

Draft first set of National Planning Standards

SUBMISSION FORM

The Government is seeking views on the draft first set of National Planning Standards.

For more information about the Government's proposals read our National planning standards consultation document available at <http://www.mfe.govt.nz/consultation/draft-national-planning-standards>.

Submissions close at 5:00 pm on Friday 17 August 2018.

Making a submission

You can provide feedback in three ways:

1. Use the online submission form available at <http://www.mfe.govt.nz/consultation/draft-national-planning-standards>. This is our preferred way to receive submissions.
2. Complete this submission form and send it to us by email or post.
3. Write your own submission and send it to us by email or post.

Publishing and releasing submissions

All or part of any written submission (including names of submitters) will be published on the Ministry for the Environment's website www.mfe.govt.nz. Unless you clearly specify otherwise in your submission, we will consider that you have consented both your submission and your name being posted to the Ministry's website.

Contents of submissions may be released to the public under the Official Information Act 1982 following requests to the Ministry for the Environment. Please advise if you have any objection to the release of any information contained in a submission and, in particular, which part(s) you consider should be withheld, together with the reason(s) for withholding the information. We will take into account all such objections when responding to requests for copies of, and information on, submissions under the Official Information Act.

The Privacy Act 1993 applies certain principles about the collection, use and disclosure of information about individuals by various agencies, including the Ministry for the Environment. It governs access by individuals to information about themselves held by agencies. Any personal information you supply to the Ministry in the course of making a submission will be used by the Ministry only in relation to the matters covered by this consultation. Please clearly indicate in your submission if you do not wish your name to be included in any summary of submissions that the Ministry may publish.

Submission form

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

Contact information

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Submitter type*	Individual	<input type="checkbox"/>
	NGO	<input type="checkbox"/>
	Business / Industry	<input type="checkbox"/>
	Local government	<input checked="" type="checkbox"/>
	Central government	<input type="checkbox"/>
	Iwi	<input type="checkbox"/>
	Other (please specify)	<input type="checkbox"/> Click here to enter text.

* 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
- No

The Porirua City Council (PCC) supports the intent behind the National Planning Standards and considers they will help reduce cost and increase efficiencies when developing District Plans and policy. We value being involved in the formulation of the National Planning Standards as a pilot Council and would like to continue to give meaningful feedback throughout their development. Currently the PCC is undertaking a full District Plan review which is occurring in conjunction with the development of the National Planning Standards. The alignment of these two processes means that the District Plan will be drafted in accordance with the standards, saving considerable cost that would occur if we needed to align our District Plan with the Planning Standards after the plan becomes operative. We therefore support the current timing of the National Planning Standards being gazetted.

2. S-RPS: Regional policy statement structure standard

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a. Parts 3 and 4 – Core policy statement provisions

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b. Part 5 – Evaluation and Monitoring

[Click here to enter text.](#)

3. S-RP: Regional plan structure standard

[Click here to enter text.](#)

a. Parts 3, 4 and 5 – Core plan provisions

[Click here to enter text.](#)

b. Part 6 – Evaluation and Monitoring

[Click here to enter text.](#)

4. S-DP: District plan structure standard

PCC generally supports the proposed District Plan Structure Standard, with the following minor amendments.

Location of definitions: The proposal to locate the definitions within the Interpretation chapter could make interpreting the plan more difficult. While an e-plan format will make definitions easy to link to within the document, there may be instances where definitions need to be accessed independent of a hyperlink and a stand-alone chapter would make this easier.

Relief Sought: Amend position of Definitions to form a stand-alone chapter in Part 1.

Order of District-Wide Matters: While PCC supports the grouping of topics (e.g. Natural Environment Values and Community Values), it would be more logical to have the values chapters located together, rather than separated by the Environmental Risk chapter.

Relief sought: Amend the order of the chapters so that the Environmental Risk chapter is located either before the Natural Environment Values chapter or after the Community Values chapter.

5. S-CP: Combined plan structure standard

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

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a. Introduction chapter

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b. How plan works chapter

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c. Interpretation

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d. Plan integration

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e. Formation of standards with tangata whenua

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f. National direction

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

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a. Recognition of iwi/hapū chapter

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b. Tangata whenua local-authority relationships chapter

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c. Iwi and hapū planning documents chapter

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d. Consultation chapter

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e. Use of te reo Māori

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

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

PCC generally supports the overall proposed structure of the District Wide Matters standard, with the following amendment that the Natural Environment Values and the Community Values chapters are located together.

