

# Submission on the draft first set of National Planning Standards

**To:** Planning Standards  
c/- Ministry for the Environment  
PO Box 10362  
Wellington 6143

By email: [planningstandards@mfe.govt.nz](mailto:planningstandards@mfe.govt.nz)

**Name of submitter:** HOUSING NEW ZEALAND CORPORATION (“the Corporation”)

**Type of submitter:** Business / Industry

HOUSING NEW ZEALAND CORPORATION (“the Corporation”) at the address for service set out below makes the following submission on the draft first set of National Planning Standards (“**Draft Standards**”).

## Introduction

1. This submission on the Draft Standards is made by the Corporation.

### *Background to the Corporation*

2. The Corporation’s role includes the efficient and effective management of social housing throughout New Zealand. Reconfiguring this housing stock is a priority for the Corporation so as to better provide efficient and effective social and affordable housing for those in need.
3. The Corporation was formed in 2001 as a statutory corporation established under the Housing Corporation Act 1974 (as amended by the Housing Corporation Amendment Act 2001). It is also a Crown agency under the Crown Entities Act 2004.
4. The Housing Corporation Act 1974 sets out the Corporation’s functions to provide housing and housing-related services to support the Crown’s social objectives. Under the Crown Entities Act 2004, the Corporation is listed as a Crown agent and is required to give effect to Government policies.

5. The Corporation's statutory objectives are to give effect to the Government's social objectives by providing housing and related services. To this end:
  - (a) The Corporation owns or manages approximately 64,000<sup>1</sup> rental properties throughout New Zealand, including about 1,480 homes for community groups that provide housing services. Approximately two-thirds of the total state housing portfolio was built before 1980, and half of it before 1960.
  - (b) The Corporation has approximately 180,000<sup>2</sup> people occupying Corporation tenancies, with 1,524 new homes delivered, including 1,421 social, emergency and transitional homes and 103 market and affordable homes during the 2016/2017 financial year.
6. Within the Auckland Region, the Corporation manages a portfolio of approximately 28,600 dwellings.<sup>3</sup>
7. The Corporation's portfolio is made up of complexes, residential and Community Group Housing and is currently valued at more than \$25.2.<sup>4</sup> The Corporation's properties make up 4% of the country's housing stock and, although operating as a nationwide portfolio, 44% of the Corporation's houses are in Auckland.
8. There has been a marked change in the type of social housing that is required by the Corporation's tenant base:
  - (a) Demand has increased for single bedroom housing required for single persons, the elderly or disabled, and larger homes with four to six bedrooms for larger families.
  - (b) As a result, the size of many state houses in the Auckland region do not match the changing demand for social housing, with a large proportion of the Corporation's housing stock comprising older 2-3 bedroom homes, on large lots, which are too large for smaller households and too small for larger households.

---

<sup>1</sup> As at 30 June 2018.

<sup>2</sup> This figure excludes Community Group Housing tenancies.

<sup>3</sup> As at 30 June 2018.

9. This has meant that the Corporation has had to review its housing portfolio and assess how it can respond to the changes in demand, given that some of its current housing supply does not meet the current or future needs of tenants and/or are uneconomic to maintain.
10. The Corporation has a long-term national Asset Management Strategy which is focused on providing houses that are the right size, in the right place and in the right condition. As part of that strategy, the Corporation will look to redevelop existing sites, using them more efficiently in order to improve the quality and quantity of social housing available.
11. Redevelopment of existing brownfield land, especially in high demand locations, will enable the replenishment of existing housing stock and assist in appropriately meeting current and future social housing demand by:
  - (a) making more effective use of the Corporation's land;
  - (b) designing houses that sympathetically integrate with existing communities. Applying the principles of 'blind tenure' will make it virtually impossible to distinguish a state house from a private house in the future; and
  - (c) reconfiguring the portfolio to meet the needs of families now and into the future. Traditional state homes of 2 or 3 bedrooms built 50+ years ago on larger sections no longer meet the needs of today's families. Nationwide, the most common household composition requiring social housing is now one parent with one or more children. This is closely followed by single, elderly or disabled tenants. In Auckland there is also an increasing demand from large families with many children.
12. When redeveloping the portfolio the Corporation looks to make better use of land that has reasonable access to public transport; commercial centres; community services and facilities (such as public open space, educational facilities, or other social infrastructure); or areas of employment.
13. Over time the reconfiguration of the portfolio will enable improvements in the form, function and quality of the housing within the Corporation's portfolio.
14. The Corporation is a major user of planning instruments nationwide. As such, the Corporation is uniquely placed to be able to provide feedback on this process.

