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Customer Services
P. 03 353 9007 or 0800 324 636

PO Box 345
Christchurch 8140

P. 03 365 3828
F. 03 365 3194
E. ecinfo@ecan.govt.nz

www.ecan.govt.nz

National Planning Standards Submission 2018
Ministry for the Environment

planningstandards@mfe.govt.nz

Dear Sir or Madam,

Environment Canterbury submission: Draft National Planning Standards 2018

Thank you for the opportunity to provide comment on the draft National Planning Standards. Please find Environment Canterbury's submission attached.

Environment Canterbury acknowledges the intent of the National Planning Standards, and the extensive work undertaken by the Ministry. We recognise that there remain considerable challenges that need to be resolved, particularly with regard to how some of the standards will be applied through regional policy statements and plans. We would like to offer our support to the Ministry as the standards move through the final development stages ahead of gazettal in April 2019.

For all enquiries please contact:

Andrew Parrish
Regional Planning Manager
Phone: 027 4569 7644
Email: andrew.parrish@ecan.govt.nz

Yours sincerely

A handwritten signature in black ink that reads "Steve Lowndes".

Steve Lowndes
Chair

Encl: Environment Canterbury submission to the Ministry for the Environment on the draft National Planning Standards

Environment Canterbury submission: Draft National Planning Standards

Summary

1. Environment Canterbury appreciates the opportunity to comment on the proposed National Planning Standards. This submission is presented in relation to Environment Canterbury's roles, functions and responsibilities under the Resource Management Act 1991 (RMA) and the Local Government Act 2002 (LGA).
2. Environment Canterbury acknowledges the work of the Ministry in developing a set of standards that can be implemented by 78 councils across New Zealand, and the challenges associated with this. We recognise the next six months will be crucial in finalising the standards, and would like to offer support to the Ministry, drawing on the considerable plan-making and implementation experience we've gained, particularly over the past 8 years.
3. When finalising the Standards, we encourage the Ministry to take an approach that builds on the good practice already seen in regional plans across the country, promotes an integrated planning approach, retains flexibility to manage local issues, and last but not least, mitigates the cost to ratepayers where the benefits are less clear.
4. With these factors in mind, our two primary areas of concern are:
 - **Mandatory definitions** – we have significant policy concerns around mandatory definitions. As drafted, the mandatory definitions are overly prescriptive, and are inconsistent with definitions used or being developed by Environment Canterbury for Canterbury conditions. We seek that this requirement be removed for regional plans, or at the very least, that the proposed definitions be amended in accordance with Appendix 1. The Definitions Standard ranked poorest in the Ministry's cost-benefit analysis, and coupled with potentially unforeseen policy implications, a cautious approach to mandatory definitions is warranted.
 - **Implementation timeframes** – we oppose the proposed five-year timeframe for implementation of the Standards, and instead recommend a blanket extended timeframe for all regional councils. This approach is supported by the Ministry's cost-benefit analysis, which shows greater benefit where implementation is over a longer period as this enables councils to align implementation with scheduled plan reviews. Importantly, it would enable Environment Canterbury to undertake a review of our regional policy statement first, which provides guidance to the development of regional and district plans, enabling a holistic and integrated planning framework across regional and district plans.
5. This submission will focus on the above two issues, along with the following:
 - Table-based rule structure
 - Theme-based approach to plan structure
 - Regional Policy Statement structure
 - Electronic functionality and accessibility
 - Minor points

Mandatory Definitions

Recommendations

6. Environment Canterbury **opposes** the use of mandatory definitions in regional policy statements and regional plans due to implementation costs and policy implications.
7. Environment Canterbury **requests** the abandonment of the draft Definitions Standard as it applies to regional councils. If retained, Environment Canterbury **recommends** that the definitions be amended in accordance with Appendix 1.

