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DRAFT NATIONAL PLANNING STANDARDS – KEY SUBMISSION POINTS OF TAURANGA CITY COUNCIL

Tauranga City Council welcomes the opportunity to make submission to the Draft National Planning Standards (NPS).

While a detailed submission document is attached, the key submission points of the Council are as follows:

Timeframes for NPS compliance

1. Tauranga City Council (TCC) supports the extension for compliance with the NPS to five years for most councils, i.e. 2024. Notwithstanding, TCC would prefer that the implementation of the first set of National Planning Standards be provided for as part of next review of RMA Plans after the gazettal date of 2019.
2. The Operative Tauranga City Plan is due to be reviewed in 2023. While TCC is aware of the potential to bring the review forward, the Council is currently at a point where plan changes for two new urban growth areas for the City are being finalised for notification in 2019 after two years of intensive planning work in partnership with landowners and affected persons.
3. As a Council that is facing high growth demands, it is a priority that these plan changes be progressed as soon as possible and that they be in a format that is consistent with the current plan so that development can commence.
4. The implementation of the NPS, being required shortly after these plan changes have completed their process, could impact on the development of these urban growth areas if a further Schedule 1 process was triggered.
5. The timing of the City Plan Review and its nature, e.g. staged or reviewed in full could also result in "double reviewing" of plan provisions in quick succession for a) the NPS, and b) the required City Plan Review.
6. If the National Planning Standards could be complied with as part of the review of the Operative Tauranga City Plan, this would allow for growth pressures to be addressed in the short term ahead of the NPS related changes and avoid the doubling of work for the City Plan Review in the medium term.

7. As an alternative, TCC requests that Tauranga City Council be included in the list of councils with seven years to implement the National Planning Standards to allow for their urban growth area plan changes to progress to completion ahead of changes to the Plan to implement the National Planning Standards.

Clarity around Mandatory and Discretionary Provisions

8. The draft NPS contains directions which are mandatory (e.g. the definitions) and can be incorporated into plan documents without a full Schedule 1 plan change process as long as there are no further changes to content. The second type of planning standard is discretionary and provides for a choice of options, at least one of which the Council must select (a range of 27 zones of which councils must select at least one). This 'selection' must be made via a Schedule 1 process with formal consultation, etc.
9. There is a lack of clarity in the draft NPS around what are mandatory or discretionary directions, including between directions relating to different sections of Plans. This has time and resource implications for councils in developing plan changes or review processes (including legal review as to whether or not the plan change/review has produced NPS compliant provisions). Submissions are proposed, seeking that mandatory and discretionary directions be more clearly and consistently identified in the NPS and that the guidance documents provide more detailed advice to councils in respect of these directions.

Assistance to Councils – Planning, Legal and GIS resources

10. Achieving compliance with the NPS will require resourcing in terms of planning advice and legal advice in relation to compliance with the NPS. A further advice/resourcing area is required for GIS based mapping.
11. This is a particular concern for smaller councils who have limited staff and budgets available but is also an effectiveness and efficiency issue for larger councils who have already invested in software programmes and GIS systems for their current plans. Central government has already signalled they are considering funding for smaller councils to address some of these issues and has asked for feedback on this point.
12. In discussing this issue with other councils it has been identified that a better way to assist all councils would be for the Government to provide a web-based platform which provides both a plan text template and a mapping programme to all councils. This would address resourcing issues and also provide consistency across all plans as to format, text and diagram presentation.

Tauranga City Council City Planning Staff are available to assist with any clarification of the detailed submission and are also available for discussion/testing, in conjunction with MfE staff, of any potential amendments to the draft NPS. Please contact in the first instance Damon Mathfield, Acting Team Leader City Plan on [REDACTED] or at [REDACTED].

Yours sincerely



Howard Severinsen

Acting General Manager: Growth and Infrastructure

17/8/18

**Acting General Manager
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Draft first set of National Planning Standards (NPS) - Tauranga City Council (TCC) - SUBMISSION - August 2018

