
ORDINARY MEETING

OF

CITY STRATEGY COMMITTEE

MINUTE ITEM ATTACHMENTS

Time: 9.30am
Date: Thursday, 9 August 2018
Venue: Committee Room 1
Ground Floor, Council Offices
101 Wakefield Street
Wellington

Business

Page No.

2.1 Submission on the Draft National Planning Standards

1. Minute Attachment 1

2

From: [Angela Sopp](#)
To: [Esther Hoskin](#)
Subject: FW: CSC
Date: Thursday, 9 August 2018 5:10:34 p.m.
Attachments: [image001.png](#)
[image002.png](#)
[Draft Area Specific Matters Standard.docx.pdf](#)
[WCC Submission Planning Standards Amendments by CSC.docx](#)

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From: Kate Pascall
Sent: Tuesday, 7 August 2018 2:43 p.m.
To: GRP: Councillors
Cc: Angela Sopp; David Chick; Anna Harley; Moana Mackey; John McSweeney
Subject: CSC

Good afternoon Councillors

This email follows the pre-CSC meeting this morning in relation to the WCC submission on the draft National Planning Standards.

Zones

A number of questions were raised in relation to the proposed zones. I have attached the draft planning standard which lists the zones and their purpose statements (this standard is called 'Area Specific Matters'). This also provides an example of what each of the standards looks like, and as I mentioned this morning the purpose of each standard is also provided upfront.

Amendments to the Submission

I have also attached a tracked change version of the draft submission, based on the discussion and amendments that Councillor Foster has requested. To summarise, these changes/additions are as follows:

- a) New paragraph in the introduction that highlights the significant implications the 5 year timeframe for implementation of the planning standards will have on less resourced councils, and that MfE should provide greater flexibility and assistance for those councils who do not have a full plan review scheduled (*Page 1 of the*

revised Draft Submission)

- b) Request that the purpose of the proposed Open Space Zone be broadened or that a new zone be added to provide for environmental values/areas (landscape, ecological) within which recreation occurs, but ecological values are less than a Conservation site suggests (*New paragraph 20, pages 3-4 of the revised draft submission*).
- c) Add wording to the section on 'site specific controls' to emphasise the importance of these for recognizing topographical and other local constraints of an area (*page 7 of the revised draft submission*)
- d) Add additional wording to emphasize the importance of master plans as a spatial planning tool in the Wellington context (*page 7 of the revised draft submission*)
- e) Request MfE to be more flexible in regards to the rule tables (*page 9 of the revised draft submission*)
- f) Definitions – seeking the ability for councils to work with MfE to depart from the standard definitions if submissions on a plan change/plan review demonstrate there is a clear need for an alternative approach in the local context (*page 11 of the revised draft submission*)
- g) Minor amendment to new paragraph 86 (*page 15 of the revised draft submission*) so it is clear that not all housing in the vicinity of the Airport existed prior to the Airport being established.

Please let me know if you have any further questions or if I have not fully captured the amendments that were sought.

Kind regards,
Kate

Kate Pascall

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Submission on the Draft First set of National Planning Standards

Introduction

1. Wellington City Council's ('the Council' or 'WCC') submission is in response to Ministry for the Environment's ('MfE') Draft National Planning Standards ('the planning standards').
2. The Council is generally supportive of MfE's objectives of providing greater consistency across policy statements and plans produced by local authorities under the Resource Management Act 1991. In particular, the Council is supportive of the proposed timeframe of 5 years to implement this first set of standards.
3. Notwithstanding this, WCC notes that implementation of the planning standards will still have significant cost and resourcing implications for Councils who do not plan to undertake a full plan review, and for whom a rolling review is more achievable given resourcing constraints. MfE should consider building in more flexibility and assistance for those councils who lack the resources to undertake a full review.
4. Council is also supportive of MfE limiting the first set of planning standards to structure, format and defining common terms. We are pleased that the draft standards do not specify mandatory plan content (i.e objectives, policies and rules) as this is something that should be developed by local authorities in collaboration with their communities.
5. WCC will be undertaking a full review of its District Plan over the next 3 to 4 years and the planning standards will assist the Council in undertaking this full review as it will focus the review on plan content rather than structure and form elements of the Plan.

Structure Standards

6. The draft National Planning Standards provide a common framework for plan provisions that all plans must use. WCC understands that the proposed structure standards reflect existing and common practice in planning documents across New Zealand, and on this basis supports standardisation of plan structure generally.

Draft District Plan Structure Standard (S-DP)

7. The purpose of the Draft District Plan Structure Standard (S-DP) is to provide a consistent structure for District Plans. The standard prescribes the name and order of key parts, chapters and sections of district plans. Councils can add chapters that are specific to the local context if required.
8. The standard divides plan structure into 6 key parts, as follows:
 - Part 1: Introduction and General Provisions
 - Part 2: Tangata Whenua
 - Part 3: Strategic Direction
 - Part 4: District-Wide Matters
 - Part 5: Area-Specific Matters e.g. zones, precincts, development areas, designations
 - Part 6: Schedules, Appendices and Maps
9. These parts are then divided into chapters, and within these, sections.

10. The chapters that have been included in this draft first set of planning standards are appropriate and the Council does not consider that additional chapters are necessary. WCC considers that the ability for councils to add additional chapters, if deemed necessary, is appropriate. The proposed District Plan structure is logical and user friendly and will enable plan users to easily navigate to the relevant sections of the plan.

Draft Tangata Whenua Structure Standard (S-TW) and Draft Strategic Direction Standard (S-SD)

11. The Council is supportive of including a chapter in the District Plan structure relating to tangata whenua. The purpose of the draft Tangata Whenua structure standard is to provide a consistent way of considering and presenting tangata whenua values, objectives, policies, and methods, and issues of importance within RMA planning documents. The content of these matters is not prescribed, and this approach is supported as it is of course a local matter.

