Draft National Planning Standards Submission

The questions below are a guide only and all comments are welcome. You do not have to answer all of the questions. To ensure your point of view is clearly understood, please explain your rationale and provide supporting evidence where appropriate. The structure of this form is in line with the draft first set of national planning standards as shown in the overview section section tables 1 and 2.

Contact information

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<tr>
<th>Name*</th>
<th>Liam Hodgetts</th>
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<tr>
<td>Organisation</td>
<td>New Plymouth District Council - Management Submission</td>
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* Questions marked with an asterisk are mandatory.
Draft first set of National Planning Standards

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

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

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

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

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

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

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

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

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

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

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

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

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

**Part 2 – Tangata Whenua**

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

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

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

**Part 4**

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

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

NPDC suggest a new “Urban Growth” theme is inserted under the Infrastructure and Energy theme. Alternatively a new section called “Urban Form and Growth” could cover Historic Heritage, Regional Growth and any other relevant regional direction.
3. **S-RP: Regional plan structure standard** – N/A.

4. **S-DP: District plan structure standard**

   See comments below.

5. **S-CP: Combined plan structure standard** – N/A.

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

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

   a. **Introduction chapter**

      NPDC support this section with the following amendments:

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

      Tables 7, 8, 9 and 10:
      There is potential for a digital solution in the e-plan that would remove the need for a chapter for proposed Tables 7 to 9 altogether that is user friendly for Plan users. It is requested that if updates information is delivered in an alternative electronic format with a high level of e-plan functionality that the need to provide these tables is removed. In regards to proposed contents table in Table 10, it is requested that the first column is removed as there is no numbering required for chapters or subsection headings. NPDC supports no numbering for the e-plan framework because it creates a more user friendly experience for the e-plan user. NPDC’s Draft District Plan specifically avoided numbering chapter numbering for this vary reason.

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

   b. **How plan works chapter**

      NPDC support this section with the following amendments:

      General Approach: NPDC suggests replacing the sub section name ‘General Approach’ with
‘RPS/Regional/District/Combined Plan Overview’ instead. This term is more user friendly and understandable to lay people.

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

c. **Interpretation**

NPDC support this sub section.

d. **Plan integration**

NPDC support this sub section.

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

NPDC support this sub section.

f. **National direction**

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

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

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

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

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

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

Targeted engagement with endorsed iwi and hapu representatives as part of the Nga Kaitiaki forum have informed the development of the Draft District Plan. One of the key requests of this group has been to integrate the cultural values identified by the group throughout the Draft
District Plan. The group strongly prefers integration through objectives and policies to ensure Tangata Whenua issues are meaningfully considered throughout the consent process.

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

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

a. **Recognition of iwi/hapū chapter**

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

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

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

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

b. **Tangata whenua local-authority relationships chapter**

There is general support for this sub-section.

c. **Iwi and hapū planning documents chapter**

There is general support for this sub-section.

d. **Consultation chapter**

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

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

There is general support for this sub-section.

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

NPDC support this section, with the following amendments:

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

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

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

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

a. Natural Environment Values Chapter

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

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

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

b. Environmental Risks Chapter

NPDC support this section.
c. **Community Values Chapter**

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

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

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

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

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

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


d. **Infrastructure and Energy Chapter**

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

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

1. The following matters must be addressed in the Transport and Connectivity section: Road and rail, localised traffic and transport technical standards.

2. The following matters must be addressed in the Network Utilities and Infrastructure section: Telecommunications, power distribution companies, power plants, gas/underground pipes, three waters and waste.

3. The following matters must be addressed in the Energy section: Renewable Energy and Oil and Gas, power plants and conventional electricity generation.

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

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

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

e. Subdivisions Chapter

NPDC support this chapter.

f. General District Wide Matters Chapter

NPDC support this chapter.

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

a. Zone framework (individual and range)

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

Rural Residential Zone: The term “residential” in the zone name sends the wrong message that rural land can be used for intensive residential purposes. Residential subdivision of
rural land is a key resource management issue in the New Plymouth district and something NPDC wishes to avoid. NPDC submit that the zone name is changed to “Rural Lifestyle”.

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

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

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

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

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

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

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

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

**b. Purpose statements**

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

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

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

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

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

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

**c. Additional special purpose zones and criteria**

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

**d. Precincts chapter**

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

NPDC are of the view that, rather than modifying the approach taken in an underlying zone, precincts should complement the zone, but not compromise its role and function. For
example a heritage area in the City Centre Zone may have special requirements around ensuring the retention of heritage buildings, but fundamentally the buildings still retain a commercial or retailing role (therefore are not compromising the role and function of the underlying zone).

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

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

e. Development areas chapter

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

f. Designations chapter

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

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

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

The schedules component of the National Planning Standards may have significant risk implications from a data quality and assurance point of view. It will essentially mean that Councils will have to maintain two sets of data in two different places for one topic; data included in schedules and data that is in GIS that displays in the Left Hand Panel with GIS layers. Having to maintain data in two places creates a risk of one of the two data sources being
inaccurate or incorrect and losing ‘the one source of the truth’ of GIS data. This may create uncertainty for users and will be an increased risk for Councils given they will have to be more open and accountable using e-plan functionality.

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

The Draft Schedules chapter requires some careful consideration given characteristics of overlays are different and it is difficult to come up with a one size fits all for headings that apply to all overlays. For example NPDC’s Notable Trees table to go in as a schedule looks like this:

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<tr>
<td>4</td>
<td>River Sheoke</td>
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<td>New Plymouth District</td>
<td>Single</td>
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Obviously some of the above information would not apply to a heritage building or a waahi tapu site.

12. **F-1: Electronic accessibility and functionality standard**

   a. **Standard baseline requirements** – N/A.

   b. **Level 5 requirements**

      Overall the proposed ‘Level 5’ scale seems appropriate for most Councils that have the funding and investment to be able to deliver these types of plans, however smaller Councils around New Zealand may find it challenging who don’t have sufficient funding and/or adequate resourcing to maintain the functionality of an e-plan. The delivery of an e-plan requires dedicated resources across multiple disciplines to work with planners while drafting provisions including a dedicated policy planner, consents planner, GIS expert, IT specialist, communications and user experience expert (if available).