| DFS NPS Section | Theme | Term | TCC Comments | Suggested Amendments |
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| n/a | Extension of NPS timeframes | n/a | <p>TCC supports the extension of the implementation timeframe for the NPS to five years. Notwithstanding, TCC would prefer that the implementation of the first set of National Planning Standards be provided for as part of next review of RMA Plans after the gazettal date of 2019. The Operative Tauranga City Plan is due to be reviewed in 2023. While TCC is aware of the potential to bring the review forward, the Council is currently at a point where plan changes for two new urban growth areas for the City are being finalised for notification in 2019 after two years of intensive planning work in partnership with landowners and affected persons. As a Council that is facing high growth demands, it is a priority that these plan changes be progressed as soon as possible and that they be in a format that is consistent with the current plan so that development can commence. The implementation of the NPS, being required shortly after these plan changes have completed their process, could impact on the development of these urban growth areas if a further Schedule 1 process was triggered. If the National Planning Standards could be complied with as part of the review of the Operative Tauranga City Plan this would allow for growth pressures to be addressed in the short term ahead of the NPS related changes. As an alternative TCC requests that Tauranga City Council be included in the list of Councils with 7 years to implement the National Planning Standards to allow for their urban growth area plan changes to progress to completion ahead of changes to the Plan to implement the National Planning Standards.</p> | <p>TCC requests the implementation of the first set of National Planning Standards be provided for as part of next review of RMA Plans after the gazettal date of 2019. Alternatively, TCC requests that the Tauranga City Council be included in the list of Councils with 7 years to implement the National Planning Standards.</p> |
| n/a | Clarity of Mandatory and Discretionary nature of Standards | n/a | <p>In drafting this submission, it has been difficult to determine what chapters and sections are mandatory or discretionary. Some sections within standards have directions that state the Plan must contain the chapter e.g. "If a district has a coastline, a coastal environment plan must be provided" (Standard S-DP) being clearly mandatory. Other Standards have directions which clearly state where chapters do not need to be included in the plan (Standard S-ASM) and other Standards have directions opening with "if the following matters are addressed" (Standard S-DWM and Standard S-TW), which implies a discretion. A further matter for clarification is whether Standards override each other. Standard S-DP, direction 3 states that "All district plans must contain mandatory headings in the order provided in Table 5: District plan structure below, unless otherwise stated." Further clarification is needed as to whether the "otherwise stated" is to be found in S-DP or in any other Standard. For example, in Standard S-DP it is stated that local authorities must implement the Introduction and General Provisions Standard S-IGP, however in turning to Standard S-IGP directions of that standard under (S-Intro) there appears to be an implied discretion not to include sections, appearing to require text only – "if the following matters are addressed." If a local authority chooses not to have any of these sections apart from the definitions it would be odd to continue to require a mandatory heading for these sections under Standard S-DP. Therefore it could be assumed that S-IGP gives the effect to the "unless otherwise stated" reference in S-DP.</p> | <p>Further clarity and guidance is required where standards use the phrase "if the following matters are addressed" as to the mandatory or discretionary nature of that part of the standard. Clarity of what parts are mandatory and discretionary could be easily addressed by providing in the guidance notes a "contents page" of the mandatory provisions which excludes discretionary components e.g:</p> <ul style="list-style-type: none"> • Part 1 Introduction and General Provisions • Chapter Interpretation • Chapter National direction instruments • Part 2 Tangata Whenua provisions, <p>or by further clauses such as those found in the S-ASM Standard "if no precinct is required, do not include this chapter in the Plan."</p> |

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| n/a | Implementation | n/a | The scope of the proposed changes to Plans required by the NPS are extensive and therefore implementation support is necessary in the form of specialised knowledge and resources. | It is submitted that the Government, through the MfE, provide for a dedicated national team (capable of providing legal, technical and planning advice) to assist Councils in implementing the NPS. This should include a peer and legal review function for Plans that are being drafted/ redrafted into the NPS structure. Such a team would be able to be contacted by Councils with queries and where requested "audit" plans before they are notified. This would support a consistent implementation and compliance across the country in an efficient and effective manner. The use of a government platform for templates and electronic mapping programmes is also requested. These requests are covered in more detail in submission points below. |
| n/a | National direction | n/a | TCC queries the requirement for a separate chapter on national direction instruments, as information and linkages relating to national direction can be covered in the statutory context section of the "How the Plan Works" chapter. The mandatory text of Tables 13 and 15 includes options for Councils to select from and appears to serve the purpose of monitoring the implementation of national instruments. It is considered that this purpose could be better served through the annual National Reporting to MfE. | Information and linkages relating to national direction should form part of the "How the Plan Works" chapter and Tables 13 and 15 should ideally be deleted. Further guidance is needed as to whether amendments to Tables 13 and 15 can be undertaken without a Schedule 1 process, if there are no other changes needed to comply with a National Direction. Further clarity and guidance is also requested on the inclusion of links in Plan text to the national direction instrument document and how this can be practically achieved for hard copy plans. |
| n/a | Potential Utilities NPS | n/a | TCC notes that specific reference is made to the development of a NPS for Utilities in the future. Many Councils have Infrastructure Development Codes (IDCs)/ technical specifications that set out the design standards required for assets to vest. It is felt that the potential impacts of a NPS for utilities on design standards requires a dedicated discussion with local authorities. | A NPS for Utilities needs to be thoroughly consulted on with Councils given that provision of utilities is part of subdivision and land use activity. |
| S-DP: District Plan structure standard | Plan structure | n/a | TCC generally supports the draft order of plan chapters set out in the draft National Planning Standard 2-DP. The structure of TCC's current operative plan has a reasonable level of consistency with the District plan structure standard. That is, it has a section addressing strategic directions, both topic (district wide) and zone chapters and rules placed in the same chapters as objectives and policies. It is noted that the current guidance notes for the S-DP District Plan structure standard indicate that reference can be made to the S-RPS and S-RP standards for further guidance. It is suggested that for effectiveness, efficiency and clarity for all parties, that all guidance matters relating to a standard is found within the Guidance for that actual standard. | All guidance matters relating to a standard is found packaged within the Guidance for that actual standard (even if that means the guidance will have to be duplicated elsewhere). |
| S-DP District Plan Structure (S-DP) and S-SD Draft Strategic Direction | Inconsistency between standards | n/a | S-DP at Part 3 Strategic Direction states that Local Authorities must implement the Strategic Direction Standard (S-SD). The Instruction then goes on to state that "if" local authorities are including provisions on significant resource management matters relevant to the district, it must provide a strategic direction part. In S-DP which is mandatory, the wording continues to be "if" the various matters are to be addressed in district plans, they may be located in the "Strategic Direction" chapter. It would appear that in practice S-SD is not mandatory unless the matters it covers are put into plans by local authorities at their discretion. If the matters are not covered then it would seem a strategic direction chapter is not needed? | The following should be further clarified: the Instructions for S-DP at Part 3 Strategic Direction and the nature of S-SD e.g. it should be mandatory only if the matters specified in the section are included in a Plan? |
| S-IGP: Introduction and general provisions standard | How the Plan Works | n/a | In reviewing the draft standards for regional, combined and district plans, it is noted that each set of headings for the "How the Plan Works" section are inconsistent with the headings for "How the Plan Works" section of Standard S-IGP. | Guidance is needed as to which of the standards take precedent in terms of the headings to be used for the "How the Plan Works" section. |