Commentary

8. Where a mandatory term has a definition that is materially different, or results in a significant departure from a plan outcome, provisions that implement that term (i.e. an objective, policy or rule) will need to be amended to preserve the plan outcome.
9. Environment Canterbury envisages that the draft definitions standard will require substantive changes to the objectives, policies and rules within our regional plans. This will require an RMA Schedule 1 process, incurring significant cost and litigation of operative provisions. We note that the draft Definitions Standard has the lowest benefit/cost ratio of all the standards because of the Schedule 1 costs. This emphasises the need to be cautious when considering the value of mandatory definitions.
10. Many of the definitions proposed are also problematic for Environment Canterbury from a policy perspective. Two examples illustrate this point:
 - The proposal to incorporate the RMA definition of 'bed' as a mandatory definition. Canterbury's braided river systems are typified by multiple divergent channels, variable flows and ill-defined banks. These characteristics make it difficult to define the 'bed' of a braided river using the RMA definition. The Council is currently undertaking a significant and costly project to define the extent of the bed of Canterbury's nationally unique braided rivers, with the intent that the information will be used to amend the definition of 'bed' in the Canterbury Land and Water Regional Plan (LWRP).
 - The proposal to incorporate the RMA definition of 'wetland' as a mandatory definition. The Council has chosen to independently define wetland within our regional plan as the RMA definition is too broad and captures a range of artificially created systems that provide 'wetland' benefits but which have been constructed for other purposes (e.g. stormwater collection). Furthermore, amendments are necessary to ensure wet exotic pasture is excluded from the definition.

Implementation timeframes

Recommendations

11. Environment Canterbury **opposes** the proposed five-year timeframe for implementation of the National Planning Standards. Environment Canterbury **recommends** councils be able to implement changes at the point of scheduled plan reviews, or at the very least, all councils be afforded an extended seven-year timeframe.

Commentary

12. Environment Canterbury has undertaken significant plan-making / plan review processes since 2010. The Council has completed a full review of the Regional Policy Statement; and made operative a new Land and Water Regional Plan. Since 2016 we have made operative five changes to that Plan to introduce both region-wide and catchment-based solutions to give effect to the National Policy Statement for Freshwater Management (NPSFM) with a further three plan changes still in development. We have also made changes to the Waitaki Catchment Water Allocation Regional Plan and completely reviewed our air plan to provide for the now operative Canterbury Air Regional Plan
13. The scale of this planning work shouldn't be underestimated. Plan Change 5 (PC5), notified in 2017 and not yet fully operative, is a useful example:
 - PC5 was a significant plan change for the Council, prepared in two parts. The plan change amended both the region-wide framework of the Land and Water Regional Plan and introduced NPSFM-compliant water quality limits for the Waitaki catchment.
 - Part A of PC5 was the product of an extensive collaborative effort with the primary sector to define a set of industry-agreed good management practices (GMP). A scientific model was developed to estimate nutrient losses from farming activities at good management practice and an online tool (the Farm Portal) was developed which enables farmers to estimate nutrient losses at good management practice using their individual OVERSEER budgets. The outputs of the project were incorporated into Plan Change 5, along with new policies and rules which require farmers to reduce nitrogen losses to rates that reflect good management practice.
 - Part B of the plan change followed an extensive collaborative process with the Waitaki community that culminated in a plan change that delivers community aspirations for water quality. GMP and the Farm Portal are also key elements of this package.
14. The cost of reviewing these plans will fall on the Council and ratepayers, and our experience shows this can be very expensive. As stated in our 2017 submission, reviewing, reformatting and updating the Canterbury Natural Resources Regional Plan (NRRP) provisions into the LWRP cost Canterbury ratepayers \$6 million, and this was with no appeals to the Environment Court because of the provisions of the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010. The Council will not have the benefit of these provisions after October 2019.
15. What remains somewhat unclear are the benefits of reviewing these plans, especially as they relate to regional councils. The Ministry's analysis of plans across New Zealand identified that regional plans are generally becoming more streamlined and concise, however the Ministry's cost/benefit analysis didn't develop a cost/benefit ratio for regional council plans. This is a shortcoming of the Ministry's analysis, especially given the benefits of standardised plans are increasingly recognised as being greater for district plan users.
16. The existing timeframes also create barriers for developing integrated regional and district planning frameworks. The existing timeframes will require Environment Canterbury to

undertake concurrent reviews of the Canterbury Regional Policy Statement and the Land and Water Regional Plan, which may also occur alongside reviews of district plans.

17. This will hinder our ability to create an integrated planning framework. Councils are required, when developing a district plan or regional plan, to give effect to regional policy statements. If a regional or district plan is developed before the regional policy statement is settled, Councils will have difficulty in giving effect to that document. This risks regional and district plans being out of step with regional policy statements.

Tabular vs narrative format for regional plans

Recommendations

18. Environment Canterbury **requests** the option of a rule structure that allows rules to be prepared in a narrative form.
19. Environment Canterbury **requests** that if a table-based rule structure is retained, changes are made to Table 26 which recognise that the status of an activity (i.e. controlled, restricted discretionary etc) changes depending on the condition of the rule contravened.

