent of the Residential Design Guide. 2. The ability of the development to manage stormwater runoff. 3. Onsite amenity. 4. Effect on streetscape character. 5. Whether adequate mitigation of adverse effects can be achieved through the use of screening, planting and/or alternative design. RES-REQ 9 1. The extent to which building design, siting and external appearance meets the intent of the Residential Design Guide. 2. The effect on streetscape and low density character of the zone. 3. Topography, site orientation and planting. 4. Effect on amenity values of nearby residential properties, including privacy, shading and sense of enclosure. 5. Parking and access, safety, efficiency and impacts to on street parking and neighbours.

RES1	Home business
	RES-REQ 10 1. Effect on streetscape of the area. 2. The effect on amenity and appearance of any entrance corridor. 3. Effect on the outlook and privacy of adjoining sites. 4. Whether adequate mitigation of any adverse effects from non-compliance with this standard can be achieved through the use of screening, planting and/or alternative design. RES-REQ 11 1. The extent to which the fence design, siting and external appearance meets the intent of the Residential Design Guide. 2. Effect on the streetscape and character of the zone. 3. Topography and site orientation. 4. Effect on amenity values of nearby residential properties, including outlook, privacy, shading and sense of enclosure. 5. The extent to which the additional height is necessary due to the shape or natural and physical features of the site. 6. Whether adequate mitigation of adverse effects can be achieved through the use of planting and/or alternative design. Notification:

**SUBMISSION BY MERIDIAN ENERGY LIMITED ON THE DRAFT
NATIONAL PLANNING STANDARDS**

To: Planning Standards
C/ - Ministry for the Environment
PO Box 10362
WELLINGTON 6143

Email: planningstandards@mfe.govt.nz

Submitter: Meridian Energy Limited

Attention:
Phone:
Mobile:
Email:

EXECUTIVE SUMMARY

The content of planning documents has a significant bearing on how Meridian operates and re-consents its existing assets, and plans for and develops new renewable electricity generation projects.

Meridian is concerned about the implications of the requirement for planning documents to adopt a compartmentalised, theme-based structure. This risks unintended consequences by emphasising or promoting the protection of the environment in those chapters which address natural environment values, in isolation of enabling appropriate use and development. It may also result in the segregation of plan provisions relating to renewable electricity generation, from provisions relating to the resources on which they rely.

The separation of those different elements without proper integration could lead to a fragmented plan framework resulting in provisions which do not clearly articulate how electricity generation activities are to be provided for across different resources and values. That would not provide for social, economic, and cultural wellbeing, a cornerstone of sustainable management.

Meridian proposes the following amendments to the National Planning Standards to achieve appropriate integration for renewable electricity generation activities:

- Provide for energy, including renewable electricity generation, to be contained in its own self-contained chapter in planning documents (refer **Attachment 1, section 1**). This will better recognise the national significance, benefits, and differences of renewable electricity generation activities under the NPSREG in comparison to other infrastructure.

- Provide greater flexibility for where provisions for infrastructure and energy can be located across the different chapters, and requiring clearer connections to make it apparent what provision takes precedence where there is a conflict between the outcomes sought (refer **Attachment 1, section 1**). This will avoid the risk of creating a fragmented objective, policy, and rule framework which does not clearly articulate how use and development is to be provided for across different resources and values.
- Provide in the implementation guidance requirements for clear connections between the provisions of each chapter to make it clear what provision takes precedence where there is a conflict between the outcomes sought. This will support the achievement of integrated sustainable management.
- Provide a specific energy generation zone in district plans, recognising the equivalence with other infrastructure that has been afforded a zone under the standards (refer **Attachment 1, section 2**). This recognises the scale, nature, and intensity of some energy generation activities is such that they go beyond just requiring modification or refinement of the policy approach of the underlying zone. Enabling the creation of a separate energy generation zone would also support inclusion of more targeted provisions for renewable electricity generation.
- Remove designations as a limiting criteria as to when a special purpose zone can be created. This recognises that the use of designations under the RMA is an optional, rather than mandatory tool (refer **Attachment 1, section 2**).

Changes to definitions will change the scope and application of existing rules in plans. Development of the existing plans has been at considerable cost to participants and the implications, costs and benefits have been thoroughly considered. There is considerable unintended outcome risk and a high wastefulness cost associated with implementation of new definitions over the top of existing plans.

Meridian considers some of the proposed definitions in the definitions standard are unworkable or may result in unintended outcomes. Meridian proposes a number of changes to the definitions so that they are clear, concise, avoid subjectivity, and align with equivalent RMA definitions and case law (refer **Attachment 1, section 3**). In particular, a new definition of *operational need* is proposed that will better recognise the characteristics and constraints of activities, which may impact on where they may be located.