      Further national support for e-planning will be required and should be facilitated by MfE. This would lead improved functionality development for e-plans to better deliver on the standards. At present Councils are investing separately in e-plans which is not the most effective and efficient outcome.
NPDC does not agree that planning maps must be completely printable and question what the intended purpose of this is. This implies that the National Planning Standards still require Councils to have a paper based plan which is contrary to the key purposes of an e-plan. E-plans have the functionality to compare maps online. Making planning maps printable and in particular for the whole Plan would be a step backwards for GIS data maintenance and may run the risk of losing ‘one source of the truth’ for GIS data at that point in time. Every time the planning map is updated, Council will still need to maintain the paper based version, which is doubling up.

New Plymouth’s e-plan does include printable property reports that include a property based planning map and aerial snapshot.

13. **F-2: Mapping standard**

a. **Zone colour palette**

On the whole the primary colours in the National Planning Standard are closely aligned with the zone colour palette for the Draft District Plan, however the colour hues or RGB’s chosen for some of the zones in the standard are very gallant. In particular the General Residential Zone, the Industrial Zone and the Town Centre Zone hues in the standard are of concern as they are difficult to decipher on the planning map as demonstrated in Diagram 1. Because of the distinctive hues, the General Residential Zone colour doesn’t appear to have any type of relationship with other adjoining types of residential zones. It is recommended that some of the zone colours are toned down so that the maps have a softer appearance making it easy for a user to use and understand planning map information as displayed in Diagram 2 below.

*Diagram 1: MfE’s Zone Colour Palette applied to New Plymouth’s Draft District Plan Zones*
The orange colour hue proposed for the Town Centre zone doesn’t seem appropriate given a Town Centre Zone is closely aligned to the Commercial Zone family where the standard is proposing purples and soft pinks. NPDC recommend a colour that is closer to the Commercial Zone family and that appears logical on a planning map. Ideally a colour in between the colours used for the City Centre Zone and the Local Centre Zone should be used to help reinforce a centres hierarchy.

It is recommended that at a minimum that the General Residential, Industrial and Mixed Use Zone colours are softened and reviewed in the standard. Below is a table showing New Plymouth’s RGB Colours that we recommend for inclusion. NPDC acknowledge that the General Residential tone could be slightly lighter to have a clearer distinction with the Mixed Housing/Medium Density Residential zone.
NPDC has spent a significant amount of time and resource on designing a planning map that is easy to use and understand for the user. The symbology design was undertaken using a collaborative process between a graphic designer, GIS expert and planner that focused on the wider user experience. It was important that the symbology design was undertaken using worst case scenario thinking, where it is common that a number of features/layers compete with each other on a planning map at a property level. The points were designed with consistent shapes and colours so that the user doesn’t get confused about different features and NPDC recommend that the standard reflects this principle. NPDC has also received feedback from a User Experience group that planning map design has a similar look and feel to google maps which is a good indication that the Plan design on the whole is positive.

Heritage items (buildings or structure):
While the National Planning Standards propose to use “Heritage items (building or structure)” as a chapter name, it has other implications for feature naming in GIS. This terminology is not user friendly for those GIS experts that need to set up GIS layer names – two steps would be required to set this up, as brackets cannot be used as characters in layer names in a GIS geodatabase. For the proposed name to display in the Left Hand Panel
when a property is selected a second step would require setting up an ‘alias name’. NPDC recommend the name is amended to ‘Heritage Building or item’ which covers both buildings and structures; is a lot simpler to understand for a user and is easier to configure in GIS.

NPDC does not agree with the symbology proposed for a heritage building as the icon feels very colonial and does not tie well into other overlay features that are commonly in a City Centre Zone such as heritage areas which are being proposed as a solid brown line colour. The circular brown icon that is included in the Draft District Plan has been designed by a graphic designer with input from GIS experts and planners to provide a modern and digital/web feel to the e-plan.

NPDC note that earlier discussions with MfE indicated an openness to providing a circular shape around symbology so that it is easier for a user to understand features when their competing with multiple overlays on a planning map. Again NPDC recommend having a point that is designed with shapes and colours that are consistent with other layers/features that tell a story.

**Heritage Precincts:**
NPDC support the proposed symbology set out in the standard for heritage areas. The solid line and colour is user friendly and makes polygons easy to understand for the user.

**Protected Trees (Notable Trees):**
NPDC support the design for the singular protected tree, but suggest a white circular background and a green fill colour for the tree is added so that the point “pops” when it is competing with multiple layers/features at a property level. This same point applies for the protected tree group icon as suggested in the point relating to Heritage Buildings.

NPDC does not support the proposed symbology suggested for a group of trees. The protected tree group icon design portrays that the tree group only applies where there are two different species, when it is often the case that the group of trees is the same species. One of the species in the icon isn’t actually native to NZ either. This seems confusing from a user point of view and it is recommend that the same icon is repeated twice for a group of trees with a green colour so that it is easier to understand for the user.

For your information, NPDC is currently looking into capturing dripline polygons for notable trees to better capture groups of trees and driplines that cross property boundaries.

**Sites of Significance to Māori:**
NPDC does not recommend a standardised point for sites of significance to Maori given the cultural values for sites have their own local context and will vary across districts and regions across New Zealand. New Plymouth district iwi and hapu representatives agreed on a symbol based on their own cultural values, but that doesn’t necessarily mean that those same values apply nationally. NPDC advise that it may be better to leave other iwi and hapu to develop their own symbology as they see fit.
**Marae:**
NPDC support having a Marae symbol within the standard. As discussed, NPDC see benefit in all icons having a similar shape and have a white background to them where appropriate (not all instances may be).

14. F-3: Spatial planning tools (Regional) standard – N/A.
   
a. **Range of tools** – N/A.

b. **Zone** – N/A.

c. **Overlay**

*National Grid Line and National Grid Underground Cable:*
It is noted that the terminology has changed from National Grid Subdivision Corridor to National Grid Underground Cable for this GIS layer. NPDC does not support the change in terminology as it is more of a defined area (a corridor) that the plan is trying to protect. It is recommend that it go back to being called a ‘National Grid Subdivision Corridor’ as it more accurately reflects the feature on the planning map. NPDC supports the terminology for a National Grid Line.