12. However, this standard appears to be duplicated to some extent by the draft Strategic Direction Standard by requiring the inclusion of details of how the Māori resource management provisions in Part 2 of the RMA 1991, and Treaty of Waitangi (Te Tiriti o Waitangi) principles as identified through consultation with tangata whenua will be implemented through the plan. WCC considers that rather than repeating this information, where a district plan includes a specific tangata whenua plan section, a simple cross-reference should be provided to direct the reader to the tangata whenua section.

WCC seeks the following amendments to the Draft Strategic Direction Standard (S-SD):

- Insert a direction that states that where a policy statement or plan includes a tangata whenua section, that there must be a cross reference to this section in the Strategic Direction section.

Draft District Wide Matters Standard (S-DWM)

13. The purpose of the draft District Wide Matters Standard is to ensure that the chapters contained within Part 4 of the proposed District Plan Structure (District Wide Matters) are located consistently within plans. District Wide matters include provisions relating to the natural environment, natural hazards, heritage, and noise which are not specific to one part of the City.
14. The requirement to provide one location for provisions that cover district wide matters is supported, however MfE should consider providing further guidance to assist Councils in ensuring appropriate cross-referencing occurs between the area-specific chapters (e.g. zones) and the relevant district wide matters sections.

WCC seeks the following amendment to Draft District Wide Matters Standard (S-DWM)

- Insert a direction that ensures that District Plans provide sufficient cross-referencing from area-specific chapters to the district wide matters chapters.

Draft Area-Specific Matters Standard (S-ASM)

15. The area-specific matters standard intends to provide a consistent way of structuring the chapters that relate to zones and other planning tools (such as overlays and precincts).
16. The draft Standard prescribes a set of 27 zones and high level purpose statements for each zone. Councils must choose at least one zone from this set, and cannot create additional zones. The zones are grouped into zone families: residential, rural, commercial, industrial, open space and recreation, and special purpose zones.

17. The Council is supportive of the standard set of zone names and generally supports the high level purpose statements associated with each. The range of zones generally aligns with our current zone framework and there is sufficient flexibility for the Council to pick zones that are appropriate for our local context.
18. However, the Council does question the use of the terms 'urban' and 'suburban' to distinguish between the general 'residential zone' and the 'medium density'/'high density' residential zones. This distinction is subjective and the terms are often used interchangeably.

Zone	Purpose statement
Residential	The purpose of the <i>Residential zone</i> is to provide primarily for residential activities in areas of suburban character.
Medium-density	The purpose of the Medium-density residential zone is to provide primarily for residential activities in areas of urban character.
High-density	The purpose of the <i>High-density residential zone</i> is to provide primarily for residential activities in areas of high density, urban character.

19. WCC suggests that MfE reconsiders the terminology as the proposed purpose statements could have unintended consequences as Councils implement these zones in their local contexts.
20. The draft zone framework also provides the following zones in relation to open space, recreation and conservation values:

<u>Open space zone</u>	<u>The purpose of the <i>Open space zone</i> is to provide primarily for a range of passive and active recreational activities, along with limited facilities and structures, and opportunities for relaxing and socializing.</u>
<u>Sport and active recreation zone</u>	<u>The purpose of the <i>Sport and active recreation zone</i> is to provide primarily for indoor and outdoor active recreation and sports and associated facilities, including large scale buildings and structures.</u>
<u>Conservation zone</u>	<u>The purpose of the <i>Conservation zone</i> is to provide primarily for the ongoing management of land that has a particular conservation focus.</u>

21. The Open Space and Sport and Active Recreation zone are both focused on recreational activities while there is only one zone that focuses on environmental and ecological considerations (the Conservation Zone).
22. The WCC District Plan provides 3 types of Open Space Zones:
- Open Space A focuses on recreation activities
 - Open Space B manages natural character values and informal open spaces
 - Open Space C covers the Inner Town Belt which is valued for its historic, social and cultural importance.
23. The Plan also includes a zone to manage Conservation Sites. These sites are significant areas of Wellington's natural heritage and require protection.

24. WCC considers that the range of zones proposed in the draft planning standards does not sufficiently provide for the range of open space and conservation matters that we currently manage through the District Plan. The proposed Open Space zone should be broadened or an additional zone added to cover areas where landscape and ecological values are significant and where recreation also occurs (e.g. a scenic reserve), but where these values do not meet the threshold for the Conservation zone.

WCC seeks the following amendments to the zone purpose statements:

- Review the use of the terms 'suburban' and 'urban' character to distinguish between the residential, medium-density and high-density residential zones.
- Broaden the purpose of the 'Open Space' zone to include landscape and ecological values or add a new zone to provide for these values.

Form Standards

25. The draft planning standards also include a number of requirements in relation to how the plan provisions should be labelled and set out in specific chapters of a plan. This includes:
- Minimum standards for providing plans electronically online.
 - Standards for maps (i.e. zone colours and symbology)
 - A standard set of 'spatial planning tools'
 - Prescribing how plan chapters should be set out including rules tables and numbering

Electronic accessibility and functionality Standard (F-1)

26. The draft Electronic Accessibility and Functionality standard prescribes the requirements for providing planning documents in an electronic form and to improve current practice in this area of planning.
27. The Standard provides for a gradual progression from providing District Plans in PDF form on a Councils website, through to an advanced ePlan format that reflects advances in technology. All Councils will be required to meet the baseline requirements within 12 months of the first set of planning standards being gazetted.
28. The standard then provides an 'ePlan Electronic Accessibility and Functionality Scale' (0-7) to explain the required transition from the baseline requirements through to an advanced ePlan that links with online consenting and other information (e.g. information for LIM reports). Councils will be required to meet 'Level 5' on this scale within 5 years of the Planning Standards being Gazetted.
29. WCC has an existing ePlan and can easily meet the requirements of 'Level 5' in the draft standard. This level is considered to be an appropriate, mandatory standard to set within the proposed 5 year timeframe.
30. However, WCC seeks amendments to the draft standard to provide greater clarity about what is required by specific instructions in the standard.