The noise and vibration metrics and measurement methods in the standards have been applied in a way which is inconsistent, and creates conflict between the various Acoustic NZ Standards. Meridian proposes changes which will ensure the application of these standards is workable in practice (refer **Attachment 1, section 4**).

Meridian considers that implementation of the standards is likely to be challenging, and particularly the combining of regional plans where there are currently multiple plans of different vintages, formats, and stages of review and change. Meridian considers that implementation will create an unsettled planning framework. Significant uncertainty would be caused for Meridian who rely on plan stability in order to manage and re-consent its existing assets, and plan and develop new generation capacity.

Meridian proposes the following amendments to the National Planning Standards to address these implementation issues:

- Provide increased flexibility for local authorities to notify their amended planning documents within 10 years of gazettal of the standards, so as to more closely align with the statutory timeframes for commencing plan reviews under section 79 of the RMA.
- Retain the flexibility for regional councils to have separate regional plans for the coastal environment, air quality, and land and water matters based on the new regional plan structure.

The changes will collectively provide greater flexibility as to when councils choose to implement the standards in light of the circumstances of their current planning framework, but ensure this process is not unduly delayed. Meridian considers the benefits and avoided costs of aligning implementation of the standards with normal plan review processes, would outweigh the broader costs associated with a longer implementation timeframe to achieve the benefits from standardisation.

The proposed standards are intended to reduce cost, inconsistencies and complexity that exist with multiple plans being prepared by multiple councils. A related question must logically be whether structural change in local government is an additional or alternative option that would achieve the same objectives and ensure significant other efficiencies in a much wider sphere.

Meridian would like the opportunity to discuss the issues raised in this submission with the Ministry prior to finalisation of the standards.

INTRODUCTION

Meridian Energy Ltd (Meridian) is a publicly listed renewable electricity generator and retailer, majority owned by the New Zealand Government. Meridian is committed to generating electricity from 100% renewable sources – water and wind. The company is the single largest generator of electricity in New Zealand, and generates around 30% of New Zealand's electricity demand. Meridian owns and manages two hydro power schemes, being the Waitaki Power Scheme (from Lake Pukaki down) and Manapouri Power Scheme, and five wind farms.

The operation, development, and protection of Meridian's electricity generation assets is influenced by the policy direction contained in the National Policy Statement on Renewable Electricity Generation (NPSREG) and other planning documents prepared under the Resource Management Act 1991 (RMA). It is also directed by other special legislation¹, and resource consents approved by regional and territorial authorities. These provide the objective and policy context and environmental limits within which Meridian is required to operate and develop its generation assets, and the protection afforded to Meridian from other conflicting activities (i.e. reverse sensitivity).

The content of planning documents has a significant bearing on how Meridian operates and re-consents its existing assets, and plans for and develops new renewable electricity generation projects. Meridian invests considerable time and resources engaging in local authority resource management processes to ensure planning documents appropriately recognise and provide for renewable electricity generation activities. This has led to the development of bespoke policy frameworks with considerable input from councils and local communities which recognise Meridian's existing assets, and provide certainty for their continued operation. Achieving this is challenging given the spread of Meridian's assets across New Zealand, and the variability in how local authorities prescribe resource management requirements.

The National Planning Standards will direct the structure and content of existing and future local authority planning documents. Meridian is supportive in principle of initiatives to standardise planning documents to achieve greater consistency in how resource management requirements are prescribed throughout the country. However, in doing so, Meridian wishes to ensure that implementation of the standards occurs in a way which avoids unsettling the existing policy frameworks that Meridian relies on. It also wishes to ensure that the standards appropriately recognise and provide for renewable electricity generation activities in a way which recognises its national significance under the NPSREG. This includes assisting the Government to meet renewable electricity generation targets and climate change commitments.

¹ For example, the Manapouri Te Anau Development Act 1963, and associated lake operating guidelines.

OVERVIEW OF MERIDIAN'S SUBMISSION

Meridian's submission on the Draft National Planning Standards focusses on those aspects of the standards which may impact on the appropriate provision of renewable electricity generation. Meridian's submission is structured as follows:

Part 1 – Achieving Integrated Management for Electricity Generation, which identifies how the proposed structure standards may promote a compartmentalised approach to planning documents. This could emphasise protection of the environment in isolation from appropriate enablement of renewable electricity generation activities with its social, economic, and climate change benefits. This would not appropriately achieve integrated sustainable management under the RMA. Options to better achieve integrated management are proposed, including a separate energy chapter in planning documents, providing for flexibility in the location of provisions, ensuring linkages across different chapters, and enabling the creation of an energy generation zone.

Part 2 – Definitions and Noise and Vibration Metric Standards, which highlights issues of workability and unintended consequences of a number of proposed definitions, and noise and vibration metrics and measurement standards.