In terms of design, NPDC recommend avoiding using the black line colour proposed for both the corridor and the grid line. While it is agreed that it is visible on a planning map, the proposed black colour is not visible on an aerial (see attached screenshot) and would be hard for a user to see on the eye. NPDC tested this as part of our design work and chose a red colour so that it is visible on any basemap and with other layers. NPDC is aware that red on green can be an issue for certain types of colour blindness but have not tested our symbology for this. Due to the number of layers in the e-plan it would be very difficult to cater for colour blindness as the colour pallet would be greatly reduced.

See below examples of the differences between the two colours:

**MfE’s Proposed Corridor and Line Symbology**    **Red Corridor and Line Symbology**
d. **Specific control** – N/A.

e. **FMU** – N/A.

f. **Airshed** – N/A.

g. **Area** – N/A.

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

**Hazards, Coastal Environment, Noise Contours, Designations:**
NPDC support the symbology for the Designations, Coastal Environment and Noise Control Boundaries Layer. NPDC received positive feedback regarding these layers as part of the release of the Draft District Plan. The layer default setting in the content editor of the e-plan is useful for turning individual sublayers on and off. For example a property that has multiple hazards layers would be able to only turn on the layers that apply to that property as indicated in the selected property’s Left Hand Panel.

**Noise Contours:**
NPDC recommend staying with the terminology Noise Control Boundaries as the term is more definitive.

**Statutory Acknowledgement Areas:**
NPDC have concerns with including waahi taonga points within statutory acknowledgement areas. They are a separate feature subject to specific rules in the plan. Statutory acknowledgement areas are subject to their own legislation.

NPDC recognise that statutory acknowledgement areas are common to all Councils around New Zealand, but have concerns with the proposed red outline symbology colour that is proposed. This colour doesn’t promote a positive planning message for Statutory Acknowledgement Areas to landowners. Current challenges with statutory acknowledgement areas in the New Plymouth district is that there are a vast amount of waterbodies with a lot of competing features. A recommended design solution for the standard would be to adopt a neutral/transparent polygon with a grey outline colour so that it can be seen on any basemap and features underneath are still visible. See example below of the design that NPDC showed you at a meeting that NPDC is thinking of using for the Proposed District Plan.
a. **Range of tools** – N/A.

b. **Zone** – N/A.

c. **Overlay** – N/A.

d. **Precinct**

NPDC is supportive of the mapping tool, but not its intended policy application.

e. **Specific control**

It is not clear how this differs from an Overlay v Precinct. More direction is required in the function descriptions. Supplementary planning guidance should also provide examples to help guide how these can be applied in Plans.

f. **Development areas**

NPDC support this mapping tool.

g. **Designation**

NPDC support this mapping tool. See above Overlay comments.
Other:

**Standardising GIS field names:**
After reviewing some of the schedules work and the GIS direction councils will be moving towards, NPDC is of the view that there could be value in standardising some common GIS field names for a number of GIS layers that display in the Left Hand Panel of the e-plan.

**Parcel selector**
The outline colour that selects properties and parcels would be useful to standardise. The Draft District Plan started out with a solid green colour that was hard for the user on the eyes. NPDC changed the colour to a black and white hatch which is much more user friendly visually. See example below:

<table>
<thead>
<tr>
<th>Property selector at beginning of project</th>
<th>Current Draft Digital District Plan Property Selector</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image1.png" alt="Property selector at beginning of project" /></td>
<td><img src="image2.png" alt="Current Draft Digital District Plan Property Selector" /></td>
</tr>
</tbody>
</table>

**Standardising Plan Process stages and updates:**
NPDC is starting to look at how to move from Draft District Plan to Proposed District Plan to Operative District Plan and tracking changes once operative. Since e-planning is in its infancy NPDC would like to collaborate with MfE and other Councils to develop guidelines or standards on how to best do this using an e-plan.
16. F-5: Chapter Form standard

a. Chapter form

NPDC support the structure set out in F-5, but it is not inherently clear that query the introduction and issues statements and other methods are optional. Point 4 reads “Unless otherwise stated, regional policy statement chapters, regional plans chapters and combined plan chapters may contain headings in the order provided”. Why have District Councils been left off this list?

NPDC recommend that the National Planning Standards are amended to clearly indicate that not all the headings need to be provided for all Plans.

NPDC queries the need for an issues statement.

NPDC also queries whether there is a need for short titles for objectives and policies.

b. Rules

NPDC notes that F-5 Chapter Form Standard and the applicable accompanying documents do not include a populated example of the Rule Table and Rule Requirements Table. NPDC considers that the provision of an example of a fully drafted rule would be beneficial in demonstrating the way in which MfE intends the proposed structure to work and identifying the inefficiencies with the proposed structure.

NPDC notes that initial Guidance for Standard F-5 Chapter Form states that the NPDC Draft District Plan can be viewed as an example of the application of some of the requirements of the F-5 Chapter form standard. The Draft District Plan was also referred to in the MfE national roadshow on the National Planning Standards. While some aspects of the Draft District Plan are the same as MfE’s proposed structure, there are some significant differences which NPDC considers result in an inefficient and ineffective structure, and which do not allow for easy and intuitive use by the end user.

In principle, NPDC does support the use of rule tables and considers that rule tables are the most efficient and user-friendly way of presenting rules in an e-plan. However, NPDC considers that Table 26 and Table 27 require amendment in order to avoid repetition, inefficiencies and difficulties in drafting.

Included in this submission are populated examples to demonstrate the inefficiencies in MfE’s proposed structure (See Appendix I and 2).

c. Rule tables

Table 26: Rule Table

Deletion of references to rule requirements in the Rule Table:

The third column in Table 26 includes the note: This cell is required for [permitted/controlled/restricted discretionary/discretionary/non complying] activities if the rule includes rule requirements.
NPDC submits that this note should be deleted. NPDC considers that it is more efficient for this column to deal with the non-compliance with the rule details of the particular activity, including any relevant matters of control or matters of discretion for such non-compliance.

