

# 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](http://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

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

\* Questions marked with an asterisk are mandatory.

## Draft first set of National Planning Standards

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

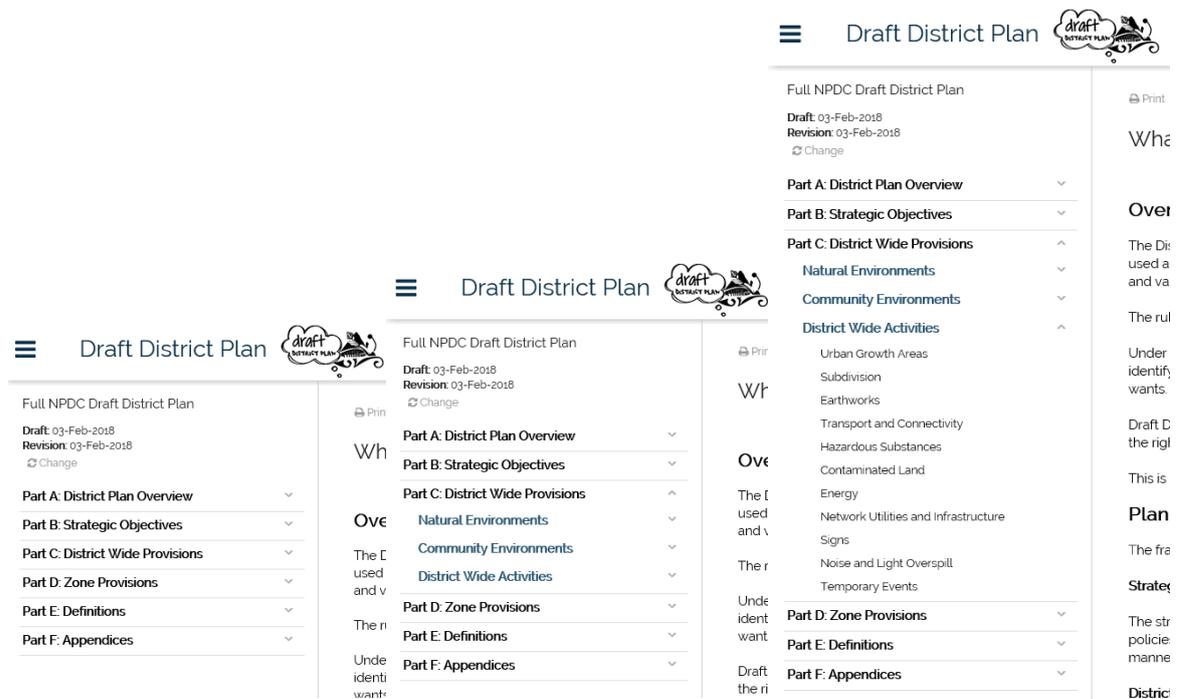
- 1) the top level headings like 'Community Values' and 'General District Wide Matters' should be removed from the plan structure; and
- 2) 'Signs', 'Historic Heritage' and 'Coastal Environment' should become their own chapters, as opposed to sections under the proposed Chapters (General District Wide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

<b>Part A: District Plan Overview</b>	▼
<b>Part B: Strategic Objectives</b>	▼
<b>Part C: District Wide Provisions</b>	▲
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	
<b>Part D: Zone Provisions</b>	▼
<b>Part E: Definitions</b>	▼
<b>Part F: Appendices</b>	▼

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 Rooding/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 discuss above, SDC is general supportive of the standards requiring Councils to include Objectives, Policies and Rules relating to the District Wider 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