### *Scope of the Submission*

15. This submission relates to the Draft Standards as a whole.

#### **The Submission is:**

16. In general, the Corporation supports the intent of the Draft Standards, particularly standardising those aspects of plan making that will make plan development and implementation more efficient and transferrable throughout the Country.

### *Consideration of submissions on the Draft Standards*

17. The Corporation considers that, if the Draft Standards are either to contain substantive provisions (eg: definitions) or be mandatory, they should be the subject of rigorous testing via a public hearing process so that the decision makers are fully informed. That approach would increase the probability that errors are identified and corrected before becoming operative.

### *The Draft Standards in the Auckland and Christchurch Context*

18. In summary, the Corporation submits that the Minister for the Environment (“**the Minister**”) should consider exempting large councils, particularly Auckland Council and Christchurch City Council and those facing distinctive local issues, from complying with the Draft Standards.
19. By way of background, the Corporation was extensively involved in the proposed Auckland Unitary Plan (“**Unitary Plan**”) hearings process, making submissions and lodging evidence in relation to 50 hearings topics across the whole plan. The outcome of this process was a plan, of which it is submitted, provides a significant step change to planning in the Auckland Region, particularly as it relates to the provision of increased housing capacity and choice.
20. A number of appeals were lodged challenging the Unitary Plan, and the issue of intensification was at the heart of many of these challenges. The Corporation was involved in a significant number of these appeals, including 4 judicial review proceedings, 26 High Court appeals and 23 Environment Court appeals. While almost all appeals have been resolved, there are still 3 Court of Appeal appeals that

are outstanding.<sup>5</sup> Meaning that it will have been a five plus year process to make the Unitary Plan fully operative.

21. In that regard, the *Albany North Landowners v Auckland Council* [2017] NZHC 138 “scope” case was the first to consider the intensification issue (as a ‘test’ case addressing a number of appeals on that point). The High Court found that the broad ‘upzonings’ across Auckland were in scope of submissions on the Unitary Plan. Since that decision, however, there have been numerous attempts to revisit the intensification through subsequent plan changes to the Auckland Unitary Plan (Operative in Part), for example, Plan Changes 3 and 4, by those unhappy with the intensification of the Region, in an attempt to find a way to re-litigate the matter.
22. In summary, even though the Unitary Plan process was subject to fast track legislation, the process itself has still been reasonably long and we are finally at a stage where there is a near completed planning instrument which can be used as a blue print for future development, and which provides certainty for those developing and using land within the Region.
23. The risk in an Auckland context of requiring the implementation of the Draft Standards into a newly operative Unitary Plan is that it has the potential to reopen the debate regarding the need for the Region to intensify. As the Council undertakes to implement the Draft Standards there is the potential for appeals and/or judicial reviews which risk once again putting the Auckland planning context in a state of flux.
24. A similar issue also arises in respect of the Christchurch context, albeit for different reasons. Namely that the Christchurch District Plan reflects the unique post-earthquake circumstances of the Region, and the outcomes of a process driven by the need to enable recovery. For that reason, the Corporation considers that there is a risk in the Christchurch context that requiring implementation of Draft Standards could compromise the outcomes sought to be achieved through that Christchurch Replacement Plan process.
25. In light of that risk, the Corporation asks that the Minister consider excluding at least Auckland Council and Christchurch City Council from compliance with the Draft Standards until their next plan review. Such an approach, it is submitted, will in the

---

<sup>5</sup> *Belgiorno-Nettis v Auckland Council* CA645/2018; *Belgiorno-Nettis v Auckland Council* CA184/2018; and *North Eastern Investments Ltd & Anor v Auckland Council & Ors* CA287/2018.

Auckland context also promote the Draft Standards objectives of reducing the cost of creating plans and policy statements.

