

# **Wellington City Proposed District Plan**

## **ISPP wrap up and integration hearing**

**Part 1: Definitions nesting tables, general and omitted submissions, advice, and requests of minute 29.**

### **Appendix C - Wellington City District Plan Drafting Style Guide**



# Wellington City Council District Plan Drafting Style Guide

Last updated March 2020

# Contents

<b>Contents</b> .....	<b>2</b>
<b>Introduction</b> .....	<b>4</b>
<b>Use of the Plan Writing Guide</b> .....	<b>4</b>
<b>Over-arching Principles</b> .....	<b>4</b>
Plain language .....	4
How to use common words .....	4
Language used in the RMA.....	5
Abbreviations .....	5
References to legislation and documents.....	5
Activities .....	6
Definitions .....	6
Language Guidance.....	7
Commonly used words.....	7
Terminology – Māori terms and use of macrons .....	8
Capitalisation .....	8
Use of Numerals .....	8
Numbering .....	9
Drafting objectives .....	9
Relationship between Strategic Directions and Chapter Objectives .....	9
Zone drafting .....	9
District-wide matter drafting .....	10
Principles for drafting objectives .....	10
Examples of objective writing .....	10
<b>Drafting policies</b> .....	<b>11</b>
Policy key words .....	12
<b>Drafting rules</b> .....	<b>14</b>
General guidance for drafting rules .....	14



Further guidance on use of activity status ..... 15

    Drafting permitted activities ..... 15

    Drafting controlled activities..... 16

    Drafting restricted discretionary activities..... 16

    Drafting discretionary activities ..... 16

    Drafting non-complying activities ..... 17

    Drafting prohibited activities..... 17

Rule exemptions ..... 17

Use of notes..... 18

**Zone example**..... Error! Bookmark not defined.

    Zone objectives ..... **Error! Bookmark not defined.**

    Zone activity rules table..... **Error! Bookmark not defined.**

    Zone standards table..... **Error! Bookmark not defined.**

**District Wide example**..... Error! Bookmark not defined.

    District Wide standards table ..... **Error! Bookmark not defined.**



# Introduction

This guide is to be used by staff, consultants and decision makers engaged in making the new Wellington City District Plan (the Plan).

The guide does the following:

- Provides guidance on the use of language
- Provides guidance for writing objectives
- Provides guidance for writing policies
- Provides guidance for writing rules
- Includes Zone examples for writing provisions
- Includes District-wide examples for writing provisions

## Use of the Plan Writing Guide

This guide must be read in conjunction with the [National Planning Standards](#) (planning standard(s)).

All persons engaged in the Plan making process are required to familiarise themselves with this guide. Use of the guide is mandatory. It will affect all persons involved in the process as follows:

- Consultants are required to write in accordance with the guide.
- Reviewers are required to be mindful of the guide, when suggesting edits.
- Members on Hearings panels are requested to have regard to this guide to ensure a consistent and well written plan.

## Over-arching Principles

### Plain language

- Use plain language, for example “help” or “assist” rather than “facilitate”.
- Avoid phrases like “due to the fact that”, “in the event of”, “for the purpose of”, “for the avoidance of doubt”.
- Less is more – use concise sentences. Be ruthless. Delete surplus words unless they enhance the meaning or clarity.
- Use short sentences. Aim for an average of 15-20 words. Try reading the sentences out loud.
- Use the active voice, not the passive voice. For example “Schedule 6 identifies significant trees” rather than “Significant trees will be identified in Schedule 6”
- Avoid the use of abbreviations and acronyms.

### How to use common words

- Lawfully established, not legally established
- Must, not shall
- Use allotment not ‘lot’ for all subdivision wording
- Use “site” in all other cases (i.e. not related to subdivision)
- Which vs that – only use which if preceded by a comma.

“The spider that crossed the floor scared me. The spider, which crossed the floor, scared me.”



## Language used in the RMA

Avoid repeating language / wording used in the RMA in objectives, policies and other text, without adding value to that. The exceptions are with notification clauses, when describing the legal effect of rules, and writing the statutory context chapter.

## Abbreviations

Avoid using abbreviations, unless it is required by the planning standards.

If an abbreviation is used it must be listed in the abbreviation section of Part 1, in a table as follows:

Table 1: Abbreviations table

Abbreviations	Full term
Must include abbreviations to be explained	Must include the full term, and if resulting from other legislation, the reference to that section

- Abbreviations must be listed numerically (if relevant) and then alphabetically.
- Where an abbreviation is defined in other New Zealand legislation, reference to the other legislation must be included in the Abbreviations table.

