

17 August 2018

Ministry for the Environment

By Email: planningstandards@mfe.govt.nz



Submission on Draft National Planning Standards

Introduction

1. The Gisborne District Council thanks the Ministry for the Environment for the opportunity to provide comment on the draft National Planning standards (planning standards).
2. Gisborne District Council is a unitary authority and has a combined plan, the Tairāwhiti Resource Management Plan (TRMP). The TRMP was created by combining the suite of existing regional and district plans made under the Resource Management Act, and the Regional Policy Statement.

General support for the Draft National Planning Standards

3. Gisborne District Council supports the intent of the planning standards, particularly the intent to make plans easier to use and navigate for the general public. However, the planning standards introduce new requirements that will require additional resource to implement. There are also a number of points that require clarification in order to achieve national consistency. These matters are addressed in the table attached at Appendix 1.

Implementation concerns

4. The 2018-2028 LTP includes provision for a full review of the TRMP over the next three years. This means that Gisborne District Council is well placed to incorporate much of the planning standards without significantly impacting current resourcing. However, we seek assurance that we will not be required to implement the planning standards in both the operative TRMP and proposed plan changes or a replacement plan.
5. We also recognise the significant compliance burden that introduction of the planning standards imposes on those councils that have recently undergone a full and comprehensive plan review process.

Electronic accessibility standards

6. The planning standards require plans made under the Resource Management Act to be transferred to an ePlan format by 2020. This is not an outcome that is included in Council's 2018-2028 Long Term Plan, and will require additional funding to procure an appropriate product and undertake the work required to transition our planning documents into the new format.
7. The Gisborne region scores highly on the social deprivation index and annual personal income levels (\$24,400) are well below the national median (\$28,500). Council needs to continue to operate within a fiscal envelope that meets our needs over the next ten years while matching the community's ability to pay costs- including those collected as part of rates and resource consents.



8. Therefore Gisborne District Council considers it appropriate for Government to provide adequate funding and support for the transition to ePlanning to ensure this occurs in a manner that is effective and meets the needs of Council, stakeholders and our communities.

A table containing all Gisborne District Council's submission points is provided at Appendix 1 of this submission.

For further clarification please contact Joanna Noble (Principal Planner) –

[Redacted]

Nāku Noa nā,



Keita Kohere
Director



Comments from Gisborne District Council on the draft National Planning Standards

Table 1: Gisborne District Council submission points on the draft National Planning Standards

1 Specific provisions that submission relates to:		2 Nature of submission		3 Gisborne District Council seeks the following decisions
Page No.	Section Heading and Reference	Issue	Position	
	Implementation timeframes	GDC is well-placed to implement the majority of the planning standards within planned workstream (except for transition to an e-Plan). GDC is concerned that the plan review may be delayed due to unforeseen circumstances or to meet the needs and expectations of our community. This may result in a scenario where a new or changed plan is not proposed by the end of the 5 year implementation period (2024). GDC seeks the ability to extend the timeframes in exceptional circumstances.	GDC seeks the ability to extend the timeframe in exceptional circumstances – for example, where notification of a significant plan change or new proposed plan that will implement the planning standards is imminent.	Amendment sought Amend the planning standards to allow for an extension to the published timeframes in exceptional circumstances. These circumstances could be described in the planning standards.
49-52	F-1: Electronic Accessibility and Functionality Standard	All Councils are required to adopt an ePlan by 2024. GDC has not currently included transition to an ePlanning platform in its Long Term Plan. This means that funding and staff resourcing has not been allocated.	Support intent but request implementation assistance. GDC supports making plans more accessible to the public and plan users but seeks assistance from MfE to facilitate implementation of ePlanning.	GDC suggests the following would assist it (and other Councils) successfully implement the electronic accessibility standards: <ul style="list-style-type: none"> • Joint procurement of ePlan services • Release of a minimum or baseline specifications for ePlan products