### *Technical Issues*

26. While the Corporation appreciates that the predominant focus of the first set of the Draft Standards is on the format and structure of Plans ('regional', 'combined' and 'district') themselves, the Corporation considers there is the potential (through future versions / 'sets') for further consideration and inclusion of national / standardised provisions (such as rules and development controls for instance) within the Draft Standards.
27. Currently the proposed Draft Standards are 'structure / format focussed', with little in the way of content in relation to particular provisions which could be standardised across the country (e.g. building height, HiRB controls, how height / HiRB recession planes are to be measured etc).
28. The Corporation considers that the identified benefits set out in the consultation document will be better achieved through a greater inclusion of national standards / controls through the Draft Standards. The intended benefits are potentially unlikely to be achieved in full where objectives, policies, rules and controls / standards continue to differ from Plan to Plan, across varying territorial and regional authorities. For example, while the zone names / colours themselves may be standardised, continuing to have differing zone provisions from Plan to Plan has the potential to undermine the intent of the creation of National Planning Standards which seek to provide greater efficiency through both Plan preparation and implementation / administration, as well as practitioner and wider public education and understanding of consistent planning provisions.
29. Some suggestions for content related matters which could be considered for inclusion in future Draft Standards sets / versions could include:
  - (a) Direction on the use of Activity Status within 'Rules Tables', whereby the use of Activity Status relates to the certainty of identifying the matters and effects that need to be considered when assessing a resource consent application. An Activity Status is frequently used as a mechanism to 'discourage' certain types of activity or development. By way of example, particular residential activities in a Residential Zone, are often identified as Discretionary or Non-Complying Activities (i.e.: the 'Single House Zone' in the Unitary Plan

identifies a second dwelling as a Non-Complying Activity). There should rarely be a need for the primary activity or land use in which a zone seeks to provide for, to be identified as a Non-Complying Activity in the relevant District Plan. In the Auckland Region Single House Zone example above, it is a relatively straightforward process to identify particular matters and criteria in which an application for two (rather than one) dwellings in a Residential Zone should be assessed against. Such an activity could be provided for a Restricted Discretionary Activity, with clear identification of appropriate matters of discretion and assessment criteria.

30. There is also the potential for a standardised, consistent approach nationally for minor non-compliances with development controls and performance standards, such as the application of the 'control flexibility' approach utilised in the previous 'legacy' North Shore City Council District Plan. Through the use of 'control flexibility' provisions in the 'legacy North Shore District Plan', non-compliances of up to 10% for example (i.e.: permitted building height may be 8m, with 'control flexibility' providing for up to 8.8m) are processed as a Restricted Discretionary Activity. There could also be the ability for applications with minor non-compliances to be processed on a non-notified basis. This has the benefit of setting a consistent approach and expectation across the country for both practitioners as well as the general public as to how non-compliances with permitted standards and controls will be assessed by Councils.

*Draft Combined Plan Structure Standard (S-CP) – Part 3: Regional Policy Statement*

31. The Corporation considers that the draft regional policy statement structure should contain a mandatory section for 'development capacity' or 'urban growth'. All Councils are required to address the objectives and policies of the National Policy Statement on Urban Development Capacity 2016 in their plans so the Draft Standards should provide a mandatory section.

*Draft Area Specific Matters Standard (S-ASM)*

32. Given the relatively limited list of standard zones (particularly the four Residential Zones), there would appear to be the potential to add further zones. The Corporation further notes that the current zone names / purposes have a focus on 'density'. Density, however, may not be an actual outcome sought by a particular zone. This was an approach adopted through the recent Auckland Unitary Plan process, with

the residential zones typically focused on the built form outcomes the zones were seeking to achieve over time (such as the ‘Terrace Housing and Apartment Buildings’ zone). While the four standardised Residential Zone types currently refer to varying ‘densities’, the addition of further zones (and attendant amendments to the zone names as discussed below) would provide the opportunity for Councils to draft Plan provisions more targeted to achieving identified built form / typology and quality outcomes, rather than simply more generic references to achieving expected ‘densities’.