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| S-TW: Tangata Whenua structure standard | Clarification on nature and status of the standard | n/a | <p>It is noted that all of the material in this standard appears to be discretionary -“e.g. If the following matters are addressed”.</p> <p>The nature of the standard is a very important aspect to clarify. The expectations raised by the development of a NPS standard, without clarity of mandatory or discretionary components, has the potential to negatively impact on relationships between Councils and the iwi/hapu of their area. In areas with a large number of iwi and hapu - such as the Bay of Plenty Region matters such as history, environmental management perspectives and values, would need to be supplied by each iwi and hapu.</p> <p>Providing links to mana whakahono or other relationship agreements and iwi/hapu management plans has implications for Councils and iwi/hapu alike. This is in terms of whether these documents become by implication “referenced documents” in terms of the Part 3 Section 30 of the RMA. This has implications for local authorities plans, as iwi hapu management plans are not subject to a Schedule 1 process. The review and updating of iwi/hapu management plans may be affected by Schedule 1 requirements if they are referenced in this manner.</p> | <p>A considerable amount of information in this section could sit within the Section 32 reports for plans, rather than in the plans themselves.</p> <p>Further clarity is required as to the detail/level of reference expected in the Plan, given the significance and the volume of material involved.</p> <p>With respect to the provision of links to mana whakahono or other relationship agreements and iwi/hapu management plans, further guidance is needed as to whether these documents become by implication “referenced documents,” in terms of the Part 3 Section 30 of the RMA.</p> |
| S-SD: Strategic direction structure standard | Strategic direction | n/a | TCC supports S-SD: Strategic direction structure standard | Retain Standard S-SD: Strategic direction. |
| S-DWM: District wide matters standard | Coastal Environment | n/a | <p>It is queried why a specific section is required for the Coastal Environment?</p> <p>Matters such as development in the coastal environment can be covered in the strategic directions section of plans and within relevant sections for landscape, landforms and natural character, ecosystems and indigenous biodiversity.</p> | Guidance is sought as to what matters other than landscape, landforms and natural character, ecosystems and indigenous biodiversity within the Plan the Coastal Environment Chapter is intended to cover. |
| S-DWM District Wide Matters Standard | Environmental Risks chapter (S-ER) | n/a | Direction 31 makes reference to the coastal marine area. District Plans do not generally apply to the coastal marine area. | Further guidance is needed in relation to the inclusion of the coastal marine area within this direction. |
| S-DWM District Wide Matters Standard | Community Values chapter (S-CV) | n/a | Direction 18 b. makes reference to “Maori Cultural Landscape” but this is not defined. | A national definition for Maori Cultural Landscape should be provided. |
| S-DWM District Wide Matters Standard | Subdivision chapter (S-SUB) | n/a | Code of Practices (COPs) are identified as needing to be “referenced” in the District Plan. If a document by reference is created under terms of the Part 3 Section 30 of the RMA then COPs cannot be changed quickly in order to deal with changing practice/technology. | There needs to be clarity as to whether reference to a Code of Practice makes such a document a referenced document under Part 3 Section 30 of the RMA, noting these can only be updated through a plan change. |
| S-ASM: Area specific matters standard | Zone framework | n/a | The proposed NPS zoning does not include a road zone. The TCC City Plan currently incorporates a road zone which provides for traffic related activities including safety signage and traffic lights; pedestrian/cycle facilities and road maintenance works as permitted activity. This provides for these activities to be addressed efficiently and effectively without the need for resource consent applications for individual activities relating to the road's operation. | TCC requests that a Road Zone is included in the NPS zones. |
| S-ASM Area Specific Matters Standard | <p>Role of NPS Purpose Statement for Zones</p> <p>Clarification of ability to exclude activities from zones where the “purpose guidance” refer to them.</p> | n/a | <p>TCC supports and seeks reconfirmation in the relevant Guidance documents, that the NPS purpose statements for zones and zone characteristic materials are intended as a guide, rather than a mandatory text.</p> <p>In particular, TCC seeks confirmation that the provision for light industry in the new proposed mixed-use zone can be removed, if desired by individual councils, whose mixed-use zones are not foreseen as containing industrial activities.</p> | <p>Confirmation should be provided in the guidance materials that the NPS purpose and zone characteristic materials are fully intended as a guide to the purpose for the zones and provisions development, rather than mandatory text.</p> <p>Confirmation should be further provided by way of additional guidance notes on the following: 'Councils can decide on activities provided in a zone and can exclude activities which may be listed in guidance material for the zone, if these are not compatible with the local context.'</p> |
| S-ASM: Area specific matters standard | Additional Special Purpose zones | n/a | TCC supports the provision for Additional Special Purpose zones and criteria within the standard. | Provision for 'additional special purpose' zones and criteria within the standard need to be retained. |
| S-ASM Area Specific Matters Standard | Future Urban Zone | n/a | TCC supports the provision for future urban zones. Such a zone is an important tool in protecting the maximum opportunity without further fragmentation for future urbanisation of land and enables more efficient planning and land use. It also enables Council to use a regulatory tool to clearly provide for meeting the land use capacity requirements of the NPS UDC. | TCC supports the retention of the future urban zone as one of the 27 zones provided for in the NPS. |