## References to legislation and documents

The planning standards do not address referencing, but the Definitions standard does reference documents in a consistent way. Follow the examples used in the definitions standard. Here are some examples:

### Referencing documents

When you refer to a document in a chapter, write the title in full, including its date, and then add the abbreviation after in brackets. Do not use italics.

Regional Policy Statement for the Wellington Region 2013 (RPS)

Use the abbreviated form thereafter. The abbreviation must be listed in the Abbreviations table in Part 1. Always write the title in full, the first time it is used in a chapter. This is because the Plan will be an online document and we want it to be understood on the one page.

There will be links to the abbreviations, which will open in new tabs. But it is still easier, for the reader, if meaning can be known without clicking a link. The same is true, for search engines and bots.

### Referencing legislation

When referencing legislation other than the RMA, write the title in full (without abbreviation), with the date at the end:

“...any parcel of land not subject to the Land Transfer Act 1952.”

### Referencing RMA

When referencing the Resource Management Act 1991 the abbreviation “RMA” can be used, as below:

“Has the same meaning as in section 2 of the RMA.”



The RMA is well understood in plain language to mean the Resource Management Act 1991. The same is not true of other legislation. The abbreviation, RMA, will be in the Abbreviations table of part 1.

The word 'section' is not to be capitalised. A link will not be provided, because links need to be maintained; they get broken, when they get changed.

Links will only be provided to documents contained in the E-Plan and those documents incorporated by reference.

### **Referencing standards**

When referencing standards, write the name in full:

"...has the same meaning as the 'Background level' in New Zealand Standard 6801:2008 Measurement of Environmental Sound."

### **Activities**

Almost all activities in the Plan are plural and should be written in the same way in the objectives, policies and rules. For words that cannot be plural, the word 'Activities' is added to the end.

Examples:

- Reserves and Strips
- Temporary Buildings
- Residential Activities
- Industrial Activities

### **Definitions**

Any definitions used in the Plan must be included in the Definitions chapter in Part 1. The planning standards include a list of definitions to use in the Plan (refer to 14. Definitions standard).

Drafters are to avoid including additional definitions, unless necessary. As a general rule the Plan is to use plain language and commonly used terms. Where that is not possible and defined terms are required, the following order of preference is to be used:

- Plain language commonly used words
- Words listed in the Definitions standard
- Words defined in the Wellington Regional Policy Statement (except for regionally significant infrastructure)
- Words defined in Wellington Regional Council Regional Plans
- Words defined in relevant legislation
- Words that require additional definitions

The rationale for proposing an additional definition for inclusion in the Plan must be discussed in the s32 Evaluation for the task brief.

### **Using definitions**

When writing provisions in word documents (hard copies) the defined term is italicised. If the definition is at the beginning of a sentence, then it is capitalised but otherwise it is lowercase.

For example:

- Building footprint is a defined term.



- The words *building footprint* need to be italicised when in the text.

When we move to writing directly into E-Plan there will be no need for italics, because the E-Plan will recognise defined terms and automatically create links to them, recognisable by a different colour font.

### Documents incorporated by Reference

Any documents incorporated by reference in the PDP, using the process set out in Part 3 of Schedule 1 to the RMA, should be added to a list of all external material incorporated by reference. The intention is for that list to become a separate appendix to the PDP, for ease of reference for Plan users.

### Using tables, figures and diagrams

Each table, diagram or figure must be identified starting with 'Table', 'Diagram' or 'Figure', a space, followed by a sequential number (which starts from the beginning of the Plan), a space, an en-dash, a space, and the table, diagram or figure title. However, you can use a unique identifier approach as a prefix for each chapter. For example, the first table under Historic Heritage can read "HH – Table 5".