*Draft Area Specific Matters Standard (S-ASM) - Zone chapters (S-Zones): Purpose Statements*

33. The Draft Standards specify a purpose statement for each zone option. The Corporation agrees that purpose statements are useful tools, however considers that the statements contained in the Draft Standards need to be redrafted to:
- (a) Reflect the outcomes the zone is seeking to achieve, rather than reflecting what is existing, so that the zone locations are not predetermined by reference to the current environment; and
  - (b) Make reference to the ‘environment’ rather than the ‘character’.
34. The names of the zones should be recast to remove reference to the word density entirely, noting that (with the exception of the Single House Zone) the Unitary Plan removed density controls from the residential zones entirely meaning that if these zone names were implemented in this context this would result in confusion to plan users.
35. By way of example:

<u>Large Lot zone</u>	The purpose of the <i>Large Lot zone</i> is to provide for <u>Large Lot residential development on the periphery of urban areas where urban development is not appropriate.</u>	
<u>Low-density residential zone</u> <u>Single House zone</u>	The purpose of the <del><i>Low-density Single House residential zone</i></del> is to provide primarily for <u>low intensity residential activities where land hazards prevent greater urban intensity</u> <del>there may be constraints on urban density.</del>	<u>Comment:</u> The Draft Standards should clarify what is intended by the reference to “constraints”.
<u>Residential zone</u>	The purpose of the <i>Mixed Housing Suburban Residential zone</i> is to provide primarily for residential	<u>Comment:</u> Zoning should not be a tool used to reflect

<u>Mixed Housing Suburban zone</u>	activities <del>at a suburban intensity in areas of suburban character.</del>	existing land use patterns. As such, the zone purpose should not identify the existing environment of land as a means by which future land is to be zoned. Rather it should identify the built form outcomes that this zoning is seeking to generate. Otherwise, the risk is that this will predetermine where a zone may be located.
<del>Medium-density residential zone</del> <u>Mixed Housing Urban zone</u>	The purpose of the <i>Mixed Housing Urban</i> <del>Medium-density residential zone</del> is to provide primarily for <u>medium intensity residential activities in areas of urban character.</u>	
<del>High-density residential zone</del> <u>Terrace Housing and Apartment Buildings zone</u>	The purpose of the <i>Terrace Housing and Apartment Buildings</i> <del>High-density residential zone</del> is to provide primarily for <u>high intensity residential activities in areas of high density, urban character.</u>	

36. In addition to purpose statements for the zones themselves, where methods, particularly in relation to development standards and controls, are being utilised in Plans, a standardised requirement to identify a purpose statement for each standard and control proposed or used would be beneficial. This will assist with the potential streamlining of ‘assessment frameworks’ (matters of control and discretion and assessment criteria) by having an identified purpose for standards and controls, particularly for applications that will infringe controls and standards and will need to be assessed against the extent of which such a non-compliance will still create an appropriate development outcome. This is an approach that has been adopted in the Unitary Plan, particularly in relation to the Residential Zones provisions. Having an identified purpose statement for each proposed standard and control would also assist in identifying places where potentially duplicitous regulation is taking place (i.e.: where multiple controls and standards are being applied to manage a consistent, single issue of outcome). By way of example, the use of ‘max height’, ‘HiRB’, ‘yard setback’ as well as ‘building setback at upper floors’ are often all used to manage the potential for adverse dominance effects to immediately adjoining properties.

*Draft Area Specific Matters Standard (S-ASM) - Precincts Chapter (S-PREC)*

37. The Corporation agrees that the inclusion of the Precinct tool is important in the Draft Standards. In that regard, it considers that the reference at page 45 should be amended as follows:

*A precinct spatially identifies and manages an area where ~~two or more~~ additional provision(s) apply which modify the policy approach of the underlying zone(s) or refine or modify land use outcomes.*

38. There is no basis for a precinct only applying where two or more additional provisions apply. One additional provision may be sufficient to modify the policy approach of the underlying zone or land use outcomes and necessitate a precinct approach.

*Draft Mapping Standard (F-2) Table 21: Zone colour palette table*

39. The Corporation considers that the colour palette for the residential zones requires greater total variation so as to enable users to easily distinguish between zones when viewing maps on screens or using printed copies, both of which may be of poorer quality.