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| S-ASM Area Specific Matters Standard | Use of “primarily for” in zone purpose/guidance | n/a | TCC seeks the removal of the reference to the term “primarily for” from the zone statements. This term indirectly implies that other uses not provided for in the zone can be undertaken which potentially blurs the purpose of a zoned based approach and the separation of incompatible activities from the primary activity of a zone. | TCC seeks the removal of the reference to “primarily for” from the zone purpose guidance statements. |
| S-ASM: Area specific matters standard | Precincts/ Use of a standalone Precincts chapter | n/a | TCC supports the use of precincts. However it is suggested that where precincts are being used, which modify the underlying zones, it would be more intuitive for plan users to find the appropriate provisions, if precinct chapters followed the base zone chapter which they are modifying e.g. “residential precincts” chapters follow the Residential Zones chapters. | TCC seeks that the standard structure for district plans be amended, so that the precincts chapters follow the chapters for the base zone that they are amending. |
| S-ASM: Area specific matters standard | Development areas | n/a | TCC supports the use of development areas chapters. | Further guidance is sought in relation to removal of development area provisions (and a method for doing so) without a Schedule 1 process. |
| S-ASM: Area specific matters standard | Designations | n/a | TCC does not support designation conditions being reproduced in full in Plans. The volume and proposed table format of material required, to fully encompass designation conditions, has the potential to greatly increase the size of the plans for provisions, that may only be considered by a few plan users. Clarity is also required regarding the expected process to update the schedule of designation conditions if a change of conditions, removal of conditions or removal of designation in full, occurs. A further question is whether this can be updated without a Schedule 1 process? | Designation conditions can be covered by making reference to where this material can be found outside of the Plan text. Further guidance is requested as to the process to update the schedule of designation conditions, if a change of conditions, removal of conditions or removal of designation in full, occurs. |
| F-1: Electronic accessibility and functionality standard | Funding | n/a | Exploration by the Government of ways of providing funding and/ or support to smaller Councils in relation to assisting them in meeting the F-1 Standard is noted. | The Government could assist all Councils by procuring and providing access to the software for e-plans. A national platform for e-plans could be provided with technical support, that could be used by all Councils. |
| F-1: Electronic accessibility and functionality standard | Publically accessible datasets | n/a | TCC GIS staff advise that TCC uses NZGD2000, but uses Moturiki Datum for our vertical datum. This includes reference to this datum in rules e.g. in parts of Tauranga that are inundation prone ground floor levels above Moturiki Datum – e.g. 2.5m above Moturiki Datum are specified. This type of use of datum in rules may apply elsewhere across the country, particularly in relation to environmental and natural hazards provisions. | TCC seeks confirmation that the local vertical datum for rules relating to local natural hazards within Plans can continue to be used. |
| F-1: Electronic accessibility and functionality standard | Standard baseline requirements | n/a | It is submitted that the requirements of standard F-1 for hyperlinks between relevant district and regional plan provisions represents a larger task than a Level 1 baseline timeframe would accommodate. This would also be difficult to achieve during the period when all Councils will be at the very least reformatting and renumbering existing e-plans (with some moving to e-plans). | Further guidance as to what is actually meant by the rule linkage requirement between district and regional plans is needed. Does this require hyperlinks from a district council website to a regional council website, where these documents can be found and vice versa; or hyperlinks between a district plan rule on a district council website to a regional plan rule on a regional council website, and vice versa? TCC submits that the standard should provide for a general link between websites, where the documents can be found and direction to consult on regional plans for earthworks, discharge consents etc. This link and commentary would be best located in the Introductory sections of Plans. |
| F-1: Electronic accessibility and functionality standard | Level 5 requirements | n/a | The requirement in National Planning Standard F1 Level 5 to provide both a hard copy of the plan and an e-plan means Councils will have to operate and maintain two “copies” and systems for the production of plans. There is also the assumption that repetition of content in all chapters, due to the structure of the plan, is balanced by e-plan functionally. It is noted that this level of accessibility and functionality includes the ability to print out hard copies, including maps. It is assumed that this provides for the “split layers” of zones and symbology on a series of maps to address layering and readability issues in hard copies. | The provision by Central government of a national platform where both ‘hard and soft’ plan formats could be accessed and utilised by local authorities would address the costs of dual copies and systems and reduce inefficiencies and time costs for local authorities. It is also submitted that further guidance should be provided for this standard including examples of plans that meet Level 5 standards for illustration and comparison purposes. |