## Language Guidance

Correct Use	Incorrect
Accessway	Access way; Access-way
Definitions	Meaning of Words
High / low density	Higher / lower density
Land use	Land-use; Landuse
MHWS (however it is written in full at the start of the document)	Mean High Water Spring; mhws; m.h.w.s
Wellington City Council	The Council; wellington Council; Council
Permitted Activity (relates to all activity statuses)	Permitted
Residential unit	Dwelling; house
RMA (however it is written in full at the start of the document)	Resource Management Act; The Act
Section 30 (etc)	S30; s.32
Standards	Conditions

## Commonly used words

Words that are hyphenated	Words with a gap	Words with no gap





<ul style="list-style-type: none"> <li>• inner-city</li> <li>• on-street/off-street</li> <li>• under-supply</li> <li>• cul-de-sac</li> </ul>	<ul style="list-style-type: none"> <li>• land use</li> <li>• ground level</li> <li>• long term</li> <li>• stand alone</li> <li>• trade related</li> <li>• mixed use</li> <li>• water bodies</li> <li>• short term / long term</li> <li>• parking area / parking space</li> </ul>	<ul style="list-style-type: none"> <li>• onsite/offsite</li> <li>• stormwater</li> <li>• waste water (except when for example referring to a network)</li> <li>• fresh water (except when looking at it as a system)</li> <li>• accessway</li> <li>• setback (e.g. boundary setback)</li> </ul> <p>- but development is 'set back' from the water body</p>
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## Terminology – Māori terms and use of macrons

Correct Use	Incorrect
iwi	Iwi - not capitalised mid-sentence, only at the start of a sentence.
Māori	Maori

## Capitalisation

Words requiring Capitalisation
Names i.e of areas, people, groups, documents
Wellington City Council (and other Councils)
Zones i.e Residential Zone

Capitalise proper nouns only. Proper nouns are people and place names. If a noun is plural or preceded by “a” or “an”, it is not a proper noun.

## Use of Numerals

Correct Use	Incorrect
2.00pm (etc)	2pm; 14:00;
m <sup>2</sup>	m2; sq m
2-storey (etc) (except if at the beginning of a sentence, where it should be Two-storey).	Two-storey; two storey; 2 storey; (etc)
Spell out numerals from one to nine, but use numeral from 10 onwards  e.g. Two people carried 11 bags between them	2 people carried ten bags between them



<u>Except</u> where these are for a measurement, and then use the numeral eg. 2m	
2m; 2ha	Two metres; 2 metres Two hectares; 2 hectares

## Numbering

### Bullet points

If using bullet points in an objective, policy or rule, then the format is:

1. Then
  - a. Then
    - i. Then.

### Unique identifiers

Objectives, policies, rules and standards must be numbered using the relevant chapter or zone unique identified, a hyphen, the first letter of the provision type and then a sequential number, for example:

GRUZ-O1

TEMP-R2

Any additional sub-provisions must be uniquely identifiable, for example:

TEMP-R2-1

SIGN-S2-1a

## Drafting objectives

The Strategic Directions provide high level direction for the outcomes to be achieved by the Plan. When drafting objectives for Parts 2 and 3 of the Plan, it is important to ensure that they are consistent with the Strategic Directions. They must not be pitched in more general terms than the Strategic Directions.

## Relationship between Strategic Directions and Chapter Objectives

The relationship between Strategic Directions and Chapter Objectives should work like this.

- If possible, there should be no duplication of Strategic direction phrasing in the lower order objectives, because the lower order objectives must be more specific.
- Strategic matters should only be addressed in Strategic Directions. Examples of Strategic Directions matters include:
  - 'Enabling the provision of housing'
  - Matters affecting more than one zone
- Activity/effects based objectives should be addressed in the zone.

### Zone drafting

Zone chapter drafters need to pay careful attention to the relationship between strategic directions and zone objectives.



## District-wide matter drafting

The Strategic directions will have general relevance to District-wide matters. However, district-wide matter chapter objectives will be very specific. Such objectives will be specific to singular resource management issues.

### Principles for drafting objectives

- An objective should reflect a desired endpoint and contribution to an environmental outcome. Ask yourself “What are we trying to achieve?”
- It should be framed in specific and measurable terms wherever possible.
- Objectives should distil RMA principles to the local level and provide a Wellington context.
- An objective should relate directly to the resolution of an issue or issues raised in the s32 analysis.
- An objective can be open - setting a general direction such as enhancing the status quo or closed - a finite statement of a desired end state. An objective should be open only where a lack of information or need for flexibility precludes a closed objective.
- The objective should be sufficiently detailed to be able to guide the related policies.
- When drafting objectives, consider the SMART principles: make it specific, measurable, achievable, relevant, time-bound.
- Write an objective to assist in making future decisions. For example, ask yourself: “Will it be directly relevant to the assessment of consent applications?”