NPDC notes that the National Planning Standards and the associated guidance documents are not explicit as to the process to be followed where there is non-compliance with “rule details”. NPDC has assumed that the structure of the Rule Table requires a new row to be inserted and the rule details to be rephrased for that particular activity where compliance with the rule details is not achieved and where the activity status is elevated.

If the above assumption is correct, NPDC considers that the current rule structure of Table 26 requires unnecessary repetition and rephrasing of the rule details to address non-compliance with the rule details for each particular activity. An example of this inefficiency is shown in the populated structure in Appendix 1, which populates the rule framework with one of NPDC’s draft sign rules.

It is submitted that it is more efficient for the non-compliance cell in the third column of the Rule Table to address non-compliance with the rule details, rather than requiring an additional row to be inserted with rephrased rule details. Additional rows should only be required for rules which have more than two activity statuses. In the NPDC’s experience, the majority of rules only have two activity statuses and thus the two columns work well.

The proposed structure in Table 26 also has the potential to result in a significant number of matters of control/discretion to be included within this third column of the Rule Table, particularly where there are multiple rule requirements applicable to a particular activity. It is submitted that this approach would result in unnecessary repetition of matters of control/discretion across multiple activities. An example of this inefficiency is shown in the populated structure in Appendix 2, which populates the rule framework with one of NPDC’s draft residential rules.

As set out below, NPDC considers that non-compliance with rule requirements should be dealt with within the rule requirements table rather than in the rule table. It is submitted that this approach avoids the third column of the rule table “blowing out” with matters of control/discretion as set out above, and has the potential to avoid repetition of assessment criteria across activities.

Further to the above, the second column in the Rule Table of F-5 Chapter Form standard includes the note: Where this activity complies with the following rule requirements: insert reference to rule requirement/s. NPDC submits that this note should also be deleted.

NPDC considers that Table 26 would work better if a “permitted activity standards” or “performance standards” approach is applied to all activities and therefore direct reference to the rule requirements within the Rule Table would be unnecessary.

The current structure requires Councils to foresee all potential scenarios and include all possible relevant rule requirements within the particular rule. It will be significantly difficult for Councils to ensure that all relevant rule requirements are referred to in each rule. This creates a potential loophole where an activity may not comply with a rule requirement that may be relevant to that activity, however if the rule requirement is not expressly referred to in the relevant rule, the activity will still be compliant and a consent will not be triggered.

Applying a permitted activity/performance standards approach, whereby all permitted, controlled and restricted discretionary activities are required to comply with all relevant
permitted activity/performance activity standards will eliminate this risk, as the standards/rule requirements apply to all activities. The application of the standards can be explained in the How to Use the Plan section (or an appropriate alternative). Non-compliance with the relevant rule requirements would then make an activity restricted discretionary, unless otherwise stated.

Table 27: Rule Requirements Table

Additional column in Rule Requirements Table

For any rule requirements where a higher activity status is required or appropriate, NPDC considers that a third ‘non-compliance’ column could be added to the Rule Requirements Table, allowing any non-compliance with a Rule Requirement to be addressed within the Rule Requirements Table (rather than in the Rule Table under the current structure). Any relevant matters of control or matters of discretion in relation to non-compliance with a Rule Requirement can then be set out in this column rather than in the Rule Table.

As there is currently no non-compliance column in Table 27, any assessment criteria in relation to non-compliance with a rule requirement are required to be included in the relevant sections of the Rule Table resulting in the inefficiencies set out above.

NPDC considers that Tables 26 and 27 will not result in the most streamlined and user friendly option, nor will it result in a framework that is easy to draft into and/or easy to ensure robustness. The current approach is particularly inefficient where there are a significant number of rule requirements that must be complied with for each particular activity (as is the case with the Draft District Plan). NPDC considers that it is easier and more efficient for the end user for the non-compliance with rule requirements to be located within the rule requirements table.

NPDC’s preferred structure

Using the terminology and structure template used in Table 26 and Table 27, the draft Rule Table and Rule Requirements Table structure preferred by NPDC is set out below:
### Rule Table

<table>
<thead>
<tr>
<th>Insert unique rule number in format required by the F-6: Status of Rules and Other Text and Numbering Form Standard</th>
<th>Insert rule title in bold text</th>
</tr>
</thead>
<tbody>
<tr>
<td>This cell is to be used where rules are applied on an area specific basis (i.e. zones or spatial planning tools)</td>
<td>This cell is required for activities with all activity status’</td>
</tr>
<tr>
<td>If required, insert name of relevant spatial planning tool/s</td>
<td>Activity status: insert activity status</td>
</tr>
<tr>
<td>OR</td>
<td>Where: Insert rule descriptor</td>
</tr>
<tr>
<td>If required insert name of relevant zone/s xx zone or all zones</td>
<td>1. insert rule detail</td>
</tr>
<tr>
<td></td>
<td>2. insert rule detail</td>
</tr>
<tr>
<td></td>
<td>3. insert rule detail</td>
</tr>
<tr>
<td></td>
<td>This cell deals with the non-compliance with the rule details</td>
</tr>
<tr>
<td></td>
<td>Activity status where compliance not achieved:</td>
</tr>
<tr>
<td></td>
<td>Insert activity status. If abbreviated use a mandatory abbreviation</td>
</tr>
<tr>
<td></td>
<td>(Use for C activities)</td>
</tr>
<tr>
<td></td>
<td>Matters over which control is reserved:</td>
</tr>
<tr>
<td></td>
<td>1. Insert matter</td>
</tr>
<tr>
<td></td>
<td>2. Insert matter</td>
</tr>
<tr>
<td></td>
<td>(Use for RD activities)</td>
</tr>
<tr>
<td></td>
<td>Matters of discretion are restricted to:</td>
</tr>
<tr>
<td></td>
<td>1. Insert matter</td>
</tr>
<tr>
<td></td>
<td>2. Insert matter</td>
</tr>
<tr>
<td></td>
<td>Notification: Insert notification detail, if any.</td>
</tr>
</tbody>
</table>
NPDC considers that the above amended structure will work well, and will allow for easy and intuitive use by the end user and can be adapted from other plans. It is noted that the preferred rule structure table has been used and tested in the Draft District Plan.