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| F-2: Mapping Standard | Legibility | n/a | In urban areas maps often have a number of layers and symbols and if they are all shown on one hard copy or electronic map they can be difficult to decipher. TCC, operate a two maps per "area" approach to show zone and some plan area features on one map and other layers on a facing identical base map. This also includes an aerial view on one of the maps, which is often very useful for plan users to identify where their property etc. is, off landmarks and/or features. A question is whether this map series approach can continue to be applied? | TCC seeks confirmation that a map series approach can still be taken in relation to district plan maps. |
| F-2: Mapping Standard | Legibility | n/a | The colour for heritage areas and statutory acknowledgement areas in the "outline polygons" is very similar in the examples provided which could easily lead to confusion if applied. | TCC submit that these outline polygons need to be further apart in terms of the colour tone and/or hue used. |
| F-2: Mapping Standard | Map layout & scale | n/a | At present, Standard F-2 of the NPS includes insufficient information/ guidance relating to the format and scale of maps within plans. | The amendment of F-2 Mapping Standard is required in relation to the provision of guidance on the format and scale of maps within plans, to ensure the standardisation of style e.g. symbol size. |
| F-2: Mapping Standard | Zone colour palette | n/a | It is suggested that the overall colour palettes for zones does not include sufficient variation between shading, which will impact on the clarity of hard copy plans in particular. Additional special purpose zones are permitted by the NPS. At present, special purpose zones are represented by a single colour (grey) in the Draft Mapping standard (F-2). This lack of variation is likely to result in confusion for 'lay' users. | It is submitted that there needs to be further amendments to the range of shading of colour palettes for zones, in particular between the shadings for the residential zones. To avoid misinterpretation of zones, special purpose zones should include a transparent hatching, that would enable the easy identification of each distinct special purpose zone especially when viewed on hard copies. |
| F-2: Mapping Standard | Symbology | n/a | The hazard symbology will result in ambiguity on the Plan maps. Plans will be subject to colour change due to the inclusion of a blue hazard overlay over a zone colour. We further note that there is no symbol to represent archaeological sites within the NPS. It is however acknowledged that archaeological considerations are included within the definition of historic heritage at CM -1: Draft Definitions Standard. Whilst Table 22 of standard F-2 includes a Heritage item symbol, this is identified as specifically relating to a 'building or structure' and thus specifically excludes 'sites' of archaeological importance. Also, although Table 22 of standard F-2 includes some symbology relating to infrastructure/ utilities features, we note that a number of significant features are not included within the symbology e.g. local transmission lines and National Grid "buffer areas". TCC considers that the colour of many of the proposed symbols in Table 22 of standard F-2 will not be visible and potentially conflict with the proposed zone colours included in Table 21 of Standard F-2. | It is submitted that the blue hazard overlay should be reconsidered in favour of a separate "transparent" hatching over the zone colours. In addition, each hazard should have a different colour hatching rather than a 'one size fits all' approach as this would be more effective and efficient for plan user application, in relation to areas where more than one hazard applies. Such an approach will potentially enable plan users to determine at a glance what the hazard is, without the need to "drill down" further where an extent of a hazard overlay is being ascertained over a wider area (as opposed to a property by property analysis/search). A symbol to represent archaeological sites should be included at Standard F-2 within the NPS, in order to ensure archaeological sites can be represented on Plan maps. Additional symbolism is required within Standard F-2 that provides for other forms of significant infrastructure/ utilities e.g. local transmission lines and National Grid "buffer areas" . Further consideration should be given to the appropriateness/ suitability of the proposed symbol colours. Amendments should be made where necessary to ensure that they are visible over the zone layers and do not conflict with the zone colours. |
| F-2: Draft Mapping Standard | Noise Contours | n/a | It is noted that the same geometry polygon is proposed for noise contours for port and airports and that there needs to be further clarification of the distinction between them, particularly in cases where the airport and port are situated very close to each other as they are in Tauranga. In addition, the colour of this geometry polygon and hatching is very similar to the base colours for the residential zones and therefore could be potentially hard to differentiate in hard copy. | It is submitted that a different colour be used for each noise contour so that they can be differentiated easily and that the colour of the polygon itself be reconsidered in terms of its similarity to residential zone colours. |
| F-4: Spatial planning tools (District) standard | Formatting of planning tools | n/a | In considering both F-2 and F-4 further guidance and clarification is required in relation to the way precincts, specific controls and development area "polygons" are to be shown on maps. | It is submitted that a better approach to that suggested for an outline polygon (no colour identified), would be to provide for a hatched/symbol transparent overlay, (so that the zone beneath can be clearly identified) for each spatial tool and for these to be numbered and/or named on the plan maps so that individual precinct, specific control and development area can be identified with confidence. |