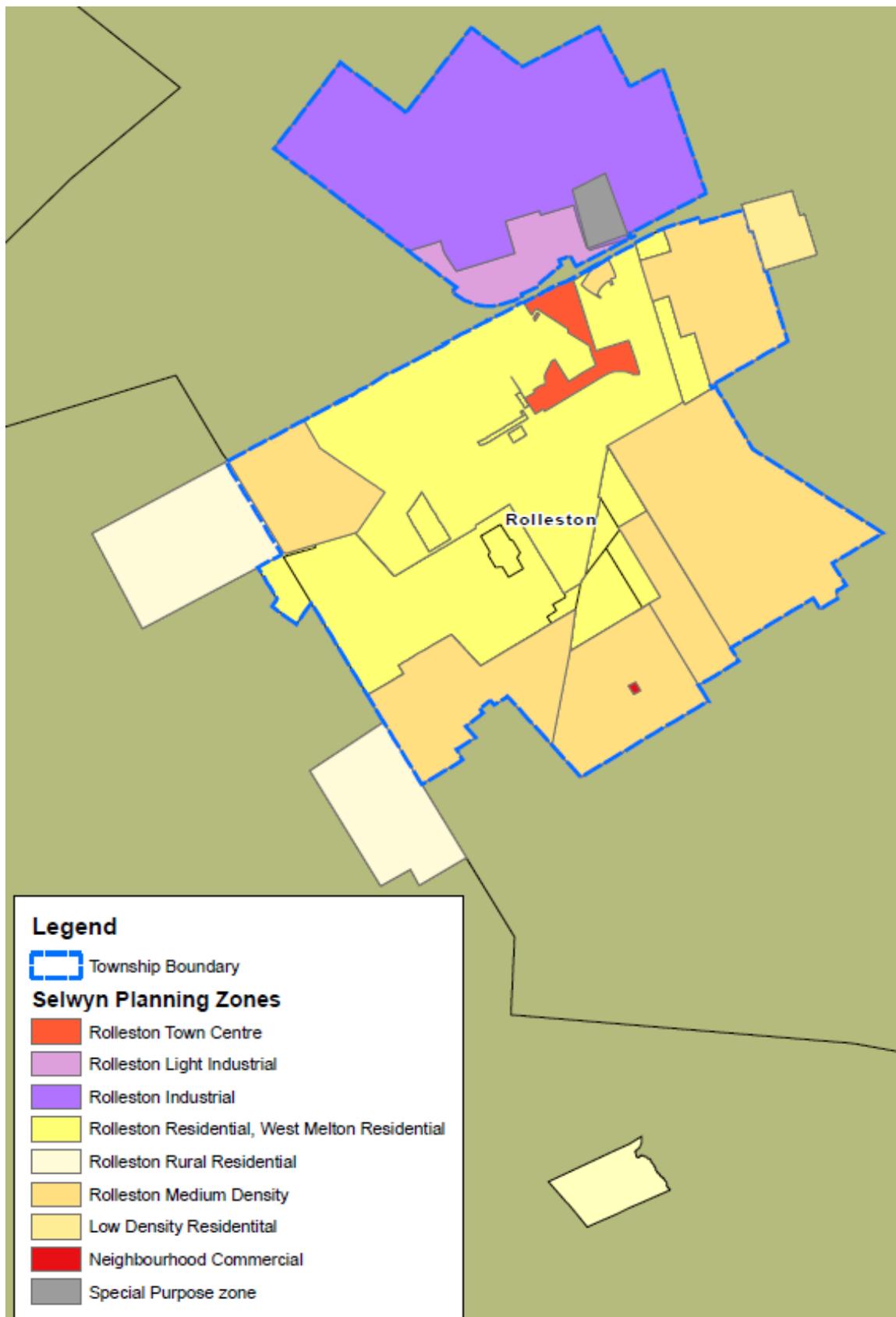
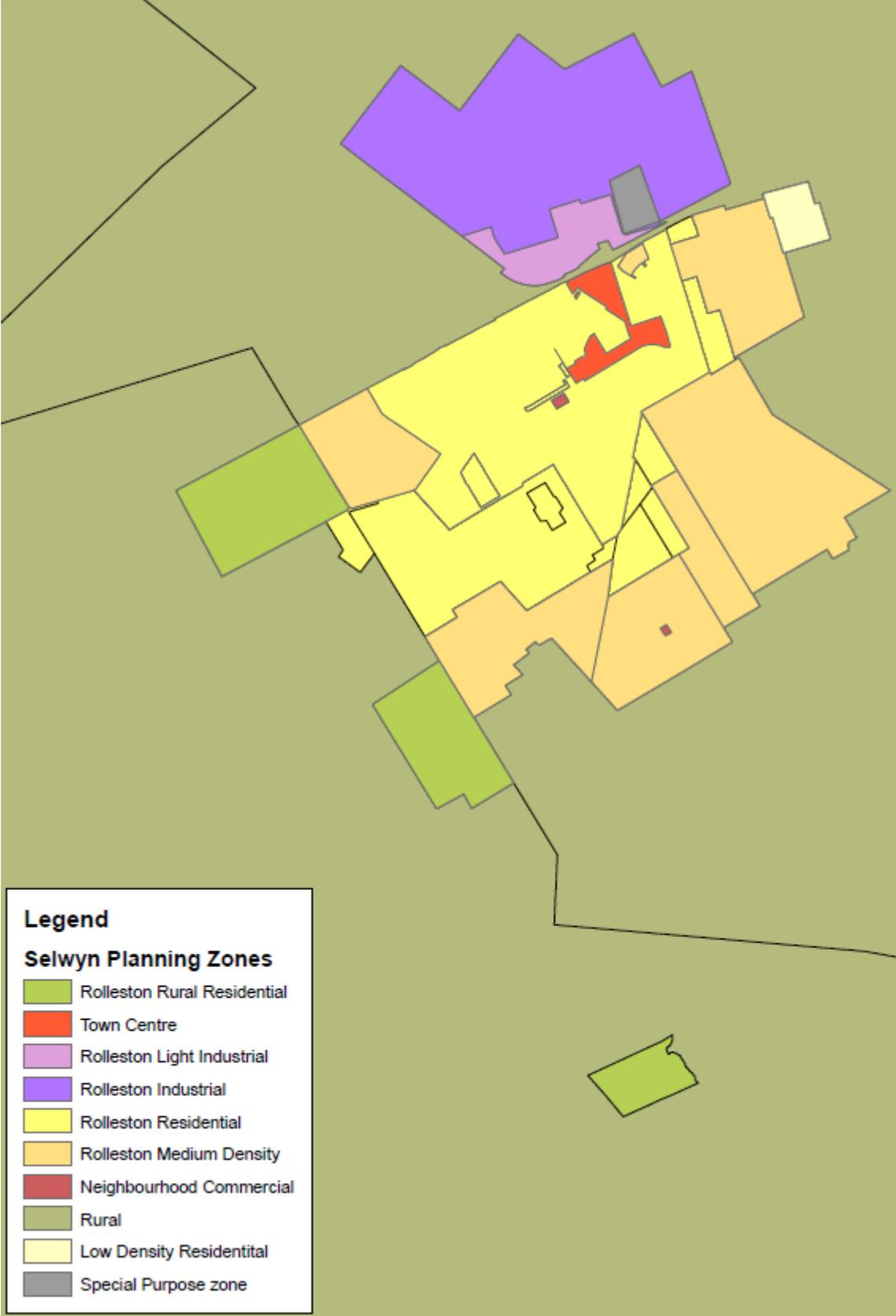