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		GDC is also concerned that without co-ordination and oversight there may not be supplier capacity to meet demand.		<ul style="list-style-type: none"> Centralised oversight of supply and demand Subsidies or alternative financial assistance for qualifying Councils Facilitation of Council working groups (this may also be beneficial for other topics).
19-25	S-CP: Combined plan structure standard	General comment	GDC generally supports the Combined plan structure standard. The progression from the more high level direction (Regional Policy statement) to region-wide and then area specific provisions is logical. Comment on specific matters is provided below.	
19	S-CP: Combined plan structure standard – clause 3	Ability to omit irrelevant chapter/section headings	<p>Support</p> <p>GDC supports the approach taken in the mandatory directions whereby if content is not currently present in a plan, the irrelevant chapter and section headings are not required. Including chapter or section heading without content is confusing for plan users and creates uncertainty.</p>	Clause 3 of the mandatory directions should be retained in its entirety [bold emphasis added]: <i>“All combined plans must contain mandatory headings (ie, part, chapter or section headings) in the order provided in Table 6: Combined Plan Structure below to the extent relevant for the combined plan.”</i>
21-22	S-CP: Combined plan structure standard – Table 6	Part 3 Regional Policy provisions omit a mandatory section for tāngata whenua provisions	<p>Seek amendment</p> <p>The mandatory headings contained in Part 3 generally align well with the current TRMP format. The mandatory headings do not include a tāngata whenua section. GDC acknowledges such a section can be added as a 'special topic', which means it will appear at the end of Part 3.</p>	Amend Table 6 of S-CP: Combined Plan Structure to include a tāngata whenua section in the list of mandatory themes in Part 3 Regional Policy Statement to ensure consistency of the location and appearance of this content in Combined Plans.

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			The reason for omitting a commonly used heading in combined plans in the Regional Policy statement structure is not clear and does not align with the s32 report which notes the importance of “placing these [tangta whenua provisions] clearly and upfront for consideration throughout the plan.”	
22-24	S-CP: Combined plan structure standard – Table 6, Part 3	Part 3 Regional Policy provisions – natural environmental values (natural heritage)	<p>The mandatory headings contain two sections relevant to natural heritage (or natural environmental values, which is a term used elsewhere in the planning standards):</p> <ol style="list-style-type: none"> 1. Landscape, landforms and natural character 2. Ecosystems and indigenous biodiversity. <p>These matters are currently grouped together in the TRMP under a “Natural Resources” theme. The standards and/or implementation guidance could usefully clarify the intended approach in this scenario. Three options are apparent:</p> <ol style="list-style-type: none"> a. The combined Natural Resources theme is used as a special topic and the individual headings are not relevant or used as subsections in the ‘combined’ theme; OR b. The provisions currently in the Natural Resources section are split into the most relevant ‘individual’ mandatory headings, and duplicated where necessary; OR c. An additional ‘mandatory’ heading is added titled “Natural Environmental values’ with mandatory sub-headings to be used where relevant. 	<p>Amend the mandatory heading in Table 6, Part 3 to add a new Natural Environmental values theme with subheadings:</p> <ol style="list-style-type: none"> 1. Landscape, landforms and natural character 2. Ecosystems and indigenous biodiversity. <p>Delete the following stand-alone mandatory headings:</p> <ol style="list-style-type: none"> 1. Landscape, landforms and natural character 2. Ecosystems and indigenous biodiversity.

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			<p>Approach c) is the most efficient, will limit repetition and is consistent with the approach taken in the General District Wide Matters Standards (S-DWM) with regard to natural environmental values. This approach will also retain a level of national consistency.</p> <p>For clarity, GDC does not consider that the 'coastal environment' should be included under the Natural Environmental Values theme, as the coastal environment provisions of the TRMP address matters much broader than natural values.</p>	
22-24	S-CP: Combined plan structure standard – Table 6, Part 4	<p>Coastal Plan Provisions</p> <p>It is not clear where a regional coastal plan is to sit if a combined plan includes a regional plan, regional coastal plan and district plan (such as the TRMP).</p> <p>Coastal environment matters are not limited to natural values but also consider topics such as public access and open space, efficient use of space, amenity, functional need, water quality, and aquaculture.</p>	<p>This Standard states that "if the combined plan includes a regional plan, regional plan provisions may be integrated with the implementation of the General District Wide Matters Standard (S-DWM)" and under the region-wide matters states:</p> <p>"Local authorities must implement the District Wide Matters Standard (S-DWM) to the extent it is relevant."</p> <p>The intent is not clear, but the implication is that where a regional coastal plan is part of a Combined Plan it should sit in the 'coastal environment' section of the 'natural environment values' chapter. This would in effect 'bury' the regional coastal plan four levels into the plan.</p> <p>In GDC's opinion, not all the provisions for the coastal environment will sit well together in the 'natural environment values chapter – coastal environment' section, as this is only relevant for some regional coastal plan matters. Potentially multiple parts of the TRMP will need to be re-organised and re-written to</p>	Amend the Table 6, Part 4 of the S-CP: Combined plan structure standard so that when a combined plan contains a regional coastal plan, these provisions are not required to be consistent with the District Wide Matters Standard (S-DWM) and do not have to be located in the Natural environmental values chapter.