Relief Sought: Reorder chapter positions so that Natural Environment Values chapter and the Community Values chapter are located sequentially.

a. Natural Environment Values Chapter

There is no requirement within the S-NEV to cross reference to the schedules chapter, where there is a list of the specific location of areas and sites of significance. There are similar cross-referencing requirements in the Community Values chapter. It seems like a similar requirement would be useful for the S-NEV and would be a consistent approach across chapters.

Relief Sought: Insert a requirement into the Natural Environment Values Chapter (S-NEV) that where a schedule is used then there is an appropriate cross reference to the schedules chapter.

b. Environmental Risks Chapter

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c. Community Values Chapter

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d. Infrastructure and Energy Chapter

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e. Subdivisions Chapter

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f. General District Wide Matters Chapter

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

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a. Zone framework (individual and range)

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b. Purpose statements

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c. Additional special purpose zones and criteria

PCC supports the flexibility to include Special Purposes Zones. However, it is not clear whether all or only one of the three criteria (7a-c) must be met.

Relief sought: Clarify the requirements for the establishment of Special Purposes Zones.

d. Precincts chapter

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e. Development areas chapter

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f. Designations chapter

The proposed Designations Table 16 includes a row for conditions. However, there is also a requirement to include designation conditions as a schedule. This would result in duplication of content.

Relief Sought: Amend the proposed Designations chapter (S-DES) requirements to specify designations conditions are required to be laid out either in the table or in the schedule, not both.

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

PCC supports the standardisation of schedules, but suggests that an additional column identifying the related Planning Map number would help with plan navigation, noting that this would be particularly useful in an e-plan format. Flexibility to add additional columns to allow relevant information to be included in an easy to read way could also avoid a lot of information potentially being combined into the Site Type/Description of Values column, which could make it harder to interpret.

Relief Sought: Include an additional 'Related maps' column, and increase flexibility to add additional columns where required.

12. F-1: Electronic accessibility and functionality standard

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a. Standard baseline requirements

Standards 11 & 12: The compiling of historic District Plan documentation is anticipated to be a time-consuming and resource-intensive exercise, with no real benefit to the plan user. Any historical information is able to be provided to individual users, on request.

Relief Sought: Provide greater clarity in requirements to provide historical District Plan documentation, restricting the scope to not include every previous Plan or Scheme. The requirement should also be updated allow 5 years to implement.

b. Level 5 requirements

E-Plan Functionality Scale: The scale intervals accurately reflect the different types of plans currently in use and set an achievable level of functionality.

Relief Sought: None.

13. F-2: Mapping standard

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a. Zone colour palette

The tone of yellow between low, medium, and residential zoning is too similar and could easily be confused. The same could also be said for the Open Space/Sport and activity recreation/conservation zones.

Relief Sought: Either use a different colour, or use hatching over a colour to differentiate between low to medium density areas, for example.

b. Symbology

Overall, there are too many blue areas used across symbols - increasing the risk of areas being confused with one-another.

Relief Sought: Diversify the colours and fill of geometry polygons used.

Protected tree group symbol: This would be difficult to implement for District Plans with larger tree groups. Proposed Standards provide no clear ability for Councils to choose otherwise. This could result in removal of some tree groups, by proxy, with individual symbols unable to correctly identify the complete extent of tree protection.

Relief Sought: Symbol needs to be a polygon and a symbol to properly identify the complete extent. This could be a hatched overlay as not to confuse with zoning.

Heritage Area and heritage item symbols: The heritage area symbol is limiting in nature by not being able to distinguish between heritage areas and heritage orders. The colour used could also easily blend into any underlying aerial image. Similarly, the use of a single symbol only for a heritage item would limit the identification of the extent of a heritage item (and where relevant any identified heritage setting /surrounding to the heritage item).

Relief Sought: Add a hatched version of the polygon for heritage orders. Colour should be updated to be more vivid to stand out from any underlay, and once again could be hatched to avoid confusion. Provide for the use of a symbol and/or polygons for identifying heritage items and heritage settings.

Natural Hazard Polygon: The combination of four distinct natural hazards in one polygon does not allow communities, business, and/or insurers to evaluate the level of risks they may be exposed to. This combination could also result in the associated rule structure to be quite long and impractical. Hazards should be defined in line with GNS, MCDEM, and FENZ. RMA s6(h) & s106 require hazards to be evaluated, including the scale of the effect, therefore there should be an ability to map this graphically.

Relief Sought: Assign a different polygon type for each hazard, representative of standards set by GNS, MCDEM, and FENZ. Different colours/treatments should be available to denote the level of risk and show scale, and there should be a level of local discretion permissible to reflect localised hazard types.