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| F-4: Spatial planning tools (District) standard | Designations | n/a | The draft standard proposed a blue outline for designations. It is submitted that this will clash with the use of "blue" overlays areas for hazards. | It is submitted that designations should stand out clearly and that a red or bold black margin should be used as this is visually easy to identify. |
| F-5: Chapter Form standard | Relationship between Objectives and Supporting Policies | n/a | TCC submits that the separation of objectives and the policies that support them into two separate groups, overrides a bright line approach/ test between objectives and the policies that implement them and that this is at odds with good plan drafting practice. It is noted that this may be addressed through hyperlinks in an electronic plan, but unfortunately breaks the logical flow of hard copy text. | TCC submits that Objectives and their supporting policies should be grouped together for clarity of intent and connection between the provisions e.g. RES O1 Urban Design RES P1 Use of Urban Design Guides |
| F-5: Chapter Form standard | Table 25: Rule Overview Table; Table 26: Rule Table and Table 27: Rule Requirements table | n/a | It is difficult to visualise how these tables work without actual rule content. Greater Clarity is required around: The text for Table 25- what is actually required? It is noted that this appears to be discretionary and mandatory in different places in the Guidance Documents, and mandatory in the NPS text. (It is noted that the table numbers in the guidance documents do not match those numbers in the NPS). In Table 26 (although it refers to rule number) it is assumed that a specific activity is to be individually identified and then all the rules that might apply to that activity e.g. residential unit and all rules which apply are cross referenced There is then provision for activity status compliance where rule requirements are met and then all the matters that apply if a rule is not met. It is assumed that this is material is to be repeated for every separate rule that is broken, if there are individual different statuses or matters to be assessed, depending on the rule content? The actual rule requirements then follow in a separate table. | TCC submits that detailed guidance including working examples of these tables with actual text content, is required. This guidance should have priority over all the other guidance documents. (Note: Reference has been made to the Residential Chapter of the New Plymouth Draft District Plan to assist with visualisation, however this plan seems to vary from the NPS in that it mixes rule requirements, rule references and matters of control or discretion, in the activity and effects tables) In addition, a standard text and diagrammatic material on how the provisions work should be provided by MfE for the "How the Plan Works Chapter," to ensure consistency across the country as to how the rule structure is developed and read. Clarification of the nature (discretionary or mandatory) of Table 25, is also sought. |
| CM-1: Definitions standard | Timescales for implementation of definitions | n/a | TCC supports the extension of the timeframe for implementation of CM-1 Definitions Standard from 1 year to at least 5 years (noting that Tauranga City Council is seeking alternative implementation timelines in the first point of this submission above). As noted by MfE in their evaluation report, definitions are an intrinsic part of RMA planning provisions and it is likely that the changes may be contested as being substantive or may trigger substantive issues. It is agreed that providing for a longer and "all standards together" implementation process will minimise potential risk, conserve resources and produce aligned plan provisions. | TCC supports the extension of the timeframe for implementation of CM-1 Definitions Standard from 1 year to at least 5 years. However TCC requests the implementation of the first set of National Planning Standards be provided for as part of next review of RMA Plans after the gazettal date of 2019. Alternatively, TCC requests that the Tauranga City Council be included in the list of Councils with 7 years to implement the National Planning Standards for the reasons set out in the first point of this submission. |
| CM-1: Definitions standard | Inclusion of guidance advice in the Standard | n/a | In reviewing the definitions standard it is noted that many of the definitions are further discussed in the Section 32 documents with clear "guidance" as to what definitions did or did not include; or where Councils could further split definitions into subsets e.g. commercial activity into specific commercial activities and community facilities further defined allow for "places of assembly"; or that Councils could further specify types of materials they would allow for in "cleanfill". It is of concern to TCC that, while this is generally reflected in mandatory direction 3 and this direction is supported, that legally it could be argued that the mandatory term stands alone and that it is the NPS term that must be used without any further specification. This would lead to outcomes unintended by the drafters of the standard. It is submitted that this material be moved from the Section 32 section and placed directly in the text of the Standard itself against the term being defined as a further mandatory direction rather than left in the Section 32 report or in guidance notes which it is assumed will not have legal weight in the event of a legal challenges. | It is submitted that material relating to specific detail of what is and is not included in a definition or where further specification is permitted be moved from the Section 32 section/guidance notes and placed directly in the text of the Standard/term itself thus having the legal weight of the standard itself. |
| CM-1: Definitions standard | Definitions standard - Matters Tauranga City Council support | n/a | TCC supports the mandatory direction 3(c), which advises that plans may include definitions that only apply to a subcategory or a narrower application of the terms defined in the Definitions table. | TCC seeks the retention of mandatory direction 3(c), which advises that plans may include definitions that only apply to a subcategory or narrower application of term defined in the Definitions table. |
| CM-1: Definitions standard | Definitions standard - Matters Tauranga City Council support | n/a | TCC supports the mandatory direction 3(d), which advises that plans may include locally defined terms that are not synonyms of a term in the Definitions table. | TCC seeks the retention of mandatory direction 3(d), which advises that plans may include locally defined terms that are not synonyms of a term in the Definitions. |
| CM-1: Definitions standard | Definitions standard - Matters Tauranga City Council support | n/a | TCC supports the mandatory direction 3 (g), which advises that if a definition included in a plan or policy statement, uses a definition from relevant New Zealand legislation, reference to the legislation and the definition must be included in the Definition table. | TCC seeks the retention of mandatory direction 3 (g) , which advises that if a definition included in a plan or policy statement, uses a definition from relevant New Zealand legislation, reference to the legislation and the definition must be included in the Definition table. |