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			<p>implement this aspect of the planning standards. This is inefficient and will not meet the intention of the planning standards.</p> <p>Furthermore, it is unclear whether the Standards enables the use of precincts, as a spatial planning tool, to apply both over the land and the coastal marine area. If not, then this will reduce integration with the district plan provisions for the adjacent land.</p>	
32-34	S-TW: Tāngata whenua structure standard – Part 2 of all plans and policy statements	<p>Tāngata whenua provisions</p> <p>It is unclear what the mandatory Part 2 tāngata Whenua of the Combined plan is intended to capture. The planning standards don't appear to anticipate objectives, policies and rules specific to tāngata whenua interests and values to be located in Part 2.</p> <p>However, the Draft Chapter Form Standard (F-5) applies to Part-2 Tāngata Whenua and the order of headings set out in the standard must be used, which includes: issues, objectives, policies and rules. but including the content is optional</p>	<p>Seek clarification</p> <p>It's unclear where the tāngata whenua issues, objectives policies currently found in a combined plan are intended to sit under the planning standards: In Part 2 Tāngata Whenua or in Part 3-Regional Policy Statement as an additional 'special topic' or in the region-wide matters or a combination of the three locations.</p> <p>Discussions with staff from the Ministry for Environment indicate that this flexibility is deliberate to reflect that some tāngata whenua prefer to see a separate section dedicated to tāngata whenua issues, objectives, policies and rules and others prefer this content to be weaved throughout the plan. This flexibility is supported, and should be clarified in the planning standards and accompanying guidance material.</p>	<p>Ensure that plans are able to retain flexibility in how tāngata whenua information is presented in order that the perspectives and values of tāngata whenua are able to be expressed in a form that reflects their wishes.</p>
26-31	S-IGP: Introduction and	National Direction	Support the inclusion of information explaining how the plan reflects the various pieces of national direction as	Retain Table 13: National direction instruments in S-IGP Introduction and

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	general provisions standard	Instruments	this will assist plan users. This provisions is especially useful for plans that are due for review, as this text can be added in the interim without requiring a Schedule 1 process.	general provisions standard.
42-46	S-ASM: Draft area specific matters standard	Rural production zone	Support the inclusion of a rural production zone in section 8, Part D of the S-ASM. Highly productive and versatile soils play a major role in the economy of the Gisborne district. The majority of this activity takes place on the Poverty Bay flats, where soils are among the most fertile and productive in the country, but are a very finite resource representing only 5% of the region. Use of a rural production zone (or similar) that specifically addresses the productive nature of soils is one means of protecting this valuable resource.	Retain the rural production zone and description.
42-46	S-ASM: Draft area specific matters standard	The draft planning standard proposes a set number of zones that have "purpose statements". No new zones can be used, however, a "special purpose zone" may be included if it the proposed land use activities and anticipated development within the defined area: <i>a. are significant to the district or region</i> <i>b. could not be enabled by any other zone</i>	Seek amendment to clarify application of the draft planning standard to special purpose zones The planning standard suggests that to have a special zone, you must comply with a, b and c; however this is not explicit. The intent of this provision should be made clear.	Clarify whether the reasons when a special purpose zone is allowed are conjunctive or disjunctive.

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		c. <i>could not be enabled by the introduction of an overlay, precinct, designation, development area, or specific control.</i>		
42-46	S-ASM: Draft area specific matters standard	A number of the zone purpose statements are ambiguous or could lead to activities being required, through submissions and appeals. There are some difficulties translating the current TRMP zones to the proposed framework.	<p>Residential zones</p> <p>The Residential zones available will, in combination with precincts, allow the existing TRMP zones to be accommodated. Not defining "suburban character" or "urban character" will allow for local interpretation.</p> <p>Rural Industrial zones</p> <p>There is no equivalent of our Rural Industrial zones. There is an ability to introduce precincts to provide for variability, although this is intended to introduce additional provision to the underlying zone. Given the location of our Rural Industrial zones, in the rural areas, the combination of Rural zone, under the purpose given in the Standard, and two precincts could achieve the management afforded by the existing zones. It may however be helpful if the Standard defined "associated rural activities", and "activities which support rural production". In the absence of meanings for these terms, Councils could be pressured by industry groups to provide for their activities, at the expense of more appropriate zones.</p> <p>Commercial zones</p> <p>The purpose statement for the Mixed Use zone allows for the provision of a mix of uses listed. One</p>	<p>Support the decision not to define "suburban character" or "urban character".</p> <p>Amend standard to include definitions of "associated rural activities", and "activities which support rural production".</p> <p>Amend the purpose statement for the Mixed Use zone to read:</p> <p><u>"The purpose of the Mixed-use zone is to provide primarily for a mix of some or all of residential, commercial, light industrial, recreational and community activities."</u></p>