Faultline Hazard: Faultlines are inherently difficult to define and have a tendency to influence a wide area either side of a faultline. Modern District Plans have responded to this by creating bands of varying widths, reflecting the level of certainty of location of the particular faultline. This is in line with practice standards from GNS and the recently-notified Kapiti Coast District Plan is an example of this. Using a single line does not allow for the nature of faultlines to be mapped in a manner

which reflects the severity and extent of hazard.

Relief Sought: Change the line to a band with different colours to show how well defined a fault may be. Should reflect best-practice standards from GNS.

Missing Mapping Tools: There is no description for how the likes of precincts or development areas would be mapped, or what symbology should be used.

Relief Sought: Extend mapping labels to provide direction on precincts and development areas.

Zoning names: Zones detailed in S-ASM do not align with those covered in F-2. Zones excluded are: Airport; Port; Hospital; Education; Stadium; Future urban; and, Maori Culture. The label used for 'Special Activity Zone' does not allow for multiple zones, being one colour.

Relief Sought: Extend labels to include missing zones and allow TA discretion for the labelling of Special Activity Zones.

14. F-3: Spatial planning tools (Regional) standard

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a. Range of tools

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b. Zone

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c. Overlay

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d. Specific control

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e. FMU

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f. Airshed

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g. Area

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

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a. Range of tools

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b. Zone

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c. Overlay

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d. Precinct

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e. Specific control

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f. Development areas

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g. Designation

16. F-5: Chapter Form standard

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a. Chapter form

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b. Rules

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c. Rule tables

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

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a. Status of rules and other text

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b. Numbering

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18. CM-1: Definitions standard

The proposed National Planning Standards seeks to provide a standardised set of conditions for District Plans across the country. While the majority of these definitions appear to be

appropriate, several of the definitions would result in unintended consequences, including:

- a) triggering the need for unnecessary resource contents;
- b) the establishment of out of zone activities; and
- c) changes to established rule structures within District Plans.

Such outcomes would result in additional costs to the community (from triggering the need for resource consent applications), and costs to Council to have to undertake plan change reviews to stop the establishment of activities that are not appropriate in certain zones (but may become permitted activities as a result of some of the definition changes). The definitions that potentially create issues are identified below, along with a description of the issue and the relief sought.

Additionally, draft Standards are unclear on how resource consent applications should be evaluated once the final Standards have been released and District Plans have yet to give effect to Standards. It is likely that many councils in a rolling review cycle will be in this position and additional guidance from the Ministry should therefore be provided to assist decision making.

a. Individual definition

Accessory Building: The definition of accessory building requires the construction of the principal building first. However, it is not uncommon for accessory buildings such as garages to be constructed on vacant allotments to provide storage before the building of the principal building. Under this definition these garages would not be considered to be an accessory building, thereby triggering the need for consent.

Relief Sought: Amend the definition of an accessory building as follows: "means a detached building, the use of which is ancillary to the use of the principal buildings or activity on the same site, including any future principal building, but does not include any minor residential unit."

Building: The definition of building is very broad and captures structures such as dog kennels, play houses, and sheds from hardware stores. Most bulk and location rules in the District Plan relate to buildings, rather than structures. Given the broad definition of building, these bulk and location rules will now apply to structures that have no perceivable effect on the environment.

Relief Sought: Amend the definition so that there is a height and size requirement for structures to be considered buildings (for example they need to be greater than 10sq meters and over 2m in height to be considered a building). This limit should relate to a threshold where buildings have an effect on the environment.

Commercial Activity: The definition of commercial activities is very broad and includes the trading of goods. Traditionally, many District Plans limit commercial activities to the provision of services. The purpose of this limitation is to allow for commercial activities to establish in business/industrial areas, without unintentionally allowing for retail activities to be established, which may undermine the CBD, or detract from commercial areas. The proposed definition would allow for the establishment of retail activities in these business/industrial areas, thereby resulting in unintended planning outcomes.

Relief Sought: Remove the term trading of goods from the definition of commercial activities, and/or add a new definition for retail activities which does not overlap with the definition of commercial activities.

Community Activity: The definition of a community activity is very broad, but is reliant on the activity being a 'non-profit facility'. Many councils provide a number of

community venues through council owned enterprises (e.g. museums, swimming pools, community halls, etc.). These facilities are often commercial in nature, requiring a charge for use or services provided, but are heavily subsidised by councils themselves. While their main purpose is not profit-driven, there may be instances where a profit is made. The draft definition for Community Activity would therefore exclude such activities from being a community activity, resulting in adverse planning outcomes.

Relief Sought: Either remove the "non-profit" component from the definition of Community Activities, or provide a definition for community activities that do generate profits (for example using the term Places of Assembly).

Footprint: The definition of footprint links back to the definition of structures. Under many District Plans, the footprint of a building is used to determine the site coverage of a structure. However, District Plans often exclude eaves that are less than 0.6m in depth as they do not result in building bulk.