Table 18 – Instructions 11 and 12

31. Table 18 of the draft standard sets out a number of instructions that all councils must meet within 12 months of the national planning standards being gazetted.
32. Instruction 11 states that 'all versions of the current plan since first becoming operative must be available from the local authority website'. Instruction 12 requires that 'a copy of all previous plans under

the RMA both at the time they first became operative and the final version before being superseded by the replacement plan must be available from the local authority website (PDF format)'.

- 33.** We understand that the intention of these instructions is to make it easier for resource consent applicants to establish whether or not 'existing use rights' apply. However, it is not clear from these instructions whether all versions of entire plans need to be made available for download, or if simply providing all completed plan changes and supporting documents will suffice.
- 34.** WCC currently includes all completed plan changes on the District Plan section of the Council website, and this includes the hearing and decision reports with changes to the provisions tracked for each stage. If, however, MfE is suggesting that all individual versions of the entire plan since it was made operative in 2000 must be made available online, this would mean we need to provide 80+ versions of our plan on the Council website which would take substantial resource with limited benefit. WCC cannot support such an approach.
- 35.** The final Planning standard must be clearer as to what is intended by these instructions, and sufficient guidance will need to be provided to Councils to support this.

Guidance

- 36.** MfE should provide further guidance to support all councils in implementing this standard, in the form of workshops with individual councils and written guidance on the MfE or Quality Planning websites.
- 37.** Guidance should also be provided about how these electronic accessibility and functionality requirements will apply within the plan change (RMA Schedule 1) process. Would paper copies still need to be provided? Or would supplying an ePlan which users can view at libraries and council offices fulfil this requirement?
- 38.** More generally, and particularly for other, less resourced councils, guidance on how to begin the process of transitioning from a paper copy District Plan to an ePlan will be imperative. This is not an easy or quick process and so ongoing support from MfE on this matter will be essential.

WCC seeks the following amendments/further information on the Draft Electronic Accessibility and Functionality planning standard:

- Clarify what is intended by Instructions 11 and 12 of Table 18 – Councils should only be required to provide copies of completed plan changes, not every version of the entire plan
- Guidance should be developed in time for the Gazettal of the final standards on:
 - How to implement this standard and transition from PDF plans to an ePlan environment
 - How the new ePlan requirements should operate in a Schedule 1 process and whether paper copies of plans will still be required

Mapping (F-2)

- 39.** The draft mapping standard sets out a standard set of zone colours and symbols that Councils must use for their planning maps. The intention of this standard is to provide a consistent approach across all plans in how district plan maps are displayed.
- 40.** WCC generally supports the standards for mapping. Notwithstanding this, we have some specific comments and suggestions on the zone colours and map symbols.

Zone colours

41. We have tested the proposed zone colours against the existing WCC District Plan zoning, and have found that the colours function well, cover an appropriate range of zones, and are generally easily distinguishable. However, it is difficult to distinguish between the 'neighbourhood commercial' and 'city centre zone' colours when zoomed out to a large scale. WCC considers that the neighbourhood commercial zone colour should be changed to R 255, G 92, R 92.

Symbols

42. The symbols should be made available for download from the MfE website (or similar) as these are not available in ArcMap. If they are available then instructions in the planning standard on how to access them would be beneficial.
43. The standard provides a single symbol to cover Coastal, Flood, Volcanic, and Fault Hazards. WCC considers that each of these hazards should have its own symbol to provide greater clarity to the plan user as to which hazards apply to a particular area.
44. Additionally the pale blue colour of this symbol does not adequately reflect the significance of the layer. WCC considers that if MfE retains the approach of having one symbol to cover these hazards, consideration be given to providing a bolder colour that reflects the layers' significance.
45. Symbols relating to the natural environment overlays should also be added, particularly for Significant Natural Areas. These areas are increasingly being added to plans by many councils. This could be a polygon layer with a blank fill and a green outline.

WCC seeks the following amendments/further information in the Draft Mapping Standard:

- Change the colour for the 'Neighbourhood Commercial Zone' to R 255, G 92, R 92 so that it can be better differentiated from the City Centre zone colour
- Ensure the proposed standard set of symbols is made available for download from the MfE website as they are not standard ArcMap symbols.
- Provide separate symbols for Coastal, Flood, Volcanic, and Fault Hazards OR change the colour of the symbol from pale blue to a bolder colour that expresses the significance of the layer.
- Consider the addition of a standard polygon layer for natural environment features e.g. Significant Natural Area.

Spatial Planning Tools (district) (F-4)

46. The draft Spatial Planning Tools standard provides a consistent approach to the use of 'spatial planning tools' in district plans.
47. We understand spatial planning tools (SPTs) to mean the different ways of defining an area where specific rules apply in a plan. Zones are the most common tool Councils use, but there are also site-specific controls, and provisions that cross many zones and which require a different type of notation on a plan.
48. The draft standard prescribes a set of tools which Councils can choose from as needed, and a description of the purpose of each tool.
49. Under the proposed standard, Councils may only use the following spatial planning tools in their plans:
- a. Zones

- b. Overlays
- c. Precincts
- d. Specific controls
- e. Development areas
- f. Designations
- g. Heritage orders

50. Councils cannot create additional spatial planning tools.

51. WCC currently uses zones, overlays that apply within zones (e.g. the 'pre-1930s' demolition control overlay within the Residential Zone), overlays that apply across the city (e.g. natural hazards) and a range of site specific provisions (shown in appendices).