### Avoid:

- Restating the issue that the objective addresses.
- Restating provisions appearing in the RMA.
- Wording an objective so that it reads like a policy.
- Stating how the objective is to be achieved.
- Starting objectives with active phrases such as “Ensure that”, “Provide for”, “Encourage”
- Use of vague and imprecise language, such as “as far as practicable”.
- Seeking outcomes that are not environmental ends; that are vague or generic; or that are overtly economic or social outcomes.

## Examples of objective writing

### Example 1:

‘Recognise that sites of waahi tapu exist throughout the City and that these must be protected’.

This is worded as a policy. A specific and measurable objective would be:

‘Waahi tapu sites across Wellington are retained in their current form’.

### Example 2:

‘Provide for large scale retail activities in locations within the Porirua City Centre where the effects can be managed’.

Again, this is worded as a policy. An alternate wording is as follows:

‘Large scale retail activities will be able to locate in those parts of the Porirua City Centre where they will be compatible with other activities’.



### Example 3:

A policy wording again. An alternate wording:

‘Industrial operations within industrial areas are not constrained by non-industrial activities’.

### Example 4:

‘Ensure that the potential of the Hospital Zone to meet the reasonably foreseeable needs of the community is sustained’

This is not a clear objective and reads as “RMA-speak”. As a method, discussion of the Hospital Zone can be left to the policies and methods. The following alternate objective is more in line with the explanation and related policies.

‘Hospital-related activities are able to expand within the Hospital Zone’.

## Drafting policies

The protocol provides a recommended “hierarchy” of language to guide the implementation of the Plan. Where possible, the language used in any policy should correlate to the activity status and other related rules for an activity.

The purpose of a policy is to support and expand on the objective by setting the direction or action required by the plan user (Council, applicant or decision maker).

These assist the users to test if the outcome is going to be achieved, particularly when dealing with discretionary and non-complying activities.

### **Things to avoid:**

- The use of any words that give an out or aren’t defined/certain – such as should, would, might, maybe
- The use of terms significant, appropriate, inappropriate, where necessary, unless you define within the policy what the parameters are
- Policies that are worded as rules or standards, or repeat the standards specified in rules
- Policies written in the form of methods (such as “rules to protect, by requiring a consent for, by limiting height to 10m...)
- Ambiguity

### **There are broadly two types of policies:**

1. Internal focussed – identifying, setting how approach to be taken
2. External focussed – guidance for resource consent applications

Where you are using an avoid or restrict policy (such as for a non-complying or discretionary activity) that may be able to be tempered in specific circumstances, then set out what these circumstances are. The following is a best practice example of this approach.

*Avoid the demolition or removal of heritage items, unless the scheduled item:*

*(a) is a serious risk to safety or property or is in serious state of disrepair, and the cost of remedying the risk or disrepair is prohibitive; or*



- (b) can be demolished in part without adverse effect on the heritage values for which the item was scheduled; or
- (c) must be moved to facilitate its ongoing use or protection, measures are in place to minimise the risk of damage to the building, and the heritage values of the building or structure in its new location are not significantly diminished.

If you have used “inappropriate” in an objective, your policy needs to set the direction of what is inappropriate and what is appropriate.

Avoid referring to external documents, where possible. However, it is appropriate to refer to design guides, CPTED principles, where these form part of the Plan.

Try to avoid using the phrase “avoid, remedy or mitigate” unless it is modified to make it specific to the policy. For example –

to avoid or, if avoidance is not possible adequately mitigate, significant adverse effects of development on areas of outstanding natural landscape

not:

to avoid, remedy or mitigate significant adverse effects of development on areas of outstanding natural landscape

## Policy key words

When writing policies, you are required to use the following key words, as much possible, and to think carefully about the provisions (methods, rules) that logically flow from the policy:

- Identify
- Enable / encourage / allow / permit
- Provide for
- Require
- Minimise
- Only allow... where
- Maintain
- Maintain and enhance
- Recognise the benefits
- Protect
- Avoid, remedy or mitigate
- Avoid... unless
- Avoid

Policy wording	What does it mean?	Activity Status
Identify	Use for policies that relate to identifying specific features or values, particularly when listing them in the Plan.	No direct relationship with the rules.
Enable / encourage / allow / permit	Use for policies that set up what is generally provided for or encouraged.	Permitted
Provide for	Use for policies that set up what is generally provided for or encouraged.	Permitted (can set up standards)



