

16 August 2018

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

Submission: Draft National Planning Standards

Overall Horowhenua District Council is supportive of the general intent of the National Planning Standards, to make Plans and Policy Statements prepared under the Resource Management Act 1991 simpler to prepare, more consistent, and easier to use.

The first set of Draft National Planning Standards have now been released for public comment and Horowhenua District Council appreciates the opportunity to provide feedback on these draft standards. Horowhenua District Council's below submission focuses on the key parts of the draft standards that it would either like to seek further clarification or guidance on, or that it would like to see amended or removed.

Any queries about matters covered in this submission can be directed to Tiffany Gower (please refer to the end of the submission for contact details).

1. General Comments

1.1. Consequential Amendments

Provision has been made across all of the standards for 'consequential amendments' to be able to be made to a plan to without using the Schedule 1 process in the Resource Management Act 1991.

In accordance with the National Planning Standards if a consequential amendment goes beyond the scope of amendments authorised by section 581(3)(d) for mandatory directions or section 581(4)(d) for discretionary directions then the Schedule 1 process is required. Section 581(3)(d) refers to amendments necessary to "*avoid duplication or conflict*" and section 581(4)(d) refers to amendments needed to "*avoid duplication or inconsistency*".

The inclusion of the consequential amendments provision is important and its intent is supported by Horowhenua District Council. However, the scope of what could be considered as necessary to 'avoid duplication or conflict/inconsistency' could be interpreted quite differently across local authorities. Therefore, greater clarification/guidance is sought around the interpretive parameters of this provision.

The Schedule 1 process is a costly, and often lengthy, process and without providing greater clarity/guidance for local authorities there is real potential that some may be overly cautious and revert to using this process when they might not actually need to and other councils may do the opposite.

There is benefit in making it clearer around how/when the consequential amendments provision should be used to not only ensure the efficient implementation of this set of National Planning Standards but to also avoid undermining the Schedule 1 process. If the Schedule 1 process is undertaken when it is not necessary (or is not undertaken when it should be) then there is a cost to the public not only in terms of money but also in regards to their perception of this process and the value they see in participating in it.

1.2. Assistance with ePlan development

Although the benefits of an ePlan for plan users (especially non-professional users) are acknowledged there are major costs associated with developing, implementing and maintaining an ePlan. The cost is greater for smaller local authorities that generally do not have resources available to oversee the development and then ongoing maintenance of an ePlan but which also have a lower number of users likely to benefit from an ePlan.

Any assistance that the Government is able to provide for the development, implementation and maintenance of ePlans would be supported. The provision of funding for smaller local authorities, like Horowhenua District Council, would be most useful and would reduce the burden on our ratepayers (many of whom will never utilise an ePlan).

Horowhenua District Council is supportive of working with other local authorities including looking at a shared provider. This would reduce costs and would also ensure a level of consistency between local authorities in terms of the look and feel of ePlans across the councils involved.

2. **S-IGP: Draft Introduction and General Provisions Standard**

2.1. Table 13: National Direction Instruments

2.1.1. Instruction 2

Clarification is sought in regards to what process councils would be expected to follow to update this table (i.e. will the Schedule 1 process apply).

3. **S-ASM: Draft Area Specific Matters Standard**

3.1. Zone chapters (S-ZONES)

3.1.1. Instruction 8

Instruction 8 requires that, “*The local authority must choose at least one of the following zones to use in their Plans. Each zone option contains a purpose statement which the zone provisions must fulfil.*”

Instruction 8 is a ‘discretionary direction’, and therefore, councils would be required to use the Schedule 1 process to choose the zones for their district plans. However, the use of the Schedule 1 process to select zones would be a relatively pointless and overly burdensome exercise for some councils.

The Horowhenua District Plan, for example, currently uses standard zones which are Residential; Commercial; Industrial; Greenbelt Residential (the equivalent of Rural Resident); Rural; and Open Space. Essentially Horowhenua District Council would be

replacing like-for-like when choosing zones in accordance with instruction 8, and as such the use of the Schedule 1 process has the potential to frustrate our residents and ratepayers given that it's an unnecessary expense that would not provide a genuine opportunity for them to meaningfully contribute as part the consultation process.