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			interpretation of this would be that any combination of the activities listed could be provided for, however another interpretation is that all of the activities listed must be provided for. This interpretation could lead to pressure from industry groups to provide for an industrial activity that does not meet the characteristics of a particular area.	
47-48	S-SAM: Schedules, appendices and maps standard	Table 17: Schedule Table does not reflect the format of schedules used in the TRMP	<p>Seek amendment</p> <p>Often the same study or material will be used to identify all (or nearly all) the sites in a Schedule. Rather than add another column (which increases the size of the table) it would be preferable to reference this study or material once at the start (or end) of the table.</p> <p>Some schedules in the TRMP contain information which is important to decision-making but which doesn't fit well within the limited structure provided in the draft planning structure. Additional columns are required to present information in an easy to read format. For example, G3 Schedule: Waahi Tapu Schedule contains a column titled "Buffer Distance" that sets out buffer distances that must be complied with to meet a rule or rule requirement in a topic or zone based chapter.</p>	<p>Amend Table 17: Schedule Table in the S-SAM: Schedules, appendices and maps standard so that:</p> <ol style="list-style-type: none"> 1. A study or material only has to be referenced once. 2. Additional columns can be added to the mandatory structure if required.
53-56	F-2: Draft Mapping standard	Changes will be required to current mapping symbology to implement the planning standards.	Provision of a standardised symbol set for ESRI GIS that meets the planning standard will assist implementation and ensure national consistency. A similar approach has been undertaken by the BOPLASS group of councils, which has created a standard ESRI symbol set. An example of the Utility services symbol set s attached.	<p>Seek amendment</p> <p>GDS requests that the planning standards include a symbol set for ESRI GIS or that this is provided as part of an implementation package.</p>

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76-90	CM-1: Definitions standard	<p>The definitions standard introduces mandatory definitions that will replace the current plan definitions. This will change the interpretation and application of plan rules that currently rely on those definitions.</p> <p>GDC will need to redraft rules to incorporate previous plan definitions where these have been replaced by an alternative planning standard definition.</p>	<p>Seek amendment.</p> <p>GDC seeks assurance that changes to rules to incorporate plan definitions will be considered as a consequential amendment. Examples of definitions that will trigger plan changes are provided in Table 2.</p> <p>Table 2 also suggests amendments to some of the definitions contained in the draft planning standard in order to improve clarify and/or prevent unnecessary regulatory burden.</p>	<p>Seek implementation advice:</p> <p>GDC seeks clarification regarding how changes to rules made to incorporate current plan definitions can be treated as “consequential amendments”.</p> <p>Seek amendment:</p> <p>Table 2 recommends amendments to several definitions contained in the draft planning standards.</p>
76-90	CM-1: Definitions standard	<p>Some of the definitions contained in the planning standards have the potential to significantly alter the application of objectives, policies, rules and methods in the TRMP.</p>	<p>Coastal Marine Area – the definition doesn't include or reference the definition of “mouth” which is also included in the RMA and is important to correctly applying the coastal marine area definition - especially where the mouth has been set and agreed.</p> <p>The RMA definition of mouth is:</p> <p><i>“mouth, for the purpose of defining the landward boundary of the coastal marine area, means the mouth of the river either—</i></p> <p><i>(a) as agreed and set between the Minister of Conservation, the regional council, and the appropriate territorial authority in the period between consultation on, and notification of, the proposed regional coastal plan; or</i></p>	<p>Amend the definition of the Coastal Marine Area to include the RMA definition of “mouth” or words to that effect.</p> <p>Amend the definition of stormwater to widen the receiving environments to land and water.</p> <p>Amend the definition of structure to reflect the RMA.</p>

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			<p><i>(b) as declared by the Environment Court under section 310 upon application made by the Minister of Conservation, the regional council, or the territorial authority prior to the plan becoming operative,—</i></p> <p><i>and once so agreed and set or declared shall not be changed in accordance with Schedule 1 or otherwise varied, altered, questioned, or reviewed in any way until the next review of the regional coastal plan, unless the Minister of Conservation, the regional council, and the appropriate territorial authority agree."</i></p> <p>Stormwater – the definitions mean that stormwater is not stormwater until it is discharged into a waterbody or the coastal marine area. This will change the application of many existing provisions. Particularly those seeking to address management of stormwater before it enters receiving waters.</p> <p>Structure – the proposed definition goes beyond the RMA definition of a structure, which means equipment such as kayaks, rowing boats and surf-life saving towers may now be captured by coastal plan rules and require a resource consent to be temporarily located on the foreshore and seabed.</p>	
	Consequential amendments	Giving effect to the planning standards will inevitably led to consequential amendments. The standards and the implementation guidance is silent on the issue of the scope that would be acceptable for	Further guidance is needed on consequential changes to decrease the opportunities for legal challenge and litigation costs when giving effect to the mandatory requirements of the standard. This guidance should be based on legal advice.	<p>Seek implementation guidance</p> <p>Further guidance is needed, based on legal advice, on the ability to make consequential changes to plans and policy statements without triggering the need for a Schedule 1 process.</p>