Under the proposed definition, eaves would not be excluded from the calculation of a building footprint (as the definition of structures includes roofs), thereby changing significantly how site coverage is calculated (and potentially resulting in an increase in consent applications as a result. Established practice for many councils would be changed and this would take time to move through the industry, thereby meaning that many dwellings would be designed to a site coverage based on the footprint of a building, excluding eaves).

Relief Sought: Either amend the definition of footprint so that eaves less than 0.6m in depth are excluded from the calculation, or amend the definition of structures so that eaves less than 0.6m deep are excluded.

Ground Level: The definition of ground level is broken up into three tests. In terms of the first test, it is common for the ground level of the site to be determined by the level of the ground at the time of subdivision. However, the first test takes this further and excludes any excavation or filling associated with the construction of dwellings. This component of the test overly complicates the definition, especially in relation to flood hazard areas. If a party was to apply for a subdivision and land use together, then ground level would be determined by what activity was undertaken first. For example, if the applicant was to undertake a subdivision first, and was to fill the site to ensure the ground level was above the flood level, then the ground level at the time of the title would be the filled level. However, if the applicant constructed a dwelling on a filled platform, and then subdivided the site, the fill level would not represent ground level (even though the outcome is the same and is related to the timing of the subdivision). This creates a difficulty with the definition and could result in unintended internal non-compliances and complications when trying to determine the ground level of a site.

Relief Sought: Simplify the first test of the definition by removing the following: "...but excludes any excavation or filling associated with the construction or alteration of a building". This change would mean that the ground level would simply be the level of the site when section 224C approval is obtained. This would also make the determination of heights and recession planes simpler for future dwelling constructions.

Home Business: The proposed definition of home business is broad and allows for the establishment of a wide range of activities. Many District Plans require an occupant of the dwelling to be employed in the business, in order for the activity to fall under the definition of a home business (this requirement prevents the

proliferation of non-residential activities in the residential zone). While it is acknowledged that this requirement could be a Permitted Activity Standard, it would be simpler if the definition of a home business included the requirement for the resident(s) of the dwelling to be the business operator.

Relief Sought: Amend the definition of home business to as follows: “means an occupation, craft, service or profession, which is secondary to the use of the site for a residential activity, where a resident of the dwelling is the business operator.”

Minor Residential Unit: It seems the definition of Minor Residential Unit is intended to provide for housing extended families. The definition however is broad and would allow for additional houses to be established on a site under the pretence of it being a minor residential unit. If the intent is to provide this housing choice for family members, then the definition should reflect this.

Relief Sought: Amend the definition so that it directly references that this housing typology is intended to house family members on the same site.

Quarry: The definition of a quarry is overly broad and captures all areas of excavation. As a result, all earthworks that involve excavation could accidentally be considered to be a quarrying activity, thereby created unnecessary consents. This issue could be addressed through a small change to the definition.

Relief Sought: Amend the definition of quarrying as follows: “means an area of land where the excavation, with or without the processing of minerals and other solid natural substances, is intended to generate a profit.”

Structure: The definition of a structure is broad and would capture items such as trailers, fences, low level retaining walls, boats, and caravans. As a result, if one of these items is located too close to the boundary, technically there would be a structure within a yard setback. The resulting unintended outcome could be the need for resource consent applications to ensure that these activities meet yard setback requirements. Many District Plans specifically exclude items of this nature (or set height limits) to ensure that these items do not trigger the need for resource consent.

Relief Sought: Amend the definition to ensure that items that could reasonably be expected to be located on or close to a boundary are not captured by the proposed definition of a structure.

b. Additional definitions

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

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a. Technical support

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20. Implementation

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a. ePlanning implementation

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b. **Timing**

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c. **Support**

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d. **District plan structure guidance**

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e. **Regional policy statement and regional plan structure guidance**

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f. **District plan spatial planning tools and zone framework guidance**

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g. **Regional plan and policy statement spatial tools guidance**

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h. **Chapter form and status of rule and other text numbering guidance**

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i. **Additional guidance materials required**

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21. Future content for standards

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a. **Utilities provisions**

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Other comments

22. Do you have any further comments you wish to make about the Government's proposal?

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Releasing submissions

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

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

Note that the name, email, and submitter type fields are mandatory for you to make your submission.

When your submission is complete

If you are emailing your submission, send it to PlanningStandards@mfe.govt.nz as a:

- PDF
- Microsoft Word document.

If you are posting your submission, send it to National Planning Standards, Ministry for the Environment, PO Box 10362, Wellington 6143.

Submissions close at 5:00 pm on Friday 17 August 2018.