For clarification, NPDC does not oppose the use of a rule overview table in the form set out in F-5 Chapter form standard.

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

**a. Status of rules and other text**

NPDC support the use of shading boxes or similar methods to differentiate text that is subject to higher order documents, legal effect and change etc. Other matters to consider are drafting protocols or supplementary planning guidance on the following:

**Use of capitals for defined terms headings:**
For example home occupation should read Home Occupation whenever it is used.

**Use of capitals within sentences:**
Where defined terms are within a sentence, they do not need to start with a capital letter.
For example: “at least one person engaged in the home occupation must use the residential building as their principle place of residence” – this is because the e-plan will identify all definitions in blue whenever they appear.
Where numbers/sub‐paras are within a sentence, they do not need to start with a capital letter. However where numbers are part of a list, they should start with a capital. For example:

Matters over which discretion is restricted:
1. The impact of the building or structure on existing natural landforms.
2. The prominence of the building or structure and its integration into the outstanding natural landscape or feature.
3. Whether the building or structure …

b. Numbering

NPDC support the numbering form standard outlined in F‐6, but to help with ease of use, do make the following suggestions:

*Matters associated with rules (points 14, 15 and 16):* It would be advisable to provide direction on sequential numbering and the use of bullet points. Numbering should start with default, then lower alpha, then lower roman.

For example:

Where:
1. Text 1
2. Text 2
   a. Text 3
      i. Text 4
      ii. Text 5

Bullet points should not form part of a rule and should only be used in examples where it is for information purposes only. For example:

This rule does not apply to:

- Residential units less than 20 years old.
- Non‐habitable buildings which will not be used for residential activities.
- Buildings being repositioned on the same site.

*Table 28: Numbering Table*

NPDC found that a maximum of number of letters used for numbering should be 5. Anymore impacts on formatting for e‐plan table columns.

- EARTH (earthworks), can be shortened to EW.
- HSCS (hazardous substances and contaminated sites) needs to be separated as these matters are not always considered together. NPDC suggest HAZ for Hazard Substances and CL for Contaminated Land.
- Zones should have a “Z” after the letters as this makes it easier for plan users to immediately identify that the rule is for a zone (as opposed to a district wide matter). For example IND (industrial zone) should be amended to INDZ, SPA (Special purpose Airport Zone) should be amended to SPAZ etc.
18. **CM-1: Definitions standard**

NPDC acknowledge that where a definition contains the word ‘includes’ and is followed by a list, the list shall be non-exhaustive and conversely, if a definition ‘excludes’ a list of matters, this shall be treated as exhaustive. However, it appears that while ‘includes’ is used regularly throughout standard definitions ‘excludes’ or ‘does not include’ is used more sparingly.

NPDC consider that some of the draft definitions seem to be overly simplified and that more exclusions can be built into the definitions (see some examples below noting there will be others that we have not mentioned). NPDC is of the view that a consequence of not defining reasonable exclusions is that rules and standards will require considerable amendments, or even new rules and standards altogether. Ultimately this may overcomplicate other parts of Plans.

**Definitions resulting in consequential amendments to plan chapters**

NPDC has done some testing of some of the draft definitions in our Draft District Plan and have found that the consequential amendments required to amend the chapters to match the some of the simplified definitions will make our Plan less user friendly.

For example, at the moment, a Plan user generally knows to look at a definition to determine what constitutes earthworks or waterbodies in the relevant rules, but now users would have to look at the (simplified) definition as well as the rule and advisory text that includes exemptions or clarifications as to what the rule includes or doesn’t include. The advisory text may need to be duplicated in each rule to make it clear to Plan users, which will lead to drawn-out plan chapters and significant duplication of advisory notes throughout.

The consequential amendments that would be required as a result of the simplified definitions seems counter-intuitive to the overall objective of providing simple and user friendly Plans. Worryingly, it could also result in a complete re-write of chapters to include specific permitted activity rules for activities that were previously exempted from the definition and were subsequently exempted from the Plan rules and standards.

NPDC stress that definitions are written a certain way because they are inextricably linked to the rules and standards that they relate to, and the exemptions included within definitions have been carefully thought out. Having exemptions in the definitions makes sense from an e-plan perspective as the definition is easily accessible with the click of a button and reduces the need for duplication throughout the rules (or more rules).

NPDC has strong reservations about the approach taken in the draft definitions not to include exemptions and do not consider it is efficient or effective way of plan making, especially when something could more succinctly be captured under a definition.

Notwithstanding the above, NPDC do support most of the National Planning Standards definitions. For the purposes of brevity, NPDC has only commented on those definitions which it opposes or has suggested amendments.

a. **Individual definitions**

**Accessory building** means a detached building, the use of which is ancillary to the use of the principal building, buildings or activity on the same site, but does not include any minor residential unit.

The s32 report for definitions explains that “Our proposed definition of accessory building uses the word ‘detached’ to create a clear distinction between a principal building and an accessory building. For example, if a garage is attached to a residential building, the garage
would form part of the principal building”. NPDC questions why a distinction needs to be made? This will result in two sets of rules in order to deal with both attached and detached accessory buildings. NPDC suggest the following changes:

**NPDC amendment Accessory Building** means a detached building, the use of or part use of a building which is ancillary to the use of the principal building, buildings or activity on the same site, but does not include any minor residential unit. An accessory building may be either a separate building or structure or joined to another building or structure and includes garages, sleepouts, and garden, implement and storage sheds.

If these changes are not supported, at the very least the definition needs to be amended to explain that, for the purposes of the accessory building definition, garages that are integral to the design of the building will be considered as part of the principle building. Also see comments on addition definitions on this matter.

**Building** means any structure, whether temporary or permanent, moveable or fixed, that is enclosed, with 2 or more walls and a roof, or any structure that is similarly enclosed.

NPDC support the above definition as it clear that fences and poles do not have 2 or more walls and a roof and therefore would not be caught by the definition. However, the link to “structure” does cause a concern. NPDC recommend that some consideration of whether the scale of the building can recognised and exempt (i.e. 5m² or greater in area in plan view and 2m or greater in height) Other exemptions to consider are pump stations, bobby calf sheds, rural bus stops, rural mail boxes and water tanks.