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		consequential amendments and whether they are major or minor changes. Initiating plan change process also risks opening up the plan to submissions that are not directly related to implementing the national standards. There a time, resource and relationship costs associated with managing these 'out of scope' submissions.		MfE should explore whether there is a tool available (for example, via the planning standards or amendment to the RMA) to ensure that it is straightforward to not accept submissions that go beyond the scope of a plan change to implement the planning standards.

Table 2: Assessment of definitions contained in the draft planning standard against the TRMP

Term	Planning standard	TRMP	Comment
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	<i>In relation to any site a building or structure, the use of which is incidental and secondary to the lawful principal activity(s) carried out on that site.</i>	No major conflict
building	<i>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</i>	<i>An enclosed or partially enclosed structure built with a roof. A building shall not include:</i> <ul style="list-style-type: none"> <input type="checkbox"/> play or sporting equipment and letterboxes; <input type="checkbox"/> any pergola, or any temporary storage stack of goods or materials to be used for the erection, repair or alteration of a building. <i>Refer also to Residential Buildings</i>	The new definition does not include our exclusions. Not a major issue
Community facility	means a non-profit facility primarily for recreational, sporting, cultural, safety and welfare, religious or similar community purposes	<i>Places of private and public gathering for purposes such as deliberation, social entertainment, club meetings and associated activity, hospitals and health centres, scout/guide halls or similar activities and includes buildings such as arts, cultural, religious and community premises, conference rooms and club meeting rooms.</i>	The Standards definition includes <i>non-profit facility</i> and this would preclude activities such as movie theatres (social entertainment) and hospitals and health centres which are likely to be for profit. This change would require a 1st Schedule change
earthworks	means any land disturbance that changes the existing ground contour or ground level		Defined in standard and although not defined in a GDC document, it appears within many defined terms. Not a major issue.
Fertiliser	(a) means any substance or biological compound that is— (i) applied to plants or soils, whether in solid or liquid form; and (ii) supports or sustains the growth, productivity or quality of	Air Quality Plan Fertiliser is: a) <i>A substance that is described as or held out to be for, or suitable for, sustaining or increasing growth, productivity or quality of plants or animals through the application to plants or soil, whether in solid or fluid form,</i>	GDC Plan provisions are far more prescriptive by specifying the compounds. This provides more certainty for plan users.

Term	Planning standard	TRMP	Comment
	<p>soils, plants or, indirectly, animals; but</p> <p>(b) does not include livestock and human effluent, or pathogens</p>	<p>which can include:</p> <ul style="list-style-type: none"> i. nitrogen, phosphorous, potassium, sulphur, magnesium, calcium, chlorine, sodium as major nutrients; or ii. manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, selenium as minor nutrients; and <p>b) Any other product that is considered to meet identified soil or plant nutrient deficiencies and is applied with this as the principal objective.</p> <p>Freshwater Plan:</p> <p>A solid or fluid substance or biological compound, or mix of substances or biological compounds that is described as, or held out to be for, or suitable for, sustaining or increasing the growth, productivity, or quality of plants or, indirectly, animals through the application to plants or soil of any of the following:</p> <p>Nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chlorine, or sodium as major nutrients; or</p> <p>Manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, or selenium as minor nutrients; or</p> <p>Fertiliser additives to facilitate the uptake and use of nutrients; or</p> <p>Soil conditioners to alter the physical characteristics of soil; and</p> <p>includes non-nutrient attributes of the materials used in fertiliser; but does not include:</p>	