Therefore, it is requested that allowance be made in this standard that if a council will be replacing like-for-like then this would be a mandatory direction, and therefore, the Schedule 1 process would not be required.

Also it is noted that 'local authority' means "...a regional council or territorial authority" under the Local Government Act 2002. As such, perhaps this instruction should be amended to allow for the fact that regional councils may choose not include any zones in their plans.

4. F-1: Draft Electronic Accessibility and Functionality Standard

4.1. Table 18: Standard for baseline accessibility and functionality requirements

Overall some of the baseline requirements have the potential to be quite time consuming and expensive, especially for smaller local authorities that have less resources and where fewer people would actually benefit from the proposed requirements.

4.1.1. Instruction 7

Instruction 7 states "*Provide a 'note' within any district or regional plan rule (and hyperlink to relevant plan) that clarifies an activity may also require consent from another plan (eg, note and hyperlink from a regional plan rule relating to earthworks to relevant district plan chapters relating to earthworks).*"

Depending on the degree of plan complexity and cross referencing there could be substantial time and cost implications associated with implementing this instruction. Horowhenua District Council has limited resources and is currently experiencing a higher level of growth than in recent history which is prompting a series of plan changes.

Ensuring that the Horowhenua District Plan is agile enough to effectively cope with, and provide for, growth is presently considered to be the best use of our available resources. Having to re-direct officers to implement instruction 7 would be an inefficient use of their time and energy. Furthermore the benefit of this instruction is questionable given that councils will all be working towards the development and implementation of ePlans within the five year timeframe; so it's a lot of time and expense for a temporary requirement.

Furthermore the addition of notes and hyperlinks would result in electronic district plans being much larger and untidy documents, potentially reducing the readability of these plans.

4.1.2. Instructions 11 and 12

Instructions 11 and 12 require versions of current and previous district plans to be available on councils' websites. This not only has potential to create some confusion for people about which version of the District Plan is the one people need to use but it is also not considered to be necessary for some local authorities.

Horowhenua District Council's current practice is to display a copy of the current version of the operative District Plan as well as information on any plan variations or plan changes that

have been undertaken. We also have a substantial amount information on our website relating to the District Plan Review. Copies of versions of the current and previous District Plans are available as references at Council's main office. Horowhenua District Council receives a small number of enquires associated with the historic use of properties, trying to establish existing use rights. Our current system has worked well to date and there does not appear to be a need to make versions of the previous District Plan available on the website.

It is conceivable that many other councils would be in a similar situation to Horowhenua District Council, where it is just not necessary to display all versions of the current plan and copies of all previous plans developed under the Resource Management Act on their websites. No doubt there are councils that receive regular enquires that relate to previous versions of their current or a former district plans. For these councils it would be in their best interest to make copies of these available on their website as it would reduce officer time spent on enquiries, and therefore, it should not be required as part of this set of National Planning Standards. Subsequently it is requested that instructions 11 and 12 are removed from Table 18 of the Draft Electronic Accessibility and Functionality Standard.

5. *F-2: Draft Mapping Standard*

5.1. Table 21: Zone colour palette table

It is noted that some of the colours in Table 21 appear to be quite similar and that it would be hard for someone to differentiate between them at a glance. An example are the colours proposed for low-density residential and medium-density residential which are shown next to each other below:

Low-Density  Medium-density

It is conceivable that these two zones would both be represented in a district plan and it is important that someone can easily tell them apart to avoid potential confusion. Therefore, it is suggested that the colour palette for zones is amended to include a greater range of colours.

5.2. Table 22: Symbology table

In regards to the hazard symbol, there is no clear distinction between the hazard classes to which this symbol in proposed to apply. Given that there is likely to be variance in the management approach applied to each of these hazards in district plans it would be useful to differentiate between them by way of colour or alphanumeric code.

6. *F-6: Draft Status of rules and Other Text and Numbering Form Standard*

6.1. Instruction 8: Matters associated with designations

Given that the range of requiring authorities will generally be consistent across plans it would be useful for a national list of alpha based identifiers to be developed for application in plans.