Figure 4: Rolleston Township with alternative RGB codes



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. Symbology

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.

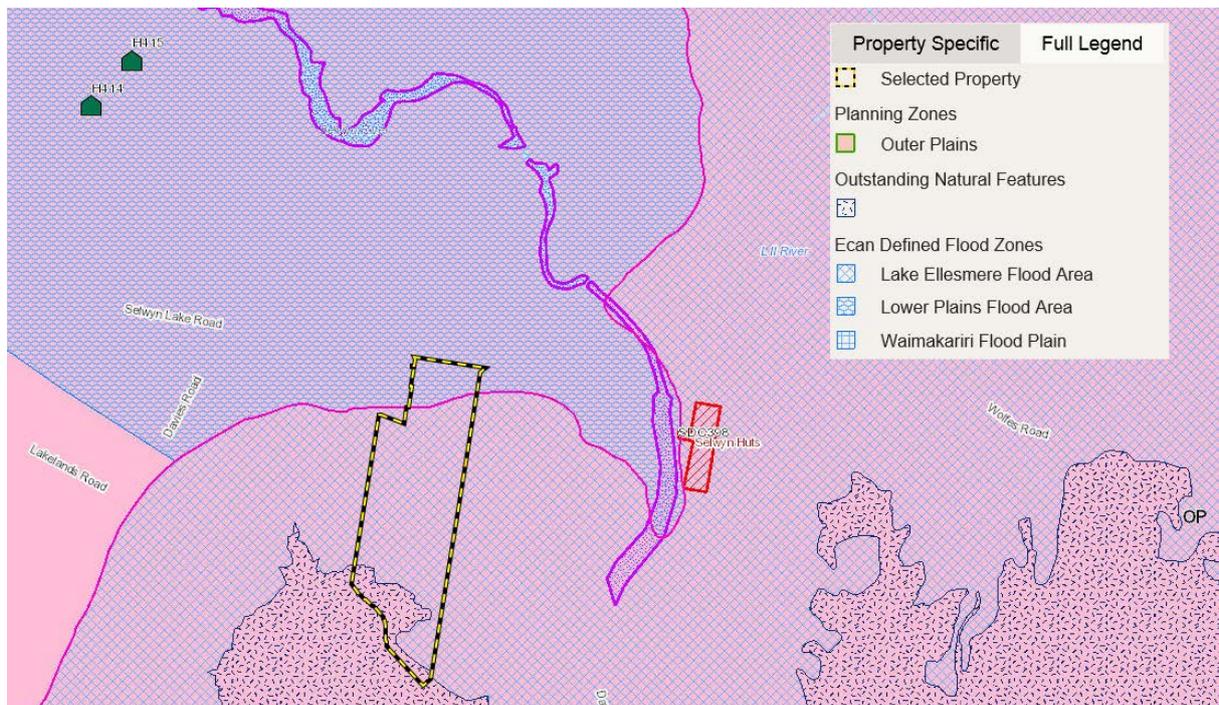
SDC currently uses a red hatching to demonstrate where a designation occurs in the plan. SDC is aware that this is unlikely to continue to be an option given that the colour red has been allocated to the suite of commercial zones, however the symbology proposed in the draft standards for designations 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](mailto: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.**