*Draft Definitions Standard (CM-1)*

40. The Corporation generally supports the inclusion of some level of standardised definitions, however, considers that there needs to be greater consideration of the extent to which these definitions should provide a level of detail such that they are of assistance to local authorities (or specifically enable a level of detail to be provided by a local authority).
41. The Corporation further considers that there are a number of definitions which could reference the relevant definition from other (relevant) legislation, for example, use of the definition of “Building” from the Building Act 2004. This is not an unusual approach in the Resource Management Act 1991 (“RMA”) context, and most District Plans cross reference to non-RMA but relevant legislation for consistency and clarity purposes.
42. The Corporation also makes the following specific comments in relation to the following definitions:

Term	Definition	HNZC Comment
building	means any <a href="#">structure</a> , whether temporary or permanent, moveable or fixed, that is	The Corporation considers that there are a number of abnormalities that

Term	Definition	HNZC Comment
	enclosed, with 2 or more walls and a roof, or any <a href="#">structure</a> that is similarly enclosed	arise from this definition in terms of structures which would be included or excluded from the definition inappropriately. One option could be to consider using the definition of "building" set out in ss8-9 of the Building Act 2004.
building damage from vibration	means any permanent effect of vibration that reduces the serviceability of a <a href="#">structure</a> or one of its components	The Corporation does not consider a definition of this is necessary or appropriate in Draft Standards, particularly given its very narrow definition of requiring that there is a permanent effect that reduces the serviceability of the structure in order for there to be building damage.
community facility	means a non-profit facility primarily for recreational, sporting, cultural, safety and welfare, religious or similar community purposes	The Corporation considers that this definition is unclear and leaves open for debate what would or would not be encompassed by the definition. For example, would it include a police station or women's refuge? The Corporation also queries the relevance of the non-profit element of this definition in an RMA context.
coverage	means the percentage of the <a href="#">net site area</a> covered by the <a href="#">footprint</a> of <a href="#">structures</a> as identified in the relevant rule	The Corporation considers that the reference to structures should be a reference to "buildings" (as defined in Building Act 2004). As set out below in relation to the definition of "structures", this definition is problematic in that it could encompass unintended items such as trailers, which would then have the consequence of being included in the calculation of coverage.
drain	means any artificial watercourse, open or piped, that is designed and constructed, or used, for the purpose of the drainage of surface or subsurface water	The Corporation considers this definition needs to be reworded to read: "...any artificial <a href="#">open</a> watercourse...". A drain cannot be "piped" and this reference should be removed.
earthworks	means any <a href="#">land disturbance</a> that changes the existing ground contour or ground level	As with other definitions, the Corporation considers the need for this definition to be amended by at least listing exclusions. As currently worded, the definition could inadvertently capture activities such as rotary hoeing a garden, for example.
footprint	means the total area of <a href="#">structures</a> at ground floor level and the area of any section of any of those <a href="#">structures</a> that	Again, the Corporation considers that the reference to 'structure' should be amended to 'building'. This definition as currently worded could lead to a

Term	Definition	HNZC Comment
	protrudes directly above the ground	perverse outcome whereby a single level building with eaves could have a greater footprint than a two level building with eaves.
gross floor area	means the sum of the total area of all floors of all <a href="#">buildings</a> on the <a href="#">site</a> (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	This is another example of a definition which requires a list of exclusions, particularly given the definition already specifies inclusions. By way of example, as currently worded, the atrium of a building would be included which could have consequences in terms of the level of carparking required to be provided as part of a development. The definition of 'net floor area' excludes such areas.
ground level	<p>means—</p> <p>(a) the actual finished surface level of the ground after the most recent subdivision that created at least one additional <a href="#">allotment</a> 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 <a href="#">building</a>;</p> <p>(b) if the ground level cannot be identified under paragraph (a), the existing surface level of the ground, excluding areas of cut or fill associated with the construction or alteration of a <a href="#">building</a>;</p> <p>(c) if, in any case under paragraph (a) or (b), a retaining wall or retaining <a href="#">structure</a> is located on the <a href="#">boundary</a>, the level on front of the retaining wall or retaining <a href="#">structure</a> where it intersects the <a href="#">boundary</a></p>	The Corporation opposes this definition as notified because of the potentially perverse outcomes that might flow from such a definition, for example, the way subsection (c) is currently worded, if a neighbouring site modified the level of the boundary where the retaining wall or structure intersected it, this could have unintended consequences for the way standards such as Height in Relation to Boundary are applied.
habitable room	means any room in a <a href="#">residential unit</a> , <a href="#">visitor accommodation</a> , <a href="#">educational facility</a> , <a href="#">commercial activity</a> or healthcare facility used for the purposes of teaching or respite care or used as a living room, dining room, sitting room, bedroom, or similarly occupied room	The Corporation suggests that this definition be amended to reflect the definition of "habitable rooms" used in the Unitary Plan, such as: " <i>Any room in a building used for a residential activity and in a care centre or healthcare facility with an overnight stay facility, excluding a laundry, bathroom, toilet or any room used solely as an entrance hall, passageway, garage, or other space of a specialised nature occupied neither frequently nor for extended periods.</i> "
height	means the vertical distance between <a href="#">ground level</a> at any point and the highest	These definitions require both a method of measurement to be