7. CM-1: Draft Definitions standard

7.1. Table 29: Definitions Table

Horowhenua District Council seeks either amendments to, or further clarification on, the following definitions proposed in the first set of Draft National Planning Standards:

| Proposed NPS Term | Proposed NPS Definition | Amendment/clarification sought |
|-------------------|---|--|
| 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. | <p>Amend this definition to remove reference to 2 or more walls. Specifying that a building must have 2 or more walls would mean that carports, awnings or uncovered decks (especially on elevated sites) are not considered to be buildings, and therefore, could be constructed on/near boundaries resulting in adverse visual effects as a minimum. Carports, awnings or uncovered decks would instead be considered to be 'structures'. It is not practicable to apply yard setback requirements to 'structures' to ensure that carports or awnings would be setback from boundaries as this would mean that other structures (e.g. fences) would also need to comply with setback requirements.</p> <p>Amending this definition to include exemptions for very small buildings (based on height and floor area) should also be considered. This would allow a dog house, children's playhouse or other similar small buildings to be exempt from coverage and yard requirements. Any adverse effects associated with these 'buildings' would be nominal and there would be no need (or benefit) to assess them as part of a consent process, therefore, it makes sense that they be exempt.</p> |
| Cleanfill | Means an area used for the disposal of exclusively inert, non-decomposing material. | This definition should be amended to make it clearer that any substance that poses a risk to human/animal life is not considered cleanfill. The definition as it currently stands would not exclude plastic or other similar (potentially hazardous) matter from being considered cleanfill. |
| Coverage | Means the percentage of the net site area covered by the footprint of structures as identified in the relevant rule. | <p>Given that 'building' and 'structure' are separately defined they should both be referenced in this definition instead of just structures.</p> <p>Also by specifying that coverage is calculated</p> |

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| | | <p>based on building footprint it exempts eaves and potentially patios. In some cases eaves and patios can be quite large and do have a visual impacts on the surrounding environment. As such the definition could be amended to exempt eaves or overhangs of a certain width which would mean if they were over a certain width they would be included in the coverage calculation.</p> |
| Earthworks | <p>Means any land disturbance that changes the existing ground contour or ground level.</p> | <p>As it is currently written this definition is too broad and would require permitted activity standards to ensure that unnecessary consents are not triggered (e.g. digging post holes, offal pits or small scale earthworks associated with gardening etc). It would be beneficial to amend the definition to build in exemptions and avoid councils needing to introduce permitted activity standards across zones.</p> <p>It should also be made clear in the definition that quarrying activities are considered separate to general earthworks.</p> |
| Education Facility | <p>a) means the use of land or building for the primary purpose of regular teaching or training in accordance with a pre-set syllabus by suitably qualified or experienced instructors; but</p> <p>b) does not include any industrial activity.</p> | <p>Amend this definition to remove 'b) does not include any industrial activity' and instead allow local authorities to control the effects from education based industrial activities through plan provisions.</p> <p>The nature and scale of education based industrial activities are likely to be less than standard industrial activities (i.e. training facilities are likely to operate during business hours only and would have limited pieces of machinery operating at one time etc). Therefore, the effects are likely to be more compatible with non-industrial activities.</p> <p>Also education based industrial activities would be an inefficient use of industrial land resource/infrastructure, given the scale of the activity it would not necessitate their location in these areas.</p> <p>Furthermore, many education facilities that offer industrial based education also offer non-industrial training. There is benefit in such facilities being located close to urban centres, where they are on public transport</p> |