**NPDC amendment Building** means any structure, whether temporary or permanent, moveable or fixed, that is enclosed, with 2 or more walls and a roof, or any structure that is similarly enclosed and is 5m² or greater in area in plan view and 2m or greater in height, or any fence greater than two metres in height, but does not include:

a) any scaffolding or false-work erected for maintenance or construction purposes;
b) cranes and derricks/drilling rig masts;
c) underground pipes;
d) hard protection works;
e) farm pump stations;
f) bobby calf sheds;
g) stock loading races; and
h) water tanks.

**Structure** means any building, equipment, device or other facility made by people and which is fixed or located on or to land; and includes any raft, but excludes motorised vehicles that can be moved under their own power.

For the same reasons as described above, NPDC recommend that exceptions are built into the definition of (either building or) structure. Fencing is particularly important as under this definition farmers would be required to get a resource consent to construct a boundary fence. As stated above, NPDC does not support a permitted rule frame work which permits minor matters (i.e. post and wire fencing) that can more efficiently captured under an exclusion in a definition.

**Earthworks** means any land disturbance that changes the existing ground contour or ground level.
It appears that the intention of this definition is that *earthworks* captures land disturbance where the existing ground contours are changed (permanently), whereas *land disturbance* is intended to capture any temporary earthworks/disturbance.

Earthworks that temporarily change the ground contours should also be captured by the definition of *earthworks*, for example trenching for network utilities (which reinstates the existing ground level), because the potential effects of dust, visual amenity, instability, traffic movements etc. from the temporary earthworks activities needs to be managed. Having these two separate definitions for *earthworks* that permanently alters the landform, and *land disturbance* that temporarily alters the landform may be confusing for Plan users. To avoid potential for confusion it is recommended that the earthworks definition is amended to clarify this matter (see below).

In addition, NPDC recommend that some exemptions are also built into the definition. As described above, NPDC does not support a permitted rule framework which permits an exhaustive list of minor matters that can more efficiently captured under an exclusion in a definition.

**NPDC amendment:** *Earthworks* means any land disturbance that results in temporary or permanent changes the existing ground contour or ground level. It does not include:

1. **Earthworks associated with the replacement, removal and/or installation of underground petroleum storage systems associated with service stations**
2. **The cultivation of land**
3. **Grave digging**
4. **Digging holes for planting trees or other plants**

The definition of ‘land disturbance’ could still be retained and is appropriate in the context of disturbance near sites of significance to Maori/archaeological sites. Quarries would be managed though the definitions for quarries.

**Minor Residential Unit** means a self-contained residential unit that is ancillary to the principal residential unit and is held in common ownership with the principal residential unit on the same site. A minor residential unit can be attached to the principal building, or a detached stand-alone building.

NPDC support the definition for Minor Residential Unit, but note that because the unit will need to be “self-contained” further supporting definitions are required (see below: additional definitions).

**Intensive Primary Production** means primary production activities that involve the production of fungi, livestock or poultry that principally occur within buildings.

NPDC support the above definition, with the following exemptions:

**NPDC amendment:** *Intensive Primary Production Rural Activity* means primary production activities that involve the production of fungi, livestock or poultry that principally occur within buildings or on animal feed lots with limited or no dependence on the natural soil quality of the site but does not include:

1. **Shearing sheds and dairy milking sheds**
2. **Rearing of young stock associated with primary production activities on the same site.**

**Primary Production**

a) means any agricultural, pastoral, horticultural, forestry or aquaculture activities for the purpose of commercial gain or exchange; and
b) includes any land and auxiliary buildings used for the production of the products that result from the listed activities; but
c) does not include processing of those products

It is noted that this definition has been drafted from adapted language used in the RMA definition of production land. NPDC support the intent of the National Planning Standards primary production definition but are concerned that it incorrectly associates the listed agricultural, pastoral, horticultural, forestry or aquaculture activities with “production”. The rural environment is not just about production from the land - it caters for a wide range of rural activities that are not always reliant on the land but are located there because of their association with the rural environment, technical constraints or because of their effects that are better managed under a rural zone.

Given that the RMA production land definition has been adapted for the National Planning Standards purposes, NPDC suggest the definition of primary production can be expanded further, as detailed below:

**NPDC amendment: Primary Rural Production Activities**
a) means any agricultural, pastoral, horticultural, forestry or aquaculture activities for the purpose of research, commercial gain or exchange; and
b) includes any land and auxiliary buildings located on production land and/or used for the production of products that result from the listed activities;
c) does not include processing of those products

The above changes would then cover farm quarries, stock sale yards and rural research facilities. It would also allow territorial authorities to provide their own district-specific definition for Rural Activities (i.e. domestic animal boarding and breeding) if required.

**Rural Industry** means an industrial activity where the principal function supports primary production or aquaculture activities.

The draft definition for rural industry restricts activities to a principle function that supports “primary production or aquaculture activities”. As described above, the rural environment is a working environment that is not just about what can be produced from the land, it also caters for a rural industry and other activities that generate effects.

The New Plymouth district rural environment contains a considerable number of activities that are located on production land but not necessarily related to “primary production”. They are there because of locational, technical or sensitively requirements/opportunities/constraints. Some examples include:
- oil and gas activities;
- sawmills;
- timber treatment plants;
- firewood operations, which process timber grown on a separate property;
- rural transport depots;
- agricultural contractors depots;
- commercial quarries and mining; and
- the processing of minerals and quarry products.

Further complicating this matter is that the RMA definition for production land specifically does not include land associated with prospecting, exploration, or mining for minerals. Therefore the necessity for a rural industry definition becomes even more important.
An alternative approach is to zone these rurally located sites as Industry Zone. NPDC does not consider that it is efficient or effective to spot zone these types of activities as an Industrial Zone, particularly when these are in isolated locations away from urban areas (noting that urban areas are suitable for industrial activities and industrial zoning). Instead, NPDC submit that the definition needs to be broadened to fully recognise the role and function of the Rural Zones as working environments as follows:

**NPDC amendment: Rural Industry** means an industrial activity where the principal function supports primary production or aquaculture activities the use of land and/or buildings for activities that manufacture, process and/or transport raw materials and livestock in a rural environment.