Term	Definition	HNZC Comment
[in relation to a district plan]	part of the <a href="#">structure</a> immediately above that point	specified and explained (i.e. rolling height and/or average ground level) as well as a list of exclusions. This is an overly simplistic definition of height which the Corporation considers will not assist in clarifying how height is determined across various planning documents. While standardised 'height limits' may not be required, providing a standard approach in the definition for how height can be measured would enable efficiency by removing the need for this to be addressed individually, and potentially inconsistently, across various District Plans.
height  [in relation to a regional plan or regional policy statement or a combined plan that includes a regional plan or regional policy statement]	means is the vertical distance between the highest part of a <a href="#">structure</a> and a reference point. The reference point outside the <a href="#">coastal marine area</a> is <a href="#">ground level</a> unless otherwise stated in a rule. The reference point inside the <a href="#">coastal marine area</a> is mean sea level	
height relation to boundary	in to means the maximum <a href="#">height</a> of a <a href="#">structure</a> relative to its distance from the <a href="#">boundary</a> of a <a href="#">site</a> or other specified location	Like height, this definition is overly simplistic and requires methods of measurements to be specified and explained, and a list of inclusions and exclusions to be included.
home business	means an occupation, craft, service or profession that is secondary to the use of the site for a <a href="#">residential activity</a>	The Corporation considers this definition is missing a link to the commercial element of home businesses, and could result in perverse outcomes in interpretation and application as a result.
minor residential unit	means a self-contained <a href="#">residential unit</a> that is ancillary to the principal <a href="#">residential unit</a> and is held in common ownership with the principal <a href="#">residential unit</a> on the same <a href="#">site</a> , which can be attached to the principal <a href="#">building</a> or be a detached stand-alone <a href="#">building</a> .	The Corporation queries whether or not this encompasses (or is intended to encompass) a situation where the dwellings are unit titled.
net site area	means the total area of the <a href="#">site</a> , but does not include:  a) any area of <a href="#">land</a> that legally provides access to another <a href="#">site</a> ;  b) any area of <a href="#">land</a> used primarily for legal access to a rear <a href="#">site</a> ;  c) any area of <a href="#">land</a> subject to a designation that is intended to be taken or acquired under the Public Works Act 1981	The Corporation considers that the net site area should not exclude land which is subject to a designation but has yet to be taken or acquired. If land has yet to be taken or acquired then that land forms part of the site. A designation can be uplifted at any time, and an owner should not be penalised as a result.
outdoor living space	means an area of open space for the use of the occupants of the <a href="#">residential unit</a> or units to which the space is allocated	Again, the Corporation considers that this is a definition which requires appropriate exclusions to be listed. As currently worded 'outdoor living space' might encompass parking or manoeuvring areas which is clearly not