Term	Planning standard	TRMP	Comment
		<p><i>Substances that are plant growth regulators that modify the physiological functions of plants; or</i></p> <p><i>Any raw or composted biological waste product that is not able to be registered under the Agricultural Compounds and Veterinary Medicines Act 1997</i></p>	
gross floor area	<p>means the sum of the total area of all floors of all buildings on the site (including any void area in those floors, such as service shafts or lift or stairwells), measured from the exterior faces of exterior walls or from the centre lines of walls separating 2 buildings and, in the absence of a wall on any side, measured to the exterior edge of the floor</p>	<p><i>The sum of the gross area of the floor or floors of a building or buildings (including void areas in those floors, such as lift or service shafts) measured from the exterior faces of exterior walls, or from the centre line of walls separating two buildings.</i></p> <p><i>For the purposes of calculating parking spaces, gross floor area excludes the internal dimensions of any internal parking space for vehicles, such as garages.</i></p>	<p>The Standards definition would not exclude internal parking and would lead to unnecessary additional parking.</p> <p>Recommend amending the Standard to include our exclusion.</p>
ground level	<p>means— (a) the actual finished surface level of the ground after the most recent subdivision that created at least one additional allotment was completed (at the issue of the section 224c Certificate or the previous legislative equivalent), but excludes any excavation or filling associated with the construction or alteration of a building: (b) if the ground level cannot be identified under paragraph (a), the existing surface level of the ground, excluding areas of cut or fill associated with the construction or alteration of a building: (c) if, in any case under paragraph (a) or (b), a retaining wall or retaining structure is located on the</p>	<p><i>In relation to height standards, shall be the natural ground level or the finished ground level for a newly created allotment.</i></p>	<p>The Standards definition would add much needed clarity.</p> <p>Seek clarification: There is a need to describe what "in front of the retaining wall means". Is it at the top or the bottom? Where is it in relation to the boundary? This second question is relevant for applying the height in relation to boundary rules.</p>

Term	Planning standard	TRMP	Comment
	boundary, the level on front of the retaining wall or retaining structure where it intersects the boundary		
height	<p>In relation to a District Plan:</p> <p>means the vertical distance between ground level at any point and the highest part of the structure immediately above that point</p> <p>in relation to a regional plan or regional policy statement or a combined plan that includes a regional plan or regional policy statement</p> <p>means is the vertical distance between the highest part of a structure and a reference point. The reference point outside the coastal marine area is ground level unless otherwise stated in a rule. The reference point inside the coastal marine area is mean sea level</p>	<ol style="list-style-type: none"> <i>in relation to a building, the vertical distance between the level of the ground at the external foundations of the building and (a) the highest point of the parapet or coping in the case of a flat roof; or (b) the mean level between the eaves and the highest point of the roof in the case of a sloping roof, provided that the highest point of the roof shall not exceed a level greater than the maximum height specified in the Plan plus one-fifth of that height. The height excludes chimneys, ventilator shafts, water tanks, elevator lofts, antennas all having a maximum dimension of 3.5m and finials and similar parts of the building as constitutes only decorative features.</i> <i>means in relation to signage, the total height of the largest sign face, and shall exclude any poles or supporting structures required to enable a sign to be displayed at such a height.</i> 	This is a significant issue, and would require significant Schedule 1 changes .
height in relation to boundary means	means the maximum height of a structure relative to its distance from the boundary of a site or other specified location	<p>Recession planes</p> <p><i>Identifies an area within the site where buildings may be erected, so as to safeguard access to sunlight and daylight for neighbouring properties.</i></p>	This looks completely different but on review as long as we can retain the recession plan rules no issues will occur.
Industrial Activity	means an activity for the primary purpose of— (a) manufacturing, fabricating, processing, packing, storing, maintaining, or repairing goods; or (b) research laboratories used for	<p>Industry</p> <p><i>The carrying out of any industrial activity including cleaning, grading and packing of produce, processing, manufacturing, (including energy production) bulk storage, warehousing, energy</i></p>	Definitions differ significantly and would require Schedule one changes to retain the same provisions.

Term	Planning standard	TRMP	Comment
	scientific, industrial or medical research; or (c) yard-based storage, distribution and logistics activities; or (d) any training facilities for any of the above activities	<i>transmission, service and repair activities. Also includes waste treatment and processing.</i>	
Intensive primary production	means primary production activities that involve the production of fungi, livestock or poultry that principally occur within buildings	<p>Intensive farming (Regional and District)</p> <p><i>Means farming which is not dependent on the fertility of the soils on which it is located and which may be mainly under cover, and which may be dependent on the importation of energy or materials on to the site to sustain its viability e.g. poultry, rabbit, opossum, fish or mushroom farming. Pig farming shall be considered intensive farming when carried out within buildings or when pigs are stocked at an intensity greater than one pig per 1/10th of a hectare. This definition does not include the keeping of animals or any of the above activities on a domestic scale as an accessory activity.</i></p> <p><i>The keeping of no more than nine pigs on a site shall be deemed to be of a domestic scale. The keeping of no more than 39 head of poultry shall be deemed to be of a domestic scale.</i></p> <p>Intensive farming (RPS)</p> <p><i>Means farming that is not dependent on the fertility of the soils on that it is located and that may be mainly under cover, and that may depend on the importation of energy or materials on to the site to sustain its viability e.g. pig, poultry, rabbit, opossum, fish or mushroom farming. This definition does not include the keeping of animals or any of the above activities on a domestic scale as an accessory activity.</i></p>	The Standards definition excludes the <i>reliance on the fertility of soils</i> . This needs further consideration.