Inclusions to consider are:
- oil and gas activities;
- renewable electricity generation activities;
- intensive farming;
- sawmills;
- timber treatment plants;
- firewood operations, which process timber grown on a separate property;
- rural transport depots;
- agricultural contractors depots;
- primary processing and packaging of farm produce;
- commercial quarries and mining; and
- the processing of minerals and quarry products

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

NPDC note that the draft definition of quarry is broad and does not recognise scale or distinguish between private and commercial use. NPDC is comfortable with this position but points out that territorial authorities are likely to provide their own district-specific definition small scale quarries that are not used for commercial purposes. See comments below additional definitions.

**Waterbody** means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.

The draft definition of waterbody refers to the definition in the Resource Management Act. The Draft District Plan also includes a definition of waterbody that refers to the definition in the Resource Management Act, but contains some exemptions/text to clarify that the rules do not apply to overland flow paths, canals, farm drains, etc.

The reason for these clarifications/exemptions is that NPDC has experienced issues in the past where it is uncertain whether the rules apply to artificial waterbodies. NPDC want to make it clear to Plan users that the rules do not apply to artificial waterbodies, overland stormwater flowpaths, etc. NPDC also want to be clear that the rules do not apply where a waterbody is in a canal.

If the National Planning Standard definition, as drafted, is to be compulsory, NPDC would need to make consequential amendments to the Draft District Plan waterbodies chapter, to insert duplicated advice notes or exemptions throughout each of our waterbodies rules as follows:
For the purpose of this rule, waterbody does not include overland stormwater flowpaths, stormwater ponding areas, areas of saturated soils, ephemeral streams, or any artificial waterbodies such as artificial farm drains or ponds, canals, or water supply races.

In this regard, NPDC suggest that the definition of waterbody is amended as follows:

**NPDC amended Waterbody** means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area. For the purpose of this Plan, waterbody does not include:

a) overland stormwater flowpaths;
b) stormwater ponding areas;
c) areas of saturated soils;
d) ephemeral streams;
e) or any artificial waterbodies such as artificial farm drains or ponds, canals, or water supply races.

b. Additional definitions

Given the draft definition of Minor Residential Unit needs to be “self-contained”, NPDC consider that an additional definition needs to be provided for units that are not self-contained (e.g. sleep outs).

Whilst it is recognised that sleep outs could be covered by the draft definition of accessory building (because it is rightly silent on whether the building is habitable or not), the sticking point arises because the definition also states that the building is “detached”. NPDC have already submitted that the draft definition of Accessory building should cover both attached and detached buildings, however, in the case where this amendment is not supported; the following definitions are recommended:

**NPDC amendment: Self-Contained** means a building, or part of a building, being used as a residential unit, and includes bathroom and kitchen facilities.

**NPDC amendment: Sleep out** means an external bedroom which may have an en-suite, but which is not self-contained. Sleep outs can be attached to the principal residential unit, or a detached stand-alone building and may include, but are not limited to prefabricated transportable or movable buildings built off-site, portable cabins and trailer homes moved onto the site for a 12 month period or more. To be a sleep out the building must be held in common ownership with the principal residential unit on the same site.

Another definition to consider is:

**Farm Quarry** means an open pit or excavation from which domestic quantities of soil, stone, sand, gravel or mineral is extracted for rural activities on the same site.

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

NPDC support this standard.

a. **Technical support** – N/A.
20. **Implementation**

Implementation matters have been discussed throughout this submission.

**Other comments**

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

No

NPDC would like to speak to their submission if the opportunity arises.

Yours faithfully

![Signature]

Liam Hodgetts

Group Manager Strategy

**Releasing submissions**

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

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

NPDC consent to our submission being released.
### Appendix 1

**Rule SI-R2 of New Plymouth District Council Draft District Plan**

<table>
<thead>
<tr>
<th>Temporary signs</th>
<th>Activity status</th>
<th>Activity status where compliance not achieved:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>All zones</strong></td>
<td><strong>P</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Where:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. The sign has a maximum face area of 3m²;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. There is a maximum of one sign per site;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. The sign is a maximum of 4m in height measured from ground level;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. The sign is permitted under all relevant Overlay and District Wide rules; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. In the case of any election signs, the sign is erected no earlier than 3 months before the election to which it relates and is removed within 14 days of the election concluding, unless otherwise required by statute.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Where this activity complies with the following rule requirements:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Activity status: RD</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Where:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. The sign has a face area of more than 3m²;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. There is more than one sign per site;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. The sign is more than 4m in height measured from ground level;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. The sign is not permitted under all relevant Overlay and District Wide rules; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. In the case of any election signs, the sign is erected earlier than 3 months before the election to which it relates and is not removed within 14 days of the election concluding, unless otherwise required by statute.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Matters of discretion are restricted to:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. The extent and effect of non-compliance with any relevant rule or standard and any relevant matters of discretion in the infringed rule or standard.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Potential adverse effects on the amenity values and character of the surrounding area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Whether the design, dimensions and nature of the sign and/or support structure affects the potential impact of any sign.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Potential adverse or positive effects on driver and pedestrian safety.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Where this activity complies with the following rule requirements:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Notification</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Appendix 2

Rule RZ-R8 of the New Plymouth District Council Draft District Plan

Note that the NPDC Draft District Plan uses a permitted standards structure, where all zone effects standards (rule requirements) must be complied with.