Term	Definition	HNZC Comment
		the intention.
quarry	means an area of <a href="#">land</a> where the excavation, with or without the processing, of minerals and other solid natural substances occurs	This definition is too broad and requires amendment to reference the commercial element of quarries to avoid capturing unintended activities.
residential unit	means a <a href="#">building</a> or part of a <a href="#">building</a> that is used for a <a href="#">residential activity</a> exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.	The Corporation considers that the reference to “one household” is unclear (i.e. does it encompass flat mates or only a family unit?). In the Corporation’s view a distinction can be drawn between dwellings (i.e. used for a residential purpose as a single household residence contained within one or more buildings, and served by a kitchen) and units (a defined part of a building under different ownership), and this definition appears to conflate the two.
retirement village premises	<p>has the same meaning as in section 226A of the RMA (as set out in the box below)</p> <div data-bbox="408 969 898 1245" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>means premises (including any land and associated buildings) within a complex of premises for occupation as residences predominantly by persons who are retired and any spouses or partners of such persons</p> </div>	<p>The Corporation considers that the definition of “Retirement village” used in the Unitary Plan is more appropriate. That definition reads:</p> <p><i>Retirement village</i>  <i>A managed comprehensive residential development used to provide accommodation for aged people,</i>  <i>Includes:</i></p> <ul style="list-style-type: none"> <li>• <i>the use or development of any site(s) containing two or more units that provides accommodation, together with any services or facilities, predominantly for persons in their retirement, which may also include their spouses or partners; and</i></li> <li>• <i>recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities accessory to the retirement village.</i></li> </ul>
setback	means the distance between a <a href="#">structure</a> or activity and the <a href="#">boundary</a> of its <a href="#">site</a> , or other feature specified in the Plan	Again, this definition should refer to ‘building’ not ‘structure’. The reference to structure could lead to perverse outcomes, given what structure currently encompasses.
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, <a href="#">site</a> or <a href="#">structure</a>:</p>	<p>As currently worded, this would include letter box numbers. As such, something more aligned to the current Unitary Plan definition is considered more appropriate. That definition reads:</p> <p><i>Sign</i>  <i>A visual device which can be seen from a public open space (including the coastal marine area) or an adjoining property, to attract people’s attention by:</i></p>

Term	Definition	HNZC Comment
	<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, and manufactured, painted, written, printed, carved, embossed, inflated, projected onto, or fixed or attached to, any <a href="#">structure</a> or natural object; and</p> <p>(d) may be illuminated by an internal or external light source.</p>	<ul style="list-style-type: none"> <li>• <i>providing directions;</i></li> <li>• <i>giving information; and</i></li> <li>• <i>advertising products, businesses, services, events or activities.</i></li> </ul> <p><i>Includes</i></p> <ul style="list-style-type: none"> <li>• <i>the frame, supporting device and any associated ancillary equipment whose principal function is to support the message or notice;</i></li> <li>• <i>murals, banners, flags, posters, balloons, blimps, light projections, footpath signs, hoardings, projections of lights; and</i></li> <li>• <i>signs affixed to or incorporated within the design of a building.</i></li> </ul>
structure	means any <a href="#">building</a> , equipment, device or other facility made by people and which is fixed to or located on land; and includes any <a href="#">raft</a> , but excludes motorised vehicles that can be moved under their own power	As currently worded, this definition is problematic because it would include things such as trailers and caravans parked in a driveway, even temporarily. This definition should include a list of exclusions, particularly given the number of other definitions which refer back to the definition of “structure” and the perverse outcomes in those terms if structure did encompass things such as trailers parked in driveways.
Territorial Authority	<p>has the same meaning as in section 5 of the Local Government Act (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> <p>means a city council or a district council named in Part 2 of Schedule 2</p> </div>	This should include reference to the full name of the Act “Local Government Act 2002”.
visitor accommodation	Means <a href="#">land</a> and/or <a href="#">buildings</a> used primarily for accommodating non-residents, subject to a tariff being paid	The Corporation does not consider it is necessary for this definition to reference the need for a tariff being paid.

### Relief Sought

43. The Corporation seeks the following decision from the Minister on the Draft Standards:

- (a) That the Draft Standards be amended as set out in this submission.

- (b) That Auckland and Christchurch are excluded from compliance with the Draft Standards until their next plan review to address the matters raised in this submission so as to promote the Draft Standards objectives of reducing the cost of creating plans and policy statements.
- (c) Such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out herein.

44. The Corporation wishes to be heard in support of this submission.

45. If others make a similar submission, the Corporation would be willing to consider presenting a joint case with them at hearing.

**DATED** 17 August 2018



---

**Dr Claire Kirman / Alex Devine**  
Counsel for **HOUSING NEW**  
**ZEALAND CORPORATION**

**ADDRESS FOR SERVICE:** [REDACTED]  
[REDACTED]  
[REDACTED] [REDACTED] [REDACTED]  
[REDACTED]