Part 3 – Implementation of the National Planning Standards, which identifies how implementation of the standards could present challenges for local authorities. Specifically, it could have the effect of bringing forward plan reviews, and lead to an unsettled and fragmented planning framework if the transition is not sufficiently flexible. This could result in significant uncertainty for resource users such as Meridian who rely on plan stability in order to manage and re-consent their existing assets, and plan for and develop new generation capacity.

PART 1 - ACHIEVING INTEGRATED MANAGEMENT FOR ELECTRICITY GENERATION

Introduction

Providing for integrated management of renewable electricity generation activities in planning documents is of high importance to Meridian. This means ensuring that planning documents clearly articulate across the whole objective, policy, and rule framework of a plan how electricity generation activities are to be provided for across different resources and values, including values which sometimes compete or conflict with electricity generation activities. This in turn provides reasonable certainty for Meridian in how it operates and re-consents its existing assets and plans for and develops new generation capacity to assist meet New Zealand's increasing electricity demands, Government targets for renewable electricity generation, and climate change goals and commitments.²

As part of providing for the integrated management of renewable electricity generation activities, planning documents are required to give effect to the NPSREG. The NPSREG recognises the provision of renewable electricity generation is of *national significance*. The objective of the NPSREG is to provide for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand's electricity generated from renewable

² The Paris Agreement under the United Nations Framework Convention on Climate Change.

energy sources increases to a level that meets or exceeds the Government's target for renewable electricity generation. The current Government has set a target for 100 percent of electricity generation to be from renewable sources by 2035.

The NPSREG is intended to confront two major energy challenges for New Zealand as it meets growing energy demand. The first is to respond to the risks of climate change by reducing greenhouse gas emissions caused by the production and use of energy. The second is to deliver clean, secure, affordable energy while treating the environment responsibly. The contribution of renewable electricity generation, towards addressing the effects of climate change plays a vital role in the wellbeing of New Zealand, its people and the environment. Considerable scope exists to further increase the supply of electricity from renewable resources, to assist New Zealand's transfer to a low emissions economy. It is critical that any unnecessary barriers and policy incoherence are removed that would prevent that from occurring.

The Draft Standards

The Draft National Planning Standards set out a proposed structure for planning documents that will influence how renewable electricity generation activities are to be provided for in planning documents, including:

- The structure standards for Regional Policy Statements (S-RPS), Regional Plans (S-RP), District Plans (S-DP), Combined Plans (S-CP), and the District Wide Matters Standard (S-DWM) direct the adoption of a compartmentalised structure based on prescribed themes. The Regional Plan (S-RP) structure standard only requires this where the regional council chooses to address matters on a theme basis (i.e. rather than a catchment basis).
- The structure standards for Regional Policy Statements (S-RPS), Regional Plans (S-RP), District Plans (S-DP), Combined Plans (S-CP), and the District Wide Matters Standard (S-DWM) direct that matters relating to *energy* must be grouped together with infrastructure in an *infrastructure and energy* chapter.
- The Area Specific Matters Standard (S-ASM) provides spatial planning tools which provide options for recognising and providing for electricity generation activities, including precincts and additional special purpose zones.

Infrastructure and energy matters are to be contained in an *infrastructure and energy* chapter, except in the case of regional plans where they are otherwise addressed on a catchment basis. The District Wide Matters Standard (S-DWM) requires that chapter in District and Combined Plans to contain provisions which give effect to the NPSREG, and provisions relating to the *maintenance, and upgrading, and development* of infrastructure, including *electricity generation*. The chapter must also refer to any relevant special purpose zone in the plan – e.g. for electricity generation.

The structure standards also require that a range of other matters are contained in separate theme based chapters. These include chapters for the *coastal environment, landscapes landforms and natural character, ecosystem and indigenous biodiversity, environmental risk, land, and water* (as relevant to the type of plan). Some of these chapters relate to natural resources and values for which section 6 of the RMA prescribes the adoption of a more protectionist approach, such as for natural character, outstanding landscapes, and significant indigenous biodiversity.

The draft implementation guidance for the Regional Policy Statements (S-RPS) and Regional Plan (S-RP) standards provides that plan provisions are to be included in the most relevant theme chapter, or within a catchment chapter. For example, rules relating to protecting biodiversity in wetlands, can be located in the *water* chapter, the *ecosystem and indigenous biodiversity* chapter, or a relevant catchment chapter. Furthermore, the guidance notes that the *infrastructure and energy* chapter manages the infrastructure and energy resources of the region, and may include provisions that set clear outcomes for and manage the region's infrastructure and energy resources.

Implications of the Draft Standards for Integrated Management of Renewable Electricity Generation

The outcomes that a planning document seeks for the management of natural and physical resources should be achieved regardless of what structure is adopted. The structure of the document should, in theory, not drive outcomes. Implementation of the structure standards may however, result in that, due to the requirement for planning documents to adopt a compartmentalised, theme-based structure, where provisions are included in the most relevant chapter.