<table>
<thead>
<tr>
<th>RES1</th>
<th>Home business</th>
<th>Activity when compliance not achieved: RD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Activity Status: P</td>
<td>Matters of discretion are restricted to:</td>
</tr>
<tr>
<td></td>
<td>Where:</td>
<td>RES-REQ1</td>
</tr>
<tr>
<td></td>
<td>1. At least one person engaged in the home business must use the residential building as their principal place of residence;</td>
<td>1. Extent to which building design, siting and external appearance is in accordance with the Residential Design Guide.</td>
</tr>
<tr>
<td></td>
<td>2. No more than 22 daily vehicle movements for the home occupation and household are generated;</td>
<td>2. Effect that the increased density has on amenity values and established streetscape character of the area.</td>
</tr>
<tr>
<td></td>
<td>3. No more than eight per hour vehicle equivalent movements for the home business and household are generated;</td>
<td>3. Topography, site orientation and planting.</td>
</tr>
<tr>
<td></td>
<td>4. The home business does not generate objectionable or offensive effects, including odour, dust or smoke effects, beyond the boundaries of the site;</td>
<td>4. Effect on amenity values of nearby residential properties, including privacy, shading and sense of enclosure.</td>
</tr>
<tr>
<td></td>
<td>5. The hours of operation for the home business are between 7am and 7pm;</td>
<td>5. On-site amenity values, including the ability to provide adequate outdoor living space for both residential units on site.</td>
</tr>
<tr>
<td></td>
<td>6. The activity is permitted under all relevant Overlay and District Wide rules.</td>
<td>6. Parking and access; safety, efficiency and impacts to on street parking and neighbours.</td>
</tr>
<tr>
<td></td>
<td>Where this activity complies with the following rule requirements:</td>
<td>7. Extent of impervious surfaces and landscaping.</td>
</tr>
<tr>
<td></td>
<td>1. RES-REQ 1 - 11</td>
<td>RES-REQ 2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1. The extent to which the extra height is consistent with any relevant height guidance in the Residential Design Guide.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Effect on established streetscape character of the area.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Topography, site orientation and planting.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. Effect on amenity values of nearby residential properties, including privacy, shading and sense of enclosure.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>RES-REQ 3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1. The extent to which the proposed site coverage is consistent with any relevant guidance in the Residential Design Guide.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Effect in established streetscape character of the area.</td>
</tr>
</tbody>
</table>
### RES-REQ 4
1. The extent to which the proposed building recession planes are consistent with any relevant guidance in the Residential Design Guide.
2. Effect on established streetscape character of the area.
3. Topography, site orientation and planting.
4. Effect on amenity values of nearby residential properties, including privacy, shading and sense of enclosure.

### RES-REQ 5
1. The extent to which building design, siting and external appearance meets the intent of the Residential Design Guide.
2. Effect on established streetscape character of the area.
3. Topography and site orientation.
4. Effect on amenity values of nearby residential properties, including outlook, privacy, shading and sense of enclosure.
5. The extent to which the reduction in the setback is necessary due to the shape or natural and physical features of the site.
6. Whether adequate mitigation of adverse effects can be achieved through the use of screening, planting and/or alternative design.

### RES-REQ 6
1. The extent to which the proposed outdoor living space is consistent with any relevant outdoor living space guidance in the Residential Design Guide.
2. Effect on the established streetscape character of the area.
3. Effect on the amenity values of nearby residential properties, especially privacy and outlook of adjoining sites.
RES1  Home business

<table>
<thead>
<tr>
<th>RES-REQ 7</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The extent to which building design, siting and external appearance meets the intent of the Residential Design Guide.</td>
<td></td>
</tr>
<tr>
<td>2. Effect on streetscape and low density character of the zone.</td>
<td></td>
</tr>
<tr>
<td>3. Effect on the amenity values of nearby residential properties, especially privacy and outlook of adjoining sites.</td>
<td></td>
</tr>
<tr>
<td>4. The ability to provide adequate outdoor living space on site.</td>
<td></td>
</tr>
<tr>
<td>5. Whether adequate mitigation of adverse effects can be achieved through the use of screening, planting and/or alternative design.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RES-REQ 8</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The extent to which building design, siting and external appearance meets the intent of the Residential Design Guide.</td>
<td></td>
</tr>
<tr>
<td>2. The ability of the development to manage stormwater runoff.</td>
<td></td>
</tr>
<tr>
<td>3. Onsite amenity.</td>
<td></td>
</tr>
<tr>
<td>4. Effect on streetscape character.</td>
<td></td>
</tr>
<tr>
<td>5. Whether adequate mitigation of adverse effects can be achieved through the use of screening, planting and/or alternative design.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RES-REQ 9</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The extent to which building design, siting and external appearance meets the intent of the Residential Design Guide.</td>
<td></td>
</tr>
<tr>
<td>2. The effect on streetscape and low density character of the zone.</td>
<td></td>
</tr>
<tr>
<td>3. Topography, site orientation and planting.</td>
<td></td>
</tr>
<tr>
<td>4. Effect on amenity values of nearby residential properties, including privacy, shading and sense of enclosure.</td>
<td></td>
</tr>
<tr>
<td>5. Parking and access, safety, efficiency and impacts to on street parking and neighbours.</td>
<td></td>
</tr>
<tr>
<td>RES1</td>
<td>Home business</td>
</tr>
<tr>
<td>------------</td>
<td>----------------------------------------------------</td>
</tr>
<tr>
<td><strong>RES-REQ 10</strong></td>
<td></td>
</tr>
<tr>
<td>1. Effect on streetscape of the area.</td>
<td></td>
</tr>
<tr>
<td>2. The effect on amenity and appearance of any entrance corridor.</td>
<td></td>
</tr>
<tr>
<td>3. Effect on the outlook and privacy of adjoining sites.</td>
<td></td>
</tr>
<tr>
<td>4. Whether adequate mitigation of any adverse effects from non-compliance with this standard can be achieved through the use of screening, planting and/or alternative design.</td>
<td></td>
</tr>
<tr>
<td><strong>RES-REQ 11</strong></td>
<td></td>
</tr>
<tr>
<td>1. The extent to which the fence design, siting and external appearance meets the intent of the Residential Design Guide.</td>
<td></td>
</tr>
<tr>
<td>2. Effect on the streetscape and character of the zone.</td>
<td></td>
</tr>
<tr>
<td>3. Topography and site orientation.</td>
<td></td>
</tr>
<tr>
<td>4. Effect on amenity values of nearby residential properties, including outlook, privacy, shading and sense of enclosure.</td>
<td></td>
</tr>
<tr>
<td>5. The extent to which the additional height is necessary due to the shape or natural and physical features of the site.</td>
<td></td>
</tr>
<tr>
<td>6. Whether adequate mitigation of adverse effects can be achieved through the use of planting and/or alternative design.</td>
<td></td>
</tr>
</tbody>
</table>

**Notification:**