Commentary

20. The table-based rule structure mirrors the structure used in Environment Canterbury's first-generation resource management plans (e.g. the NRRP). Environment Canterbury abandoned this style of rule structure when preparing the Air Regional Plan and LWRP after receiving feedback from the community that table-based rules are complex and inaccessible to plan users. The proposed structure will require Environment Canterbury to convert its plan documents to this former style of document, potentially resulting in less accessible plan documents.
21. The table-based rule structure could be improved if the amendments shown in Appendix 2 are included. Supporting commentary for these changes is provided at the end of Appendix 2.

Regional Plan Structure

Recommendations

22. Environment Canterbury **does not support** a 'theme' based plan structure as this does not encourage holistic or integrated management of resources.
23. Environment Canterbury **supports** providing councils' flexibility to choose a 'catchment/FMU' or 'theme' based plan structure.
24. Environment Canterbury **requests** councils are provided the option of a region-wide structure in addition to a catchment-based structure.

Commentary

25. Environment Canterbury's LWRP and Air Regional Plan use 'activity' based rules, where all the component parts of an activity (e.g. the use of land, the discharge, the disturbance of the bed of a river) are managed through a single rule. This enables the full range of effects of an activity to be considered and managed in an integrated and holistic manner. Our initial analysis is that the 'catchment or freshwater management unit' based plan structure provides flexibility to accommodate this approach, but changes would be required to the region-wide structure to enable this approach to continue.
26. Councils should be provided with an option which allows issues to be addressed at a 'region-wide' scale, but also provides an opportunity to introduce a catchment-based framework where this is necessary to achieve community outcomes. This approach will support councils that have already commenced a staged implementation of the NPSFM, but which have chosen to adopt a 'region-wide' framework to 'hold the line' on water quality, until catchment planning processes can be initiated.
27. Environment Canterbury considers the 'theme' based plan structure does not encourage holistic or integrated management of resources. If this plan option is retained Environment Canterbury makes the following comments:
 - Themes should be constructed in a way that encourages horizontal integration (i.e. a plan structure that 'looks across' topic areas to consider the relationships between topic areas).
 - Themes should be identified in a consistent manner. The draft Standard uses a mix of approaches, whereby some themes are resource based (e.g. water, land) and some themes are value-based (e.g. historic heritage). This inconsistent approach to theme identification will create challenges to implementation of the standard. Councils will be required to make value-based judgements as to where to best include provisions that have relevance to multiple themes.

Regional Policy Statement Standard

Recommendations

28. Environment Canterbury **recommends** an amendment to the chapters to provide for a specific chapter on management of urban growth and integration of development and infrastructure.

Commentary

29. The proposed approach to separate out 'land' and 'infrastructure' would be to the detriment of the integrated approach which we have developed with our district councils. It is also a poor fit with the integrated approach required by the National Policy Statement for Urban Development Capacity.
30. Regional councils play an important role in setting policies which manage urban growth, encourage the development of a range of housing types, promote high quality urban design and ensure that growth is well serviced with efficient and sustainable infrastructure. Under the proposed structure for a regional policy statement, these policies would be split

between the 'Land' chapter, and the 'Infrastructure and Energy' chapter. We consider these policies should be dealt with holistically, in a clearly identifiable chapter which deals with urban growth, or at least that this should be allowed as an option.

31. We consider that the 'Land' chapter should be retained to cover soils, contaminated land and any other relevant topics. The "Infrastructure and Energy" chapter should also be retained to cover aspects of these topics that are not specifically related to managing urban growth.
32. We also note that the standard for 'Introduction and General Provisions' contains elements which appear to be mandatory, but which are not relevant to a regional policy statement, for example Table 9 for designations and heritage orders, and Table 15 for national environmental standards. The suite of standards should be reviewed to clarify which requirements are mandatory for plans and which for regional policy statements.

Provision of Electronic Copies of All Previous Plans

Recommendations

33. Environment Canterbury **recommends** that the requirement to make all plans electronically available be amended to apply only to those operative on the date when this Planning Standard is gazetted. Councils with fewer plans under the RMA may choose to provide a full record, but it should not be compulsory.