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| CM-1: Definitions standard | Definitions standard - Matters Tauranga City Council support | n/a | TCC supports the mandatory direction 3 (g), which advises that any definition may include diagrams to aid in the interpretation of the definition. | TCC seeks the retention of mandatory direction 3 (g), which advises that any definition may include diagrams to aid in the interpretation of the definition. |
| CM-1: Definitions standard | Definitions standard - Matters Tauranga City Council support | n/a | TCC supports mandatory direction 3 (h), which advises that guidance on how definitions relate to one another may be included. This may be, but is not limited to, the use of nesting tables or Venn diagrams. | TCC submits that the mandatory direction 3 (h) could be retained, which advises that guidance on how definitions relate to one another may be included. This however should not be limited to the use of nesting tables or Venn diagrams. |
| CM-1: Draft Definitions standard | Table 29: Definitions Table | Appropriateness of term 'primarily' in relation to purposes | TCC considers that the use of subjective terminology e.g "primarily for" within several definitions at standard CM-1 introduces ambiguity to the inclusive purposes. | TCC seeks the removal of all reference to "primarily for" from the definitions to remove ambiguity. |
| CM-1: Draft Definitions standard | Table 29: Definitions Table | Boundary | The definition refers specifically to "sites". On this basis, all other forms of boundary are excluded from the definition. Boundary is however used as part of a number of rules such as those relating to zone boundaries etc. | TCC request that the definition be amended so as to not exclude other forms of boundary e.g zone, precinct, property or activity. |
| CM-1: Draft Definitions standard | Table 29: Definitions Table | Building | The reference to enclosed with two or more walls and a roof is clear. The "similarly enclosed" part of the definition is vague and uncertain. | TCC request that the definition be amended to remove "similarly enclosed" in favour of less ambiguous and subjective terminology. |
| CM-1: Draft Definitions standard | Table 29: Definitions Table | Coverage | TCC do not consider that the proposed definition is the most effective way of illustrating the concept of "coverage" and this definition should be accompanied by a standard diagram to be used nationally for consistency. | The coverage definition should include a standard diagram to be used nationally for consistency. |
| CM-1: Draft Definitions standard | Table 29: Definitions Table | Earthworks | The definition does not exclude gardening or landscaping works. Clarification on this matter is requested. | The definition should confirm what activities (e.g. gardening or landscaping) are excluded from the definition. Consideration should be given to a amalgamating this definition with the definition for land disturbance. |
| CM-1: Draft Definitions standard | Table 29: Definitions Table | Footprint | This definition refers to "total area", which is not a defined term and is not measurable. In addition, the definition relates to structures only. This terminology is not consistent with the linkage between structures and buildings that is incorporated in other definitions. It is suggested a diagram be proved to clarify whether cantilevered parts of buildings are included in this definition. | Reference to "total area" should be amended to a defined and measurable term (i.e. Gross Floor Area). For consistency and informational purposes, the definition should refer to buildings/ structures - not just structures. It is suggested a diagram be proved to clarify whether cantilevered parts of buildings are included in this definition. |
| CM-1: Draft Definitions standard | Table 29: Definitions Table | Functional need | The definition as currently worded is ambiguous in that it states "because the activity can only occur in that environment." Significant regional infrastructure activity can occur in all environments but in coastal/harbour areas may need to traverse the CMA for network connections/efficiencies and the current definition wording could be said to exclude such activities in terms of a functional need, in these circumstances an operational need should also be provided for. | A further amendment to the definition of functional need is needed to provide for the specific circumstance where significant regional infrastructure activity traverses, locates or operates in an coastal environment and particularly a coastal marine environment. |
| CM-1: Draft Definitions standard | Table 29: Definitions Table | Gross floor area | The definition is ambiguous in its scope and intent. Clarification is required on (a) the purpose of the definition and (b) what forms of development the definition is intend to be used for. It is considered that limiting the types of development where GFA is applicable (e.g. to commercial development only) is restrictive and unworkable in practice. TCC notes that the definition refers to "the total area of all floors of all buildings on the site", however a gross floor area does not inherently relate to ALL buildings on a site and can relate to the GFA of one building within a wider site. In the same vein, the definition is conflicting with other proposed definitions (e.g. allotments), which refers to a building (singular) GFA. Confirmation is sought that this definition would not conflict with the ability to use gross leasable floor area as a definition which is often used in commercial zones. | The scope and purpose of the definition should be defined within the definition and must include all forms of development. In addition, the wording must be amended to include building (singular) as well as buildings (plural) within a site. Confirmation is sought that this definition would not conflict with gross leasable floor area which is often used in commercial zones and that this term could continue to be seperated defined by Councils. |
| CM-1: Draft Definitions standard | Table 29: Definitions Table | Height | TCC notes that this definition currently relates to structures only and not buildings. | For consistency with the other definitions in standard CM-1, this definition should be amended to include both buildings and structures. |
| CM-1: Draft Definitions standard | Table 29: Definitions Table | Home business | At present, the definition excludes any reference as to whether there is a requirement for at least one individual who resides at the property full time to be involved in the business for the business to be "home based". Not making this specific means that stand alone small commercial activities (with no residential component) would be able to occupy buildings in the Residential Zones which is not the intent of the the home based business provisions. | TCC requests that the definition is amended to provide that a home business must involve an individual who is a full time residential occupant of the property. |