52. The Council generally supports the standardisation of spatial planning tools (SPTs) as there remains sufficient flexibility to apply the tools in a local context. However, WCC seeks some amendments to provide further clarity on the application of these SPTs.

Site specific controls

53. The WCC District Plan has several appendices that include site specific controls. These controls are required in the Wellington context due to the topographical constraints of the City. The areas where these site specific controls apply are then labelled to inform the plan user that they need to refer to the relevant appendix. It is not clear whether the planning standard will still allow for this approach as the link between this draft standard and the mapping standard is unclear. While the draft standard indicates that polygons should be used for these controls, it is not clear exactly how the site specific controls are to be shown – can Councils create their own colours and symbology for this?

Development areas

54. 'Master plans' should be added to the list of plans that are covered by this SPT. Master plans show a greater level of detail than a concept or structure plan and so warrant specific inclusion in the definition of this SPT. WCC undertakes master planning exercises with local communities which involve significant engagement with the assumption that these plans may be incorporated into the District Plan. As such, WCC considers that these are a legitimate tool that should be provided for in the Planning Standards.

55. It is not clear what process applies once 'development areas' are no longer required i.e. once development has occurred. Currently the draft standard simply says the tool must be removed – but it must be replaced with something. In the WCC District Plan our existing structure plans require that the land be rezoned to residential once development is complete. As such, the planning standards should state that the relevant new zone from the zone SPT layer be applied in place of the development area SPT, or that some other trigger is provided in the plan. It is also not clear whether local authorities will be required follow a Schedule 1 process to make these changes.

Precincts and Overlays

56. The precinct layer applies where 'two or more additional provisions apply. This arguably could be the same trigger for an overlay. One interpretation is that precincts apply only where a provision involves one zone, whereas overlays cross multiple zones, but this is not clear.

57. For example, what SPT should be used for heritage areas? Heritage is generally a district wide matter and therefore an overlay could be used. But the current wording for a 'precinct' could also mean that a precinct should be used to show heritage areas.

- 58.** There is also a link with the proposed District Plan Structure which requires that all heritage related matters (including heritage areas) be located within one section of the Plan. But if a 'precinct' is intended to be applied to heritage areas, the provisions relating to the heritage area would have to be located in the 'Precinct chapter' and therefore separated from all other heritage provisions. This would not support the objective of providing easier to use plans. The planning standards need to be amended to make the function of the precinct and overlay SPTs clearer.
- 59.** The Precinct requirements also allow for the inclusion of references to a design guide, or other guidance material. WCC considers that a similar provision should be provided for zones and overlays as our District Plan makes extensive use of design guides across many chapters of the Plan.

Heritage Orders

- 60.** WCC considers that it is unnecessary to provide a specific SPT for Heritage Orders as this could be sufficiently covered via an overlay, where a council chooses to map these.

WCC seeks the following amendments and points of clarification to the Draft Spatial Planning Tools Standard:

- Provide clarification as to how site specific controls should be depicted on Planning maps by providing sufficient instructions in the Mapping Standard
- Add 'master plans' to the list of plans that can be referenced in a 'development area'
- Clarify in the instructions what standard or process applies once 'development area' SPTs are no longer applicable and are removed from the plan, and whether a RMA Schedule 1 process must be followed to make this change.
- Provide a clearer distinction between precincts and overlays
- Include a direction under the 'zones' spatial planning tool that design guides can be referenced as is already provided for precincts
- Delete the heritage orders SPT.

Draft Chapter Form Standard (F-5)

- 61.** The draft Chapter Form Standard is intended to provide a consistent location and format for plan content i.e. the Plan objectives, policies, and rules.
- 62.** The standard specifies:
- a. the order of the key headings within these chapters.
 - b. that all objectives be grouped together
 - c. that all policies be grouped together.
 - d. The use of tables to display rules and specific directions for how to set out the content of the rule table
- 63.** The Council supports the use of tables to display rules and the standards that apply to development as this provides an easy to read format.
- 64.** Notwithstanding this, we have **concerns about the level of prescription in the standard and make** the following specific comments **to make about this standard:**

Page orientation

65. While it is unlikely to be relevant in an ePlan context, it is noted that the draft standard is set out in a 'portrait' orientation. However, once councils begin inserting their plan content into this table a landscape orientation will be necessary. The draft standard does not appear to specify a particular orientation, but it is noted that in the current form, a landscape page orientation for paper/PDF plans is much more readable than portrait.

Table 25: Rule Overview Table

66. WCC considers that the rule overview table should include an additional column that states the activity status of each activity – without this the table is somewhat superfluous for the plan reader. WCC's existing District Plan uses similar tables in each of the rule chapters which provide a quick reference guide to the activity status of the key rules.

Table 26: Rule Table:

67. The second column of Table 26 requires the activity status to be shown, followed by reference to 'where'. This word is in bold type which means this is mandatory text. However, it is unclear what information should be located here and this could be limiting in terms of the text that follows. The terminology suggests a spatial reference (i.e. an activity is permitted 'where' it is located in a certain place). This could equally indicate a contextual reference (i.e. where a building was constructed prior to 1930).

68. If the intention is to provide for both spatial and contextual criteria then alternative wording should be provided, or the 'where' should not be mandatory. A simple prompt of 'insert rule detail', as is already provided, is sufficient. This also potentially duplicates the list to be provided under the heading 'where this activity complies with the following rule requirements...'.

69. WCC also seeks clarity as to whether councils can list 'exclusions' from the rule, perhaps as an alternative to the 'where' heading. These exclusions may still be necessary, particularly as councils apply the standard set of definitions in their local context. The rules may need to specifically exclude certain matters where a relevant definition does not 'fit' within the local context. It is not clear where this could be located in the proposed table format.