Commentary

34. While useful in principle, we consider the benefits of making all Environment Canterbury RMA plans developed since 1991 available electronically are unlikely to outweigh the costs of undertaking this exercise.
35. The draft Standards are unclear on whether this requirement applies only to plans prepared under the RMA, or whether it is intended to include transitional plans which had effect under the RMA. If it is the latter, this will be particularly difficult for Environment Canterbury to achieve, given that there have been a number of transitional plans applying for various periods after the RMA was enacted.
36. Regardless of whether the requirement includes transitional plans or not, we consider the work involved in recompiling a complete record of plan versions from 1991 to the present day would be out of proportion to the benefits it would provide for the public.

Hyperlinks Between Regional and District Rules

Recommendations

37. Environment Canterbury **recommends** that this requirement be rewritten to clarify that cross-references between regional and district plans are required only where there are clear overlaps or duplications in the rules, and that they are provided by councils as a prompt for plan users, not as a statutory mechanism for determining what consents are required.

Commentary

38. Environment Canterbury acknowledges the intentions behind this requirement, as it will help alert plan users to potential overlaps between regional and district rules. There are some areas which are commonly controlled by rules at both regional and district level, for example, clearance of riparian vegetation and earthworks adjacent to waterways. These types of overlapping rules are relatively simple to identify and cross-reference.
39. However, this part of the Standard is very broadly drafted, and if interpreted widely could require significant work trying to cross-reference regional plans with, in Canterbury's context, 10 district plans. It may also carry significant legal risks if applicants come to rely on the cross-references to confirm whether or not consents are required from another council.

Ability for Users to Query Rules Electronically

Recommendations

40. Environment Canterbury **recommends** that the requirement to provide an electronic search function for rules applying to a particular property or a particular activity not be applied to regional councils. The breadth of activities addressed by regional plans is such that for any property a significant number of rules are likely to have relevance. Providing all these rules to an end user would be of limited benefit and may increase confusion for the user.

Commentary

41. This functionality is already being provided on a property basis by several district councils. This is feasible at a district level, as the rules are constructed around discrete zones. We understand that this functionality has not yet been shown to be feasible on a regional basis, and our initial testing as part of our ePlan project shows that it is not achievable with our current plan structure and layout.
42. For example, a single property may be subject to a majority of the regional rules in the region-wide section of the Land and Water Regional Plan, a number of rules in a sub-regional chapter of the Land and Water Regional Plan, the majority of rules in the Canterbury Air Regional Plan, plus potentially rules in the Regional Coastal Environment Plan. This would be several hundred rules in total and delivering this bundle of rules electronically would not provide any clear benefits to the user.
43. The option of being able to search for all the rules that apply to a particular *activity* may be feasible, but to our knowledge it has not been demonstrated to be feasible by any regional council. If it is feasible, delivering this functionality in a legally robust way (i.e. in a way that a customer can rely on) is likely to be very costly.

Minor points

Draft Status of Rules and Other Text and Numbering Form Standard	
<p>We request the omission of the word ‘provisions’ and insertion of the word ‘rules’ in its place.</p>	<p>Sections 2 and 3 of the Numbering Form Standard instruct councils to include an explanation in their plan of the legal status of provisions. Section 86B of the RMA, which sets out when a rule in a proposed plan has legal effect, only applies to rules and does not apply to provisions generally.</p>
<p>We request the standard remove the requirement for objectives to be numbered according to the relevant zone, topic or spatial planning number.</p>	<p>Section 12 (Objectives) instructs councils to number the Objectives in a Plan according to the ‘relevant zone, topic, or spatial planning tool number’ and requires an abbreviation for the ‘objective’. The example given in the instruction is:</p> <p style="padding-left: 20px;">An objective in the Natural Hazards Section of the Environmental Risks chapter of a district plan NH-01</p> <p>The draft Regional Plan Standard provides Councils the option of preparing a single set of over-arching objectives, instead of ‘theme’ based objectives. Given this point the Standard should not require the use of abbreviations that require reference to a specific objective.</p>
Draft Regional Policy Statement Structure Standard	
<p>We request that the standard clarifies how ‘special’ topics should be integrated into the proposed RPS chapters, and / or provide separate chapter headings for them.</p>	<p>The Regional Policy Planning Standard provides for nine separate ‘theme-based’ chapters in a set order, with the ability to add chapters to cover ‘special topics’. As noted earlier, the RPS Standard does not provide for a land use and infrastructure chapter. It will also require changes to the current CRPS chapters with introductory information, and the chapters covering Ngāi Tahu.</p> <p>This Standard does not specifically provide for the current CPRS chapters on Beds of Rivers and Lakes; Waste Minimisation and Management; Soils; Contaminated Land; Hazardous Substances; or Natural Hazards</p> <p>We assume the intention is for these topics to be dealt with in either the “Land” chapter or the “Environmental Risk” Chapter, but this is not explicit.</p>