		Controlled  Restricted discretionary
Require	Use for policies that set up performance standards.	Permitted activity or controlled activity with standards.  If the standards cannot be met then default to restricted discretionary activity if all potential matters for discretion can be listed, or to discretionary activity if there is reason for uncertainty.
Minimise	Use for policies where there is likely to be a significant adverse effect, and seek to reduce to the most extent possible.	Restricted discretionary  Discretionary
Only allow...where	Use for policies that provide for activities but only in the right circumstances/ where effects can be adequately managed/ where key outcomes can be achieved.	Restricted discretionary  Discretionary
Maintain	Use for policies making a statement about an environment or feature where change is anticipated, but may need to be managed	Controlled  Restricted discretionary
Maintain and enhance	Use for policies making a statement about an environment or feature where there is some capacity for change, particularly opportunities for positive change.	Restricted discretionary  Discretionary
Recognise the benefits of	Means there is a trade-off required / a balance; indicates that there are benefits and adverse effects. Likely to require an accompanying policy that manages the adverse effects.	Restricted discretionary  Discretionary
Protect	Means there should be restrictions placed on things; where there is a trade off or balance	Restricted discretionary



	required. Indicates that there are both benefits and potential adverse effects.	Discretionary Non-complying
Avoid, remedy or mitigate	<p>Use where the policy applies to a range of activities and/or effects across the Plan.</p> <p>There may be circumstances when it is desirable to use the term 'avoid, remedy or mitigate adverse effects', or in other circumstances to use these words individually.</p> <p>As with 'avoid', if 'remedy' or 'mitigate' are used individually, the effects to be remedied or mitigated need to be described.</p> <p>Use in preference to 'manage' which has no meaning defined under the RMA caselaw. HSNO caselaw comments that 'manage' can mean many things - such as, prevent, reduce or avoid. Therefore, it is not a helpful direction due to its broad meaning.</p> <p>'Avoid' means 'not allow' or 'prevent the occurrence of'.</p> <p>'Remedy' means counteracting something undesirable.</p> <p>'Mitigate' is to make something milder or less intense or severe, or 'to lessen the rigour or the severity of effects'.</p>	Restricted discretionary Discretionary
Avoid...unless	Use for policies that seek to prevent an activity or avoid adverse effects except where there are special circumstances specified, and /or the effects are minor.	Non-complying
Avoid / prohibit	Use for policies that seek to prohibit or prevent an activity or prevent any adverse effects.	Non-complying Prohibited

## Drafting rules

Objectives (included in the Strategic directions or at section level) outline what is expected of the Plan, while the policies are the means to achieve objectives, and rules are a method of implementation.

### General guidance for drafting rules

- The rule should stand alone – in other words, the reader should be able to determine the effect of a rule from the rule itself.
- A rule must be certain and enforceable, as it has the status and effect of a statutory regulation.



- The activity status applied to an activity needs to have its foundation in the objective and policy framework of the Plan.

The Policy language protocol can be used as a guide to align policy wording with the activity status applied to certain activities (through activity rules). Getting it right will be an iterative process of comparing policy wording to rules and drafted rules to policy.

**Rules must not:**

- refer to material that is not incorporated into the Plan
- be subjective or open to interpretation.
- give power of determination to third parties.

**Rules should:**

- use clear illustrations such as diagrams and pictures for technical information
- identify the matters over which, the Council has either restricted control or discretion.

## Further guidance on use of activity status

**Drafting permitted activities**

Need to be confident that compliance with any requirements, conditions and permissions will adequately manage the anticipated effects of the permitted activity. Make sure you consider the permitted baseline implications.

- Be clear as to whether standards are additive (use ‘and’) or alternative (use ‘or’). Do not use ‘and/or’.

Check that all permitted activity standards are measurable and do not involve discretion, interpretation or room for doubt, for example: Do not use words such as ‘should’, ‘appropriate’, ‘reasonable’, ‘significant’ or ‘where practical’ in such standards.

- Check that permitted activities or permitted activity standards do not reserve discretion or provide for third party approvals (for example, an activity being permitted subject to the Manager Rooding or Transpower’s approval).
- Where necessary, use clear illustrations such as diagrams and pictures for technical information or tables for rules and standards.

**Examples of drafting that should be avoided:**

Example 1:

‘Storage and use of hazardous substances where located in a manner to prevent inundation from 1% AEP flood flows’.

This wording provides for an evaluation to take place that considers the location of storage and use and whether that location would prevent inundation. As a result, it is not capable of objective determination, with Council required to confirm that the location is appropriate.

How to re-word:

‘Storage and use of hazardous substances located above the 1% AEP flood flows’.