Rule Requirements

70. The Council does not support the terminology 'rule requirements' as a replacement for 'performance standards'. This appears to be a new term in the NZ planning system and the Council does not support changing terminology that is well understood and is used across multiple planning documents. The term 'performance standard' is actually a positive expression that suggests 'attainment and expectation' whereas 'rule requirement' is regulatory and minimalist. The proposed terminology in the draft standard could also create confusion with the rules themselves.

71. WCC therefore seeks an amendment to the planning standards to replace the term 'rule requirements' with 'performance standards'.

72. The WCC Plan also currently includes 'conditions' which are similar to performance standards but only apply to specific rules (typically with a restricted discretionary status) e.g.:

Matters of discretion are restricted to:

1. *The effects generated by the rule requirements that are not met:*
 - a. *Fixed plant noise*
 - b. *Vehicle parking*

c. *Site access*

Subject to compliance with the following condition:

Noise emission levels under rule requirement 5.6.1.2 (fixed plant noise) shall not be exceeded by more than 5 decibels. This condition does not apply to temporary activity noise

73. It is unclear whether Council will be able to continue using this approach in the proposed format – is this an additional provision that Councils can add, if required?

Numbering

74. While WCC supports a simplified system for numbering plan provisions, the lists that will be required under the 'where' and 'where this activity complies with the following rule requirements' are currently proposed to be numbered in normal sequential numbering (i.e. 1, 2, 3). WCC questions how this system of numbering will work in, say a resource consent reporting situation, when the report is referencing a) a provision under the 'where' list and b) the 'where this activity complies with...' list. WCC considers that for ease of referencing, the numbering should be amended, as shown below.

Relevant policies

75. The WCC District Plan currently lists the policies that are relevant to each rule underneath the rule itself. This assists the resource consent applicant and the planner in their assessment of the effects of a proposal and determining the consistency or otherwise with the Plan's policy framework. WCC considers that Council's should retain the ability to list the policies in this manner, if they choose to do so. It is not clear from the rule table whether this approach could still be taken.

WCC seeks the following amendments/clarification in relation to the draft Chapter Form Standard:

- Add an additional column to Table 25 that shows the activity status of each rule
- Make the following amendments to the text in the centre column of Table 26 (additions are underlined, deletions are in ~~strikethrough~~):
 - This cell is required for permitted activities*
 - Activity status:** *Insert activity status. If abbreviated use a mandatory abbreviation*
 - a) Where:** *Insert rule descriptor*
 - 1 *insert rule detail*
 - 2 *insert rule detail*
 - 3 *insert rule detail.*
 - b) Where this activity complies with the following performance standard rule requirements:**
 - 1 *insert reference to performance standards rule requirement/s.*
- Clarify whether Councils can add additional content to the table such as:
 - Rule 'exclusions' from the rule
 - A list of policies that are relevant to the rules
 - Rule conditions
- Replace the term 'rule requirements' with 'performance standards'.

Content and metric standards

Draft Definitions Standard (CM-1)

76. The Draft Definitions Standard sets out 109 mandatory terms and definitions that must be used in plans if those terms are used. The intention is to improve plan consistency and enable greater certainty around the meaning of terms across the country.
77. WCC supports the concept of providing consistency in plan definitions, but notes that for some terms, the definitions will require a departure from locally specific terms which have been defined to reflect local circumstances. In some cases this will mean a change in approach to how the plan provisions are implemented. A full plan review process will enable these implications to be identified and addressed more comprehensively. However, the Council considers that careful consideration should be given to the implications for councils of adding any further terms to this list either through this process or future versions of the planning standards.
78. WCC also understands that the scope of submissions on future plan changes/full plan reviews will be limited to how the Council applies the standard definitions in the local context, and submitters will not be able to seek amendments to the definitions that are included in the planning standard. The Council is concerned that there may be cases where definitions from the planning standard do not work in the local context.
79. It is noted that Councils retain flexibility to use the plan rules to accommodate those scenarios where the standard definition does not work in the local context. However, WCC considers that Councils should have the opportunity to work with MfE to contemplate amendments or departures from the definitions where submissions on the plan change clearly demonstrate the need for a different approach.

WCC seeks the following amendments to the draft Definitions Standard (CM-1)

- Provide the ability for Councils to work with MfE to depart from or contemplate amendments to the definitions in the Planning Standards where submissions on a plan change or plan review show there is a demonstrable need for a different approach in the local context.
- Consider the comments and proposed amendments to specific terms, as shown in the table below (additions are shown underlined, deletions in ~~strikethrough~~).

Term	Proposed definition	Comment
Access strip	<p>has the same meaning as in section 2 of the RMA (as set out in box below)</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>means a strip of land created by the registration of an easement in accordance with section 237B for the purpose of allowing public access to or along any river, or lake, or the coast, or to any esplanade reserve, esplanade strip, other reserve, or land owned by the local authority or by the Crown (but excluding all land held for a public work except land held, administered, or managed under the Conservation Act 1987 and the Acts named in Schedule 1 of that Act)</p> </div>	<p>The draft standard adopts the RMA definition of 'access strip'. The focus of this definition is on the provision of public access rather than access that may be provided to private property. WCC currently uses the term 'access strip' to mean an access leg or area of land to provide access to a property.</p> <p>Given the different focus of these definitions, WCC considers that it would be appropriate to use the term '<u>public</u> access strip' as this better reflects the focus of the definition. This would then allow councils who currently use the term 'access strip' in relation to private land, to insert the word 'private' in front of 'access strip' i.e. 'private access strip'.</p>
Footprint	<p>means the total area of structures at ground floor level and the area of any section of any of those structures that protrudes directly above the ground</p>	<p>This definition requires amendment to provide clarity around what is meant by 'protrudes directly above the ground'.</p> <p>WCC suggests the following amendment:</p> <p style="text-align: center;"><i>means the total area of structures at ground floor level and the area of any section of any of those structures that protrudes <u>occupies airspace</u> directly above the ground.</i></p>
Gross floor area	<p>means the sum of the total area of all floors of all buildings on the site (including any void area in those floors, such as service shafts or lift or stairwells), measured from the exterior faces of exterior walls or from the centre lines of walls separating 2 buildings and, in the absence of a wall on any side, measured to the exterior edge of the floor</p>	<p>WCC notes that this definition is similar to that of our current District Plan. It is noted that the proposed definition provides for those instances, such as a mezzanine floor, where it would be unreasonable to measure from the exterior walls (i.e. '...in the absence of a wall on any side it shall be measured to the exterior edge of the floor'.) WCC supports this addition, however considers that some additional words may be of assistance for interpretation to be clear that this is what is meant by this sentence.</p> <p>The following amendment is suggested:</p>