Such a structure could inadvertently emphasise or promote the protection of the environment in those chapters which address natural environment values (e.g. landscapes landforms and natural character) in isolation of enabling appropriate use and development to provide for social, economic, and cultural wellbeing. For example, a landscapes landforms and natural character chapter which recognises and provides for those matters in sections 6(a) and (b) of the RMA is likely to contain provisions which have a focus on protection and the avoidance of adverse environmental effects.

This would likely be in contrast, and could potentially trump, more enabling provisions for renewable electricity generation activities contained in an *infrastructure and energy* chapter. This recognises the approach to the interpretation of plan provisions codified in *EDS v NZ King Salmon*³, where provisions with a focus on protection and avoiding adverse effects carry more weight in the overall evaluation of the appropriateness of an activity. For example, in *Blueskin Energy Ltd v Dunedin City Council*⁴, relating to a new wind turbine near Dunedin, the Environment Court found that the protective provisions of the district plan were not balanced by sufficiently clear or directive provisions encouraging renewable electricity generation.

In a similar manner, the requirement in the Regional Plan Structure (S-RP) standard for *land* and *water* chapters, which are separate from the *infrastructure and energy* chapter may result in the segregation of plan provisions relating to renewable electricity generation, from provisions relating to the resources on which they rely. For example, the management of hydro-electricity generation, could be separate from provisions for managing water quantity and quality. Practical implications during preparation of a plan may also exacerbate the difficulty of maintaining an integrated approach. For example, each chapter is frequently prepared by different people or teams, and the submissions on each chapter are heard at different times, or even by different hearings panels.

The separation of those different elements without proper integration could lead to a fragmented objective, policy, and rule framework resulting in provisions which do not clearly articulate how electricity

³ *Environmental Defence Society v The New Zealand King Salmon Company Ltd* [2014] NZSC 38.

⁴ *Blueskin Energy Ltd v Dunedin City Council* [2017] NZEnvC 150.

generation activities are to be provided for across different resources and values. This would not achieve integrated sustainable management under the RMA. From Meridian's perspective the appropriate enablement of renewable electricity generation could be lost, as a result of not being fully articulated through all relevant resource and value chapters. It could result in the unsettling of the existing bespoke policy frameworks in plans which recognise renewable electricity generation activities. This would affect Meridian's ability to operate and re-consent its existing assets and plan for and develop new generation capacity to assist meet New Zealand's increasing electricity demands, Government targets for renewable energy generation, and climate change commitments in giving effect to the NPSREG.

The requirement for energy matters to be grouped together with other infrastructure in an *infrastructure and energy chapter* compounds the integration issues above. Combining energy with infrastructure risks a generic framework being applied to all infrastructure without recognising specific differences of some forms of infrastructure. For example, it would not recognise the national significance and particular benefits and differences of renewable electricity generation under the NPSREG in comparison to other infrastructure. In particular, Policies B and C of the NPSREG recognises a number of practical implications and constraints of operating, upgrading, and developing renewable electricity generation activities to achieve New Zealand's targets for renewable electricity generation.

Those practical implications and constraints are different from many other types of infrastructure, and therefore a more targeted planning framework is required from that provided for other infrastructure. That may also include spatial recognition of generation activities in plans through zones, precincts, or other methods in order that specific objectives, policies, and rules can be applied to them.

Meridian considers there are a number of options to amend the National Planning Standards to achieve appropriate integration for renewable electricity generation activities, in light of the issues discussed above. These are covered in the following sections.

Inclusion of a Separate Energy Generation Chapter and Providing Flexibility and Connections to Ensure Integrated Management

Meridian considers there is a strong case for energy, including renewable electricity generation, to be contained in its own self-contained chapter in planning documents, separate from other infrastructure.

A separate energy chapter, which incorporates renewable electricity generation, will better recognise the national significance, benefits, and differences of renewable electricity generation activities under the NPSREG in comparison to other infrastructure. In particular, it will better support inclusion of more targeted provisions for renewable electricity generation activities rather than risk them being incorporated in generic provisions which apply to infrastructure more widely. Provisions which are more enabling for renewable generation given its national significance and benefits could be included. This is while continuing to provide appropriate protections for the environment which recognise the practical implications and constraints of operating and developing generation activities.

Meridian has worked closely with councils on the structures of planning documents to ensure that energy related provisions are well integrated across different themes/chapters. It would be inefficient and counterproductive for this to be undermined by the requirement in the standards to segregate provisions between themes. Meridian considers that the standards should also provide greater flexibility for where objectives, policies, methods, and rules can be located across the different compartmentalised theme chapters. This is particularly for those themes which have focus on enabling infrastructure and energy,