Term	Planning standard	TRMP	Comment
land disturbance	means the alteration to land, including by moving, cutting, placing, filling or excavation of soil, cleanfill, earth or substrate land	<p><i>The disturbance of land by any means including earthworks; blading, trenching, sidecutting, surface excavation, overburden and spoil disposal, ground levelling, construction of earth dams, cultivation; and the construction, maintenance, realignment or widening of roads or tracks. In respect of C9: cultivation is excluded from the definition of land disturbance.</i></p> <p><i>For the purposes of C4 – Cultural and Historic Heritage – land disturbance shall mean the disturbance of land by any means including, earthworks; blading, trenching, sidecutting, surface excavation, overburden and spoil disposal, ground leveling and construction of earth dams, roading or tracking, construction, realignment or widening, and shall exclude the following:</i></p> <ul style="list-style-type: none"> <i>i. cultivation</i> <i>ii. land disturbance associated with replacement, maintenance and minor upgrading of existing structures</i> <i>iii. land disturbance within paved roads and modified berms</i> <i>iv. land disturbance in accordance with the survey regulations 1972 and subsequent amendments</i> <i>v. fencing provided that in respect of the exclusions i)-iii) the land disturbance does not extend beyond the area or depth previously disturbed.</i> 	<p>The Standards definition does not include all of the examples and specificity or exclusions of the TRMP.</p> <p>This would require significant changes that would require a 1st schedule process.</p>
minor residential unit	means a self-contained residential unit	Minor dwelling unit	The standards definition contains a number of

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	that is ancillary to the principal residential unit and is held in common ownership with the principal residential unit on the same site, which can be attached to the principal building or be a detached stand-alone building.	<p><i>A dwelling which comprises less than 60m² gross floor area.</i></p> <p>Dwelling unit</p> <p><i>The self-contained home or residence of a single housekeeping unit, whether of one or more persons comprising 60 m² or more gross floor area.</i></p> <p>Small dwelling unit</p> <p><i>A dwelling which has a total gross floor area of 65m² or less.</i></p>	the general standards of the TRMP. They end up at the same place but the requirement to use the Standards definition may mean more substantial changes than permitted outside of a 1st schedule process.
notional boundary	means a line 20 metres from any side of a building that contains an activity sensitive to noise, or the legal boundary, if it is closer to that building	<i>A line 20m from the wall of any rural dwelling, or the legal boundary where this is closer to the dwelling.</i>	The Standards definition refers to activities sensitive to noise, whereas the TRMA on applies to dwellings. This would require application of the rule to activities such as schools and recreational activities and would require a 1st schedule process to avoid this requirement.
official sign	means all signs required or provided for under any statute or regulation, or are otherwise related to aspects of public safety	<p>Sign (official)</p> <p><i>Any sign on, adjacent to or above a road erected by or on behalf of the relevant road controlling authority in accordance with traffic regulations.</i></p>	Similar meanings but the Standards definition can apply beyond the road, adjacent to a road or above road. Not a major concern.
outdoor living space	means an area of open space for the use of the occupants of the residential unit or units to which the space is allocated		Referred to in rules 1.6.1 (2) activity standards
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	<p>Production land</p> <p><i>a) means any land and auxiliary building used for the production (but not processing) of primary products (including agriculture, pastoral, horticulture and forestry products);</i></p> <p><i>b) Does not include land or auxiliary buildings</i></p>	The requirement to include this definition could lead to significant changes. Although there is no requirement to include provision in the Plan that use the defined term, the presence of the definition can lead to interpretation of the policy and rule framework that were