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| | | routes and near to services such as libraries. |
| Ground Level | <p>Means -</p> <p>a) the actual finished surface level of the ground after the most recent subdivision that created at least one additional allotment was completed (at the issue of the section 224c Certificate or the previous legislative equivalent), but excludes any excavation or filling associated with the construction or alteration of a building:</p> <p>b) if the ground level cannot be identified under paragraph (a), the existing surface level of the ground, excluding areas of cut or fill associated with the construction or alteration of a building:</p> <p>c) if, in any case under paragraph (a) or (b), a retaining wall or retaining structure is located on the boundary, the level on front of the retaining wall or retaining structure where it intersects the boundary.</p> | <p>It is unclear what is meant by point c) if, in any case under paragraph (a) or (b), a retaining wall or retaining structure is located on the boundary, the level on front of the retaining wall or retaining structure where it intersects the boundary.</p> |
| Habitable Room | <p>Means any room in a residential unit, visitor accommodation, educational facility, commercial activity or healthcare facility used for the purposes of teaching or respite care or used as a living room, dining room, sitting room, bedroom, or similarly occupied room.</p> | <p>This definition should be broadened to provide scope for habitable rooms associated with other activities such as sporting activities (e.g. clubrooms) or industrial activities (e.g. staffrooms).</p> |
| Height (District Plan) | <p>Means the vertical distance between ground level at any point and the highest part of the structure immediately above that point.</p> | <p>Given that 'building' and 'structure' are separately defined they should both be referenced in this definition instead of just structures.</p> <p>Also it would be beneficial to amend the definition to include exemptions for small scale features commonly attached to buildings that protrude above the roofline such as chimneys, television aerials or</p> |

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| | | <p>decorative features. It's impractical that these features be included in the general building height as any adverse effects associated with them would be nominal and making property owners get resource consent or amend their building design would be unreasonable.</p> <p>To ensure that any exemptions would only capture small scale features dimensions could be specified e.g. the maximum height of a building is 8 metres excluding a chimney, decorative features, aerials, or other similar structure/s measuring no more than 1.5 metres in a horizontal plane and projecting up to 1.5 metres above the maximum height for a building.</p> <p>It is noted that 'exemptions' could be introduced into zone standards, however, this will involve duplication and increase chance of unintended variation between zones as well as between local authorities.</p> |
| <p>Height In Relation to Boundary</p> | <p>Means the maximum height of a structure relative to its distance from the boundary of a site or other specified location.</p> | <p>Given that 'building' and 'structure' are separately defined they should both be referenced in this definition instead of just structures.</p> <p>Consider amending the definition to include exempting eaves and spouting up to a certain width or small scale common building features (e.g. chimneys, television aerials or decorative features) that protrude above the roofline. Any potential adverse effects associated with these features would be nominal and making property owners get resource consent or amend their building design would be unreasonable.</p> <p>To ensure that any exemptions would only capture small scale features dimensions could be included e.g. eaves up to 1 metre in width.</p> <p>These exemptions' could be introduced into zone standards, however, this will involve duplication and increase chance of unintended variation between zones as well as between local authorities.</p> |
| <p>Home Business</p> | <p>Means an occupation, craft, service or profession that is</p> | <p>This definition should be amended to specify that the activity must be carried out by a</p> |

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| | secondary to the use of the site for a residential activity. | resident of the household, to ensure there is a locational benefit/reason for the activity to occur on the site. |
| Intensive Primary Production | Means primary production activities that involve the production of fungi, livestock or poultry that principally occur within buildings. | This definition should be broadened to include ‘fenced enclosures where the stock density precludes the maintenance of pasture or ground cover’. Not all intensive primary production activities occur within buildings. Also consider amending the definition to include exemptions for small scale activities such as the keeping, rearing or breeding of poultry of 20 or fewer birds – this would exempt property owners that keep hens and sell a small number of eggs locally. |
| 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 motorized vehicles that can be moved under their own power. | This definition should be amended to remove reference to ‘building’. The use of the term ‘building’ (which is defined separately) could be confusing and will create potential for circular arguments. The definition could be amended to refer to ‘...any built form , equipment, device....” This would ensure that the definition of structure covers things that have an element of construction involved but also makes it clear that there is a difference between a building and a structure. |
| Visitor Accommodation | Means land and/or buildings used primarily for accommodating non-residents, subject to a tariff being paid. | This definition should be amended to specify that visitor accommodation is short-term accommodation to help differentiate it from longer-term rental accommodation. |

Thank you for considering this submission.

Contact Information:

Organisation: Horowhenua District Council

Email: [REDACTED]

Address for service: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]