Example 2:





'In the Rural Zone, buildings and structures for rural purposes which do not impede flood flows beyond the site and are secured to ensure they will not be displaced beyond the site in a flood event'.

How to re-word:

'In the Rural Zone, buildings and structures for rural purposes on a site located in a flood hazard area must be:

- Located outside of the identified flood hazard area; or
- Accompanied by certification from a Registered Engineer, certifying that the building is secured and would not be displaced in a flood event'.

Certification is not a third party approval – it is certification that something meets a particular standard or requirement.

### **Drafting controlled activities**

Only use controlled activity status when you are certain of the effects, if effects will be generally less than minor, and no person would be affected.

- If matters for control can be expressed as standards, then consider permitted activity status.
- Matters for control need to be specific and comprehensive regarding the effects of most concern. If you cannot be specific nor comprehensive, then consider discretionary activity status.
- Be very clear about the “entry” criteria. Think about the implications of section s95 of the RMA, and that 10 day timeframe will apply to most controlled activities.

### **Drafting restricted discretionary activities**

Use this status only where you can clearly identify the effects of concern, and where they are reasonably narrow, and where it would be appropriate to refuse consent in some cases.

- Matters for discretion need to be specific and comprehensive regarding the effects of most concern. If you cannot be specific nor comprehensive, then consider discretionary activity status.

### **Drafting discretionary activities**

Use this activity status where:

- Both controlled activity and restricted discretionary activity are not appropriate because it is not possible to be specific nor comprehensive about the matters of control / discretion.
- The effects of an activity are so variable that it is not possible to prescribe standards to manage them in advance.
- Activities may or may not be suitable in a few locations, provided effects can be adequately managed.
- Significant positive effects may need to be balanced against the potential for adverse effects



### Drafting non-complying activities

This activity status can be used for situations where consent should be granted in only exceptional circumstances, or where the potential effects are significant but do not necessarily warrant a prohibited activity status.

- Requires strong, clear, objectives and policies to be truly effective. Remember the “contrary” component of the threshold test in section 104D of the RMA.
- If the non-complying activity is used correctly then resource consent will be granted only in exceptional circumstances, such as when unforeseen and well researched mitigation measures are demonstrated by experts to neutralise adverse effects.

### Drafting prohibited activities

Use of prohibited activity status needs to be underpinned by robust evidence, well justified in the s32 Evaluation. Strong objectives and policies are needed to support this activity status.

- Specify exactly what the prohibited activity status is to apply to, and where the relevant activities will be prohibited from occurring.
- District-wide blanket prohibitions should only be used if there is a detailed analysis in the s32 Evaluation to support this.

## Rule exemptions

Where you want to make particular matters exempt from a rule, then this needs to be set out in the rule. See the following as an example:

GRZ-R17 Relocation of a building	
1. Activity Status: Controlled	
Where:	
a. X	
b. Y	
This rule does not apply to:	
• Residential houses less than 20 years old.	
Buildings being repositioned on the same site.	
2. Activity status where compliance is not achieved with GRZ-R17-1a:	
Restricted discretionary	
Matters over which discretion is restricted:	
a. Z	

Just remember to be clear how those exemptions are dealt with. For instance, in the above example, you will still want to ensure that these matters are covered by a rule (e.g. a relocated house less than 20 years old still has to comply with standards such as setbacks, coverage, height in relation to boundary, etc.).

Where you want to make particular matters exempt from a standard, then this needs to be set out in the standard. See the following as an example:

GRZ-S5 Height in relation to boundary	
1. No part of any building shall project beyond the height in relation to	Matters of discretion if compliance not achieved:



<p>boundary recession plane from any point 3m above site boundaries.</p> <p>This standard does not apply to:</p> <ul style="list-style-type: none"> <li>• Road boundaries.</li> <li>• Buildings on adjacent sites that have a common wall along the boundary</li> <li>• Antennas.....</li> </ul>	<p>a. Blah blah blah</p>
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## Use of notes

### Do not use notes to form part of a rule

Text labelled as 'notes' or 'advice notes' does not carry any statutory weight, instead it is for guidance / interpretative purposes only. To avoid this pitfall, all information needed to understand a rule, needs to form part of the rule.

### Notes can be used in some circumstances

Explanatory notes included to refer to information contained elsewhere in the Plan are acceptable. However, ideally a rule should be clear from its text and illustrations within each specific section of the Plan.

Please ask yourself: Could an illustration or diagram on the page more effectively communicate the rule than a link to more text?