		'.....and, in the absence of a wall on any side (<i>for example, a mezzanine floor</i>), measured to the exterior edge of the floor.'
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 allotment was completed (at the issue of the section 224c Certificate or the previous legislative equivalent), but excludes any excavation or filling associated with the construction or alteration of a building:</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 building:</p> <p>(c) if, in any case under paragraph (a) or (b), a retaining wall or retaining structure is located on the boundary, the level on front of the retaining wall or retaining structure where it intersects the boundary</p>	<p>This definition requires further clarity as follows:</p> <ul style="list-style-type: none"> • The definition needs to clearly articulate what 'on the boundary means'. • The definition has been tied to subdivision, but only references s224(c) Certificates. Section 224(c) only applies where there are conditions imposed on the consent (e.g. for earthworks). So the definition does not cover those subdivisions where no conditions were imposed. WCC considers that the definition should also include reference to section 223 certificates to ensure that all subdivision consents are captured (not just those where conditions are imposed under s224). • An alternative approach would be to amend clause (a) of the proposed definition to refer to Computer Freehold Register so that the starting point for measuring ground level is when the subdivision plan is deposited and titles are issued. Subdivision is not 'completed' until that stage. WCC has issued many section 224 certificates for plans which have not been deposited for a variety of reasons, and because of this these subdivisions have never been 'completed'. • The wording 'excludes any excavation or filling associated with the construction or alteration of a building' is too open to interpretation. It is unclear what MfE is trying to achieve here for example, what is the scope of 'associated with the construction of'? Does this include driveways, landscaping, or just the works relating to foundations? • Clause (c) – WCC suggests amendments and additional wording be added to this clause to clarify what is intended. These amendments mean that it will not matter which exterior face intersects the boundary. Parapets on retaining walls should also be excluded as these can be very high at times, and this change would ensure that where a parapet is intersected by the boundary, it is the surface of the retained land behind the wall that is used for the measurement. Finally, the last sentence of the suggested additions to the definition covers those situations where fill has been retained on one side of the boundary where ground level

		<p>will be at the toe of the wall.</p> <p>WCC seeks the following amendments to the proposed definition of 'ground level':</p> <p>Ground Level means—</p> <p>(a) the actual finished surface level of the ground after the most recent subdivision <u>was completed</u> that created at least one additional allotment <u>was completed</u> (at the issue of the section 224c Certificate, or section 223 Certificate where no section 224C Certificate will be issued, or the previous legislative equivalents), but excludes any excavation or filling associated with the construction or alteration of a building;</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 building;</p> <p>(c) if, in any case under paragraph (a) or (b), a retaining wall or retaining structure is located on the boundary, the level on <u>the exterior surface</u> of the retaining wall or retaining structure <u>where the exterior surface intersects the boundary. Where this would include a parapet of any height, the existing surface level of the ground immediately behind the wall or structure. Where the front surface of the wall or structure is up to but not over the boundary, the existing surface level of the ground at the base (toe).</u></p>
Landfill	means the use, or the previous use, of land for the primary purpose of the disposal of waste	WCC supports the proposed definition, however considers that MfE may need to also provide a definition of 'waste' which is referenced in this definition.

Draft Noise and Vibration metrics Standard (CM-2)

- 80.** The draft noise and vibration metrics standard aims to provide a consistent approach to how noise emissions are measured and to provide a consistent methodology to the measurement of vibration effects.
- 81.** The draft standard references the latest relevant New Zealand Standards on this topic and requires these standards to be used to measure and assess noise and vibration.
- 82.** The Council supports using the NZ Standards as the basis for noise metric and vibration standards. We also support the decision to not set noise limits for zones through the National Planning Standards. This is a local issue and should be determined by communities.
- 83.** Notwithstanding this, the Council suggests a number of amendments to layout and wording, as shown in the table below.
- 84.** In addition to these wording amendments, WCC also has concerns regarding New Zealand Standard 6805:1992 Airport noise management and land use planning being specified in this standard, and as a mandatory requirement.
- 85.** While WCC supports a level of standardisation of metrics for measuring noise, we are concerned about the potential implications of this in the context of the Wellington International Airport and suggest that there be some flexibility provided to recognise particular local situations.
- 86.** The airport is surrounded by residential housing which some of which has existed since before the airport was established. As a result of decisions of the Environment Court in 1997, the New Zealand Standard 6805:1992 is applied as a guiding document alongside a range of other mechanisms to manage the effects of airport noise. These mechanisms include:
- a specific zoning for the Airport,
 - an *Airport Noise Boundary*,
 - a requirement for a noise management plan, and
 - the establishment of the Wellington Airnoise Management Committee which is made up of representatives from WCC, the community, and Wellington International Airport Limited.
- 87.** There are also a range of strategic mechanisms outside of the District Plan that are being led by Wellington International Airport Limited (such as their acoustic insulation program) to mitigate the effects of aircraft noise on surrounding residential properties.
- 88.** WCC is concerned that specifying the application of the *New Zealand Standard 6805:1992 Airport noise management and land use planning* in the Planning Standards could result in re-litigation of the noise issues associated with the Wellington Airport and undo years of work to establish solutions that work for all parties outside of the District Plan.
- 89.** The Planning Standards should recognise that there may be situations where it cannot be applied in its strictest sense.