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	from the listed activities; but c) does not include processing of those products	<i>used or associated with prospecting, exploration or mining for minerals. Any "production" has a corresponding meaning</i>	unintended. This term appears in a number of parts of the plan, but is not referred to in rules. The definition of farming in the TRMP includes many of the activities that are covered by this definition. The implications of the proposed definition need require further consideration.
residential activity	means the use of land and buildings by people for the primary purpose of living accommodation	<i>The use of premises for any domestic or related purpose by persons living alone or in family or non-family groups (whether any person is subject to care or supervision), and shall include emergency and refuge accommodation. Residential activity shall not include home occupation, visitor accommodation or residential care homes, camp grounds or motor camps.</i>	The Standards term is significantly broader than the TRMP and would lead to conflicting rules in the TRMP. In the absence of a meaning common meaning for the two words are: Living – the manner in which one conducts one's life Accommodation – a place to live' work or stay. The Standards definition of residential activity could include activities specifically excluded by the TRMP i.e. Visitor accommodation.
residential unit	means a building or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.	Residential buildings <i>A building, group of buildings or other facilities including caravans or house trucks, each containing one or more household units, used or intended to be used for a permanent residential activity, but does not include a garage or accessory building.</i>	Slightly different terms but effectively the same. The main difference is the inclusion of "permanent living" in the TRMP definition. This would lead to conflicting rules.
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	<i>Any area of land comprised wholly of one Certificate of Title or any allotment as defined by the Act.</i> <i>Front Site: a site where at least one boundary adjoins a road;</i> <i>Rear Site: a site situated generally to the rear of</i>	No major issue

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	<p>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 .</p>	<p><i>another site or to the rear of another dwelling unit developed or used independently as part of a multi-unit site, which adjoins a road via an access strip.</i></p> <p><i>Corner site: a site with frontages adjoining two roads.</i></p>	
sign	<p>(a) means any device, character, graphic or electronic display, whether temporary or permanent, that is visible from beyond the site boundary, for the purposes of—</p> <p>(i) identification of and provision of information about any activity, site or structure:</p> <p>(ii) providing directions:</p> <p>(iii) promoting goods, services or forthcoming events; and</p> <p>(b) includes the frame, supporting device and any associated ancillary equipment whose principal function is to support the message or notice; and</p> <p>(c) may be two- or three-dimensional,</p>	<p><i>Any advertising device or advertising matter, whether consisting of a specially constructed device or structure, or painted, printed, written, carved or projected onto, placed or otherwise fixed to or upon any premises, building, structure or stationary vehicle that is visible from any public place and shall include community signs, permanent signs, portable signs and temporary signs.</i></p> <p>Sign (community)</p> <p><i>Any sign that is erected:</i></p> <p><input type="checkbox"/> <i>by any consent authority for reasons of public health and safety;</i></p> <p><input type="checkbox"/> <i>for any public purpose or public activity such as recreation grounds, scenic reserves, churches, museums, hospitals, educational institutions and community halls;</i></p>	<p>The subsets of signs could prove problematic. It is unclear whether the Standard allow for the specific type of signs existing in the TRMP. If it does not, changes would be required that would require a 1st schedule process.</p>

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	<p>and manufactured, painted, written, printed, carved, embossed, inflated, projected onto, or fixed or attached to, any structure or natural object; and</p> <p>(d) may be illuminated by an internal or external light source.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> to advise the public of regulations affecting use of public lands or waterways; <input type="checkbox"/> to provide information required by legislation such as the Health and Safety Employment Act 1992; <input type="checkbox"/> for community information, such as 'Welcome to...' type signs and signs associated with community road safety campaigns. <input type="checkbox"/> community signs shall exclude any sign that incorporates symbols or logos that promote any particular product or business. <p>Sign (official)</p> <p>Any sign on, adjacent to or above a road erected by or on behalf of the relevant road controlling authority in accordance with traffic regulations.</p> <p>Sign (permanent)</p> <p>Any sign that is either continuously on display or portable and displayed at regular intervals.</p> <p>Sign (portable)</p> <p>Any sign which is movable and not supported by any fixed structure.</p> <p>Sign (temporary)</p> <p>Any sign advertising an activity or event of a fixed duration (including an event which may not occur for some time in the future).</p>	
structure	means any building, equipment, device or other facility made by people and which is fixed to or located on land;	Any building, equipment, device, or other facility made by people and which is fixed to land and includes any raft. In the case of network utility	The Standards definition includes "or located on land", whereas the TRMP only includes fixed. It is not a major issue.

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	and includes any raft, but excludes motorised vehicles that can be moved under their own power	<i>activities this shall include conductors.</i>	
visitor accommodation	Means land and/or buildings used primarily for accommodating non-residents, subject to a tariff being paid	<i>Any building, buildings or area of land used principally for the day-to-day accommodation of travellers or other semi-transient persons for the payment of a tariff and includes any services or amenities provided on-site for the exclusive use of patrons. Visitor accommodation includes boarding houses, hotels, motels and backpacker facilities. It also includes motor camps and camping grounds unless specifically excluded in the text.</i>	A simpler definition but not an issue.