

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.

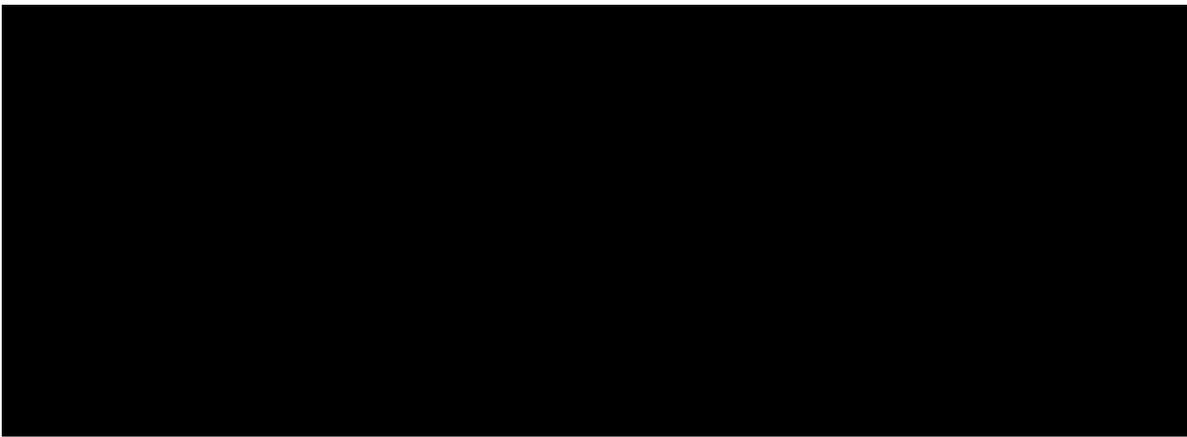
Having a nationally consistent approach for network utility / infrastructure, would reduce the unnecessary local nuances (where these nuances are often not required). Additionally, for operators who work across multiple jurisdictions, having the same provisions to work with means that when a project 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	<p>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.</p> <p>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.</p> <p>The exclusions sought have been tested through the Auckland Unitary Plan</p>	<p>Amend the definition to include: [...]</p> <p><u>But excludes:</u></p> <ul style="list-style-type: none"> • <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.	<ul style="list-style-type: none"> <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.	<p>Clarify how / where this definition applies (that it doesn't apply to state highways).</p> <p>Amend the definition to add the missing word: [...] identified <u>in</u> the relevant rule.</p>
Earthworks	Means any land disturbance that changes the existing ground contour or ground level	<p>The definition as it stands, is quite broad. It will be its application that is of more interest.</p> <p>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.</p>	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	<p>Either: delete the following from the existing definition [...] because the activity can only occur in that environment</p> <p>Or:</p>

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 natural processes</u> , 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.

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	<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 a 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>In this scenario, front (without clarification) can have two meanings – facing in or facing out.</p> <p>Consider how the intent can be better communicated or reflected.</p>
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.

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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> .

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Net site area	Means the total area of the site, but does not include: <ul style="list-style-type: none"> 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	<p>The Transport Agency generally supports this definition.</p> <p>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.</p> <p>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).</p>	<p>Consider if the use of commas is correct, as the meaning is different without the second comma.</p> <p>Consider a definition for <i>activity sensitive to noise</i>.</p>

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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.	<p>One option may be to note what it is used for, would narrow the definition sufficiently. Otherwise, specific exclusions may be necessary.</p> <p>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>.</p> <p>Either way, the definition should be amended or deleted to avoid a perverse outcome.</p>
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	<p>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:</p>

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	any deposition of material or infilling that is not permanent	to create the type of effects reclamation rules typically try to address.	<ul style="list-style-type: none"> filling associated with piping a stream. <p>Excludes:</p> <ul style="list-style-type: none"> 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	<p>It isn't clear whether this definition (inadvertently captures visitor accommodation).</p> <p>The suggested amendment provides additional clarity to the definition.</p>	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	<p>The definition of primary production above includes aquaculture so why is there an “or”?</p> <p>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.</p>	<p>Change the term ‘or’ to ‘and’ so it reads [...] supports primary production <u>and</u> aquaculture activities.</p> <p>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.</p>
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	<p>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 –</p> <ol style="list-style-type: none"> i. Identification of and provision of information about any activity, site or structure; ii. Providing directions; iii. Promoting goods, services or forthcoming events; and 	<p>Digital signs need to be captured.</p> <p>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.</p> <p>Illumination, moving parts, message sizes etc should be covered in standards rather than a definition.</p>	<p>Amend the definition so safety billboards aren’t excluded.</p> <p>Ensure digital signs are captured within this definition.</p> <p>Remove reference to Illumination, moving parts, message sizes etc, as these terms are more appropriately captured within the rules than the definition.</p>

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	<p>b. Includes the frame, supporting device and associated ancillary equipment whose principal function is to support the message or notice; and</p> <p>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</p> <p>d. May be illuminated by an internal or external light source</p>		
Structure	Means any building, equipment, device or other facility made by people and which is fixed to or located on land; and includes any raft, but excludes motorised vehicles that can be moved under their own power	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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