WCC seeks the following amendments/clarification in relation to the Draft Noise and Vibration metrics standard (additions are underlined, deletions are in ~~strikethrough~~):

- Amend Point 3 as follows:

Any plan rule to manage an emission of noise must be consistent with the relevant noise measurement methods in the applicable New Zealand Standards listed in Table 30: Acoustic

New Zealand Standards below.

- Amend Table 30 as follows:

New Zealand Acoustical Standards references

- Environmental sound is measured in accordance with New Zealand Standard 6801:2008 Acoustics – Measurement of Environmental Sound
- Environmental Sound is assessed in accordance with New Zealand Standard 6802:2008 Acoustics – Environmental Noise
- The following standards provide measurement and assessment criteria:
 - New Zealand Standard 6806:2010 Acoustics – Road traffic noise – New and altered roads
 - New Zealand Standard 6808: 2010 Acoustics – Wind farm noise
 - New Zealand Standard 6809: 1999 Acoustics – Port noise management and land use planning
 - New Zealand Standard 6805:1992 Airport noise management and land use planning
- Clarify that existing situations, such as that of Wellington Airport, will not be affected by standardising the measurement of airport noise, and that this only applies where new airports are proposed.

Wellington City Council would welcome the opportunity to discuss the content of our submission further with MfE if necessary.

S-ASM: Draft Area Specific Matters Standard

The planning standards were developed to provide greater consistency of Resource Management Act 1991 plans and policy statements developed in New Zealand. This planning standard applies to district plans and combined plans.

A. Purpose

1. To provide a consistent way for plans to provide chapters in plans relating to zones, precincts, development areas and designations within the Area Specific Matters part of a plan.

B. Relationship to other planning standards

2. This standard must be used in conjunction with all other relevant planning standards. Table 2 of the national planning standard overview sets out which planning standards are relevant to each type of policy statement and plan.

C. Recognition in plans

3. The table (or cells) in part D contains mandatory and discretionary directions.
4. The amendments made to any plan to give effect to the mandatory directions in the table (or cells) in part D must be in accordance with section 58I (2) and (3) of the RMA.
5. The amendments made to any plan to give effect to the discretionary directions in the table (or cells) in part D must be in accordance with section 58I (4) of the RMA.
6. Consequential amendments to any plan that are needed to avoid duplication or conflict with amendments as required by paragraphs 4 or 5 must also be made without using an RMA Schedule 1 process. If consequential amendments go beyond the scope of amendments authorised by sections 58I (3)(d) and 58I(4)(d) of the RMA, a RMA Schedule 1 process will need to be used.

D. Provisions

Draft Area Specific Matters Standard

Mandatory directions

- 1 Except as provided in direction 2 below, local authorities must amend their documents in accordance with section 58I of the RMA within 5 years of gazettal of this planning standard.
- 2 Documents of the local authorities listed below must be amended in accordance with section 58I of the RMA within 7 years of gazettal of this planning standard.
 - Auckland Council
 - Marlborough Council
 - Christchurch City Council
 - Dunedin City Council
 - Hurunui District Council
 - Invercargill City Council
 - Kāpiti Coast District Council
 - Queenstown-Lakes District Council
 - South Taranaki District Council
 - Thames-Coromandel District Council.

Zone chapters (S-ZONES)

- 3 Where a zone is to be used, the related zone structure and order in the District Plan Structure Standard (S-DP) is to be used.
- 4 Where a zone is to be used, each zone must include objectives, policies and methods including rules (if any) in accordance with the Chapter Form Standard (F-5).
- 5 Where a zone is to be used, in addition to the matters identified in this and any other relevant standard, each zone may also include any other provision enabled under section 75(2) of the RMA.
- 6 A local authority may include additional special purpose zones in accordance with Direction 7 below but must not include any other additional zones.
- 7 An additional special purpose zone must only be created when the proposed land use activities and anticipated development within the defined area:
 - a. are significant to the district or region
 - b. could not be enabled by any other zone
 - c. could not be enabled by the introduction of an overlay, precinct, designation, development area, or specific control.

Discretionary direction

- 8 The local authority must choose at least one of the following zones to use in their Plans. Each zone option contains a purpose statement which the zone provisions must fulfil.

Zone	Purpose statement
Low-density residential zone	The purpose of the <i>Low-density residential zone</i> is to provide primarily for residential activities where there may be constraints on urban density.
Residential zone	The purpose of the <i>Residential zone</i> is to provide primarily for residential activities in areas of suburban character.
Medium-density residential zone	The purpose of the <i>Medium-density residential zone</i> is to provide primarily for residential activities in areas of urban character.
High-density residential zone	The purpose of the <i>High-density residential zone</i> is to provide primarily for residential activities in areas of high density, urban character.
Rural zone	The purpose of the <i>Rural zone</i> is to provide primarily for primary production activities. The

	zone may also provide for a limited range of activities which support rural production.
Rural production zone	The purpose of the <i>Rural production zone</i> is to prioritise primary production activities that rely on the productive nature of the soils, intensive primary production, and also providing for associated rural industry.
Rural residential zone	The purpose of the <i>Rural residential zone</i> is to provide primarily for a residential lifestyle within a rural environment, while still enabling primary production to occur appropriate to the size of the lots.
Rural settlement zone	The purpose of the <i>Rural settlement zone</i> is to provide primarily for a mixture of residential, commercial, light industrial activities and community activities located within rural areas that support a small settlement and surrounding rural area.
Neighbourhood commercial zone	The purpose of the <i>Neighbourhood commercial zone</i> is to provide primarily for small-scale commercial activities that directly support the immediate residential neighbourhood.
Local commercial zone	The purpose of the <i>Local commercial zone</i> is to provide primarily for a range of commercial activities that provide for the daily/weekly shopping needs of the residential catchment.
Commercial zone	The purpose of the <i>Commercial zone</i> is to provide primarily for a broad range of commercial activities. It also provides for activities that are not sensitive to the effects generated from commercial activities.
Mixed-use zone	The purpose of the <i>Mixed-use zone</i> is to provide primarily for a mix of residential, commercial, light industrial, recreational and community activities.
Town centre zone	The purpose of the <i>Town centre zone</i> is to provide primarily: <ul style="list-style-type: none"> • in smaller urban areas, for a diverse range of commercial activities and associated community, recreation, and residential activities which support both residents and visitors • in secondary centres in major cities, for community, recreational, commercial and residential activities which service the immediate and wider neighbourhood areas.
City centre zone	The purpose of the <i>City centre zone</i> is to provide primarily for a diverse range of commercial, community, recreational, and residential activities.
Light industrial zone	The purpose of the <i>Light industrial zone</i> is to provide primarily for a limited range of industrial activities that are more compatible with sensitive activities.
Industrial zone	The purpose of the <i>Industrial zone</i> is to provide primarily for a range of industrial activities. It also provides for associated activities that are not sensitive to the effects generated from industrial activities.
Heavy industrial zone	The purpose of the <i>Heavy industrial zone</i> is to provide primarily for industrial activities that may be incompatible with sensitive activities.
Open space zone	The purpose of the <i>Open space zone</i> is to provide primarily for a range of passive and active recreational activities, along with limited facilities and structures, and opportunities for relaxing and socializing.
Sport and active recreation zone	The purpose of the <i>Sport and active recreation zone</i> is to provide primarily for indoor and outdoor active recreation and sports and associated facilities, including large scale buildings and structures.
Conservation zone	The purpose of the <i>Conservation zone</i> is to provide primarily for the ongoing management of land that has a particular conservation focus.
Airport zone	The purpose of the <i>Airport zone</i> is to: <ul style="list-style-type: none"> • enable the ongoing operation and future development of airports and the surrounding airfield and aerodrome • enable associated operational areas and facilities • enable operations relating to the transportation of people and freight

	<ul style="list-style-type: none"> provide for aeronautical (or aviation) activities of airports, as well as operational, administrative, commercial and industrial activities associated with airports.
Port zone	<p>The purpose of the <i>Port zone</i> is to enable:</p> <ul style="list-style-type: none"> the ongoing operation and future development of ports and associated operational areas and facilities operations relating to the transportation of people and freight.
Hospital zone	<p>The purpose of the <i>Hospital zone</i> is to provide primarily for the ongoing operation of a locally or regionally important primary medical facility, and associated health care services and healthcare facilities.</p>
Education zone	<p>The purpose of the <i>Education zone</i> is to provide primarily for educational facilities.</p>
Stadium zone	<p>The purpose of the <i>Stadium zone</i> is to provide primarily for the ongoing operation of large scale sports and recreation facilities, buildings and structures. It may accommodate a range of large-scale sports, leisure, entertainment, art, recreation, or event and cultural activities.</p>
Future urban zone	<p>The purpose of the <i>Future urban zone</i> is to identify land as suitable for urbanisation. The Future Urban Zone is a transitional zone.</p>
Māori cultural zone	<p>The purpose of the <i>Māori cultural zone</i> is to enable a range of activities which specifically meet Māori cultural needs including but not limited to residential and commercial activities.</p>
[Additional special purpose] zone <i>Refer to mandatory direction 6 above</i>	<p>The purpose of the [additional special purpose] zone is to manage ... [local authority to add].</p>

Mandatory directions

Precincts chapter (S-PREC)

- 9 A precinct spatially identifies and manages an area where two or more additional provisions apply which modify the policy approach of the underlying zone(s) or refine or modify land use outcomes.
- 10 If no precinct is required, do not include this chapter in the plan.
- 11 Each precinct must be provided as a different section of the chapter, and must meet the direction below.
 - a. Each precinct must have a unique name indicating the purpose of the precinct.
 - b. Any section must include objectives, policies, and methods including rules if any.
 - c. Any section may contain other provisions enabled under section 75(2) of the RMA.
- 12 Any precinct may include reference to a design guide or other guidance material.

Development Areas chapter (S-DEV)

- 13 A development area spatially identifies and manages areas where conceptual plans such as structure plans, framework plans, outline development plans, or growth area plans apply to determine future land use and/or development.
- 14 If no development area is required, do not include this chapter in the plan.
- 15 Each development area must be provided as a different section of the chapter, and must meet the direction below.
 - a. Each development area must have a unique name.
 - b. Any section must include at least one objective and policy.
 - c. Any section may contain other provisions enabled under section 75(2) of the RMA.
- 16 A development area section may include referenced documents, for example a concept plan.
- 17 When the development is completed, the development plan section must be removed from the plan.

Designations chapter (S-DES)

18 A separate designation table must be used for each Requiring Authority and use the form outlined in table 16 below.

Table 1: Designation table

Name of Requiring Authority	
Unique identifier and map identifier	
Purpose of the designation	
Site identifier (This can include: Legal description and/or physical address and/or site name/description)	
Lapse date or Identification that designation has been given effect (ie, doesn't lapse)	
Designation hierarchy (primary or secondary)	
Conditions	
Additional information	

19 The designation tables must be included alphabetically A-Z based on the name of the requiring authority.

20 Designations for each requiring authority within each designation table must be listed alphabetically A-Z based on the unique identifier and map identifier.

21 Designation conditions must be included as a schedule to the district plan.