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| CM-1: Draft Definitions standard | Table 29: Definitions Table | Land disturbance | The definition references "cleanfill", which is fundamentally incorrect as "cleanfill" is defined as the area where inert material is placed. Conversely, the definition is referring to the material not the area. | TCC request that the definition is amended to reference the material rather than the area. |
| CM-1: Draft Definitions standard | Table 29: Definitions Table | Minor residential unit | The definition provides insufficient clarification on what constitutes a "self-contained" residential unit, in comparison to an accessory building. | For avoidance of doubt TCC request that the definition should include clarification on the minimum requirements for a self contained unit. In addition, reference should be made in relation to the intention for floor area limits to be set locally. |
| CM-1: Draft Definitions standard | Table 29: Definitions Table | Net floor area | The definition specifies that the term "net floor area" specifically relates to buildings/structures that include tenancy occupation, thereby excluding all buildings/structures of non tenanted occupation from net floor area considerations. The issue here is that the calculation of area is not related to/ should not be restricted by the use of that building. | TCC requests that this definition is amended to remove the proposed association with tenanted buildings/ structures or the purpose/use of the definition is clarified. |
| CM-1: Draft Definitions standard | Table 29: Definitions Table | Net site area | As proposed, the definition does not exclude land providing legal access into the subject site from the net site area calculation. TCC considers that this exclusion is necessary to protect the interests of future occupants, particularly for residential developments. It is also queried whether it is vehicle access that is to be excluded not pedestrian etc. | TCC request that the proposed definition is amended to incorporate an exclusion from the net site area for land, within the site, that provides legal access to that site. It is also requested that it be clarified that it is vehicle access that is to be excluded not pedestrian etc. |
| CM-1: Draft Definitions standard | Table 29: Definitions Table | Reverse sensitivity | It is submitted that this definition should also address the issue of impacts of a sensitive activity on future activities that are anticipated by zoning but not yet established. | TCC request that this definition be amended to address the issue of a sensitive activity impacting on future activities that are anticipated by zoning but not yet established. |
| CM-1: Draft Definitions standard | Table 29: Definitions Table | Residential activity | The definition is ambiguous in relation to exactly what living accommodation encompasses e.g. Airbnb or private holiday accommodation. | TCC request that clarification is included within the definition in relation to the term "living accommodation". |
| CM-1: Draft Definitions standard | Table 29: Definitions Table | Residential unit | The reference to household is problematic as it is open to arguments as to what constitutes a household - can this be addressed by a further definition or standards within a plan? | Clarification is requested on whether what constitutes a household can be further defined or addressed by standards within a plan. |
| CM-1: Draft Definitions standard | Table 29: Definitions Table | Visitor accommodation | As identified above, the use of the term "primarily for" is ambiguous. | TCC request that the wording of this definition is amended to include a definable measurement for the amount of time land / buildings must be used for the accommodation of non-residents to become "visitor accommodation". |
| CM-2: Draft Noise and Vibration Metrics Standard | Noise and vibration | n/a | The Draft NPS refers to the management of noise emissions and vibration effects. The Resource Management Act however refers to noise but not to vibration. | Clarification is needed as to whether the control of vibration is a discretionary matter where Councils can make the decision to not have provisions for vibration. |