Appendix 1: Recommended amendments to the Draft Definitions Standard

Requested amendments to proposed definitions in the draft Definitions Standard. Requested changes are shown in strikethrough and underline

Number	Definition (with tracked changes)	Reason
1.	<p>Aquifer <i>Means a permeable geological formation, group of formations, or part of a formation, <u>beneath the ground, that is</u> capable of receiving, storing, transmitting and yielding water.</i></p>	<p>The definition should be constrained to only water <u>below</u> the ground surface. The definition as proposed includes water stored in all forms, both below and above ground (e.g. lakes, rivers, artificial reservoirs).</p>
2.	<p>Ancillary activity <i>Means an activity that either provides support to, or is incidental and subsidiary to, the primary activity. on the same site.</i></p>	<p>The phrase ‘on the same site’ should be omitted as this phrase is not appropriate where the term is used in a regional plan. Activities in a regional plan often occur across more than one site.</p>
3.	<p>Bed <i>Means —</i> ... <i>(a) in relation to any river,</i> ... <i>(ii) <u>in all other cases, the area defined as ‘bed’ in a relevant regional plan; and in all other cases, the space of land which the waters of the river cover at its fullest flow without overtopping its banks; and</u></i></p>	<p>The definition adopts the definition of ‘bed’ in Section 2 of the RMA. Environment Canterbury has experienced significant challenges in enforcing and applying the RMA definition to Canterbury’s braided river systems, due to these rivers being characterised by multiple divergent channels, variable flows, and ill-defined banks.</p> <p>Environment Canterbury recognises that providing a definition of the extent of the ‘bed’ of a river is necessary to enable clarity on the expectations and regulations that apply to activities in the ‘bed’. For this reason, the Council has undertaken a project to define the edge of Canterbury’s braided river systems using a combination of methods including detailed river modelling, historic aerial maps, and consultation with communities.</p> <p>Environment Canterbury intends to use this information to prepare a set of Planning Maps that define the extent of the ‘bed’ of Canterbury’s braided</p>

		<p>river systems. This information will be incorporated into the Canterbury Land and Water Regional Plan, via a plan change notified in mid-2019.</p> <p>The requested amendment allows an alternative to the RMA definition of 'bed' where this has been otherwise defined in a regional plan.</p> <p>We note the draft Standard proposes alternatives to terms used in the RMA, where it is appropriate to do so. An example is the definition of 'structure' in the Standard which proposes alternative wording to that used in the Act. We agree this a practical and pragmatic approach and support the use of alternatives to RMA definitions.</p>
4.	<p>Bore (a) Means any hole constructed into the ground that is used to – (i) Investigate or monitor conditions below the ground surface; or (ii) Abstract liquid substances from the ground; or (iii) Discharge liquid substances into the ground; but (b) It does not include test pits, and soak holes, lysimeters, trenches used for dewatering, or well-pointing devices</p>	<p>A range of other temporary devices should be excluded from the definition to ensure these devices are not unintentionally captured</p>
5.	<p>Fertiliser (a) Means any substance, or biological <u>or chemical</u> compound that is- (i) applied to plants or soils, whether in solid or liquid form; and (ii) <u>promotes</u>, supports, or sustains the growth, productivity or quality of soils, plants or, indirectly, animals; but</p>	<p>Both biological and chemical compounds should be provided for within the definition of fertiliser. In addition, the word 'promote' should be inserted to accommodate circumstances where fertilisers are added to soils to promote germination.</p>

	(b) but does not include livestock and human effluent, or pathogens.	
6.	<p>Greywater Means untreated liquid waste <u>water</u>, from sources such as households sinks, basins, baths, showers and or similar appliances fixtures. It but does not include any sewage, <u>trade wastes or discharges from industrial activities</u>.</p>	<p>The term 'household' should be omitted to ensure the definition is relevant to greywater generated from non-domestic sources (e.g. industrial and commercial properties).</p> <p>The term 'fixtures' should replace the term appliances as this more appropriately describes the greywater source.</p> <p>Trade wastes and industrial discharges should be excluded from the definition as these waste sources typically contain other types of contaminants.</p>
7.	<p>Groundwater Means water occupying openings, cavities, or spaces in soils or rocks under the surface of the land <u>within the saturated zone</u>.</p>	<p>All land underlying the ground surface contains water at various points in time, e.g. after irrigation and after rainfall events.</p> <p>The proposed phrase distinguishes water that is present in the ground surface following periodic irrigation/rainfall events, and water that is continually present in the saturated zone as a result of a high water table or aquifer.</p>
8.	<p>Height [in relation to a district plan] Means the vertical distance between ground level at any point and the highest part of the structure immediately above that point.</p> <p>Height [in relation to a regional plan or policy statement or a combined plan that includes a regional plan or regional policy statement] — means the vertical distance between the highest part of a structure and a reference point. The</p>	<p>A single definition of height for both regional and district plans is more appropriate, ensures consistency between regional and district plan documents, and reduces complexity.</p> <p>The proposed definitions introduce elements that relate to the term's application. Height is simply a vertical distance between two points and the definition should be constrained to solely this point.</p> <p>Constraining the definition of 'height' to a vertical distance that is relative to a <u>structure</u> is inappropriate. Policies and rules in regional plans use the</p>

	<p>reference point outside the coastal marine area is ground level unless otherwise stated in a rule. The reference point inside the coastal marine area is mean sea level.</p> <p>Height [in relation to boundary] Means the maximum height of a structure relative to its distance from the boundary of a site or other specified location.</p> <p>Height <u>Means the vertical distance measured between two reference points.</u></p>	<p>term 'height' in relation to a range of different receptors. For example, rules in regional plan may require a certain 'height' of vegetation to be maintained for ecological purposes.</p> <p>For these reasons we request replacing the three proposed definitions with a single definition as shown.</p>
9.	<p>Industrial activity Means an activity for the primary purpose of— (a) manufacturing, fabricating, processing, packing, storing, maintaining, or repairing goods; or (b) research laboratories used for scientific, industrial or medical research; or (c) yard-based storage, distribution and logistics activities; or (d) any training facilities for any of the above activities.</p>	<p>The definition of industrial activity inappropriately constrains the definition to only the activities listed. This is inconsistent with the definition of 'industrial or trade process' contained in the RMA which anticipates a much broader range of activities.</p> <p>The definition should be omitted and the RMA terms 'industrial or trade premises' and 'industrial or trade process' relied on to manage these types of activities.</p>
10.	<p>Intensive primary production Means primary production activities that involve the production of fungi, livestock or poultry that principally occur within buildings.</p>	<p>Intensive primary production activities occur both indoors and outdoors and include a range of activities broader than those listed in the definition.</p> <p>Further, in recognition of the different effects these activities give rise to (and the need for different Planning responses), regional plans often need separate definitions of 'intensive pig farming' 'intensive poultry farming' and 'intensive outdoor farming' to manage the effects of the activities.</p>

		<p>We request the definition is omitted, and where necessary regional plans insert their own definitions to manage these activities.</p>
	<p>Landfill Means the use, or the previous use, of land for the primary purpose of the disposal of waste. <u>Means a site used for, or previously used for, the disposal and deposition of solid waste material into land</u></p>	<p>The definition defines the term 'landfill' by reference to the land's intended use (i.e. the term is defined in the context of a verb). However, for regional plans it is more appropriate to define the term as a noun as shown.</p> <p>The term 'deposition' should be included to convey that a key element of the definition is the burying of material. The term 'waste' should be constrained to 'solid waste material' to more appropriately reflect the characteristics of the material, and to ensure other liquid wastes (e.g. effluents) are not captured by the definition.</p>
<p>11.</p>	<p>Primary Production (a) means any agricultural, pastoral, horticultural, forestry or aquaculture activities for the purpose of commercial gain or exchange; and (b) includes any land and auxiliary buildings used for the production of the products that result from the listed activities; but (c) does not include processing of these products</p> <p>or in the alternative:</p> <p>Primary Production (a) means any agricultural, pastoral, horticultural, forestry or aquaculture activities for the purpose of commercial gain or exchange; and</p>	<p>The definition in the standard has considerable overlap with definition of 'production land' in the RMA. We request the omission of the definition.</p> <p>In the alternative, if the definition is retained we request the phrase 'for the purpose of commercial gain or exchange' is omitted. This phrase inappropriately constrains the definition and would preclude the council from regulating primary production activities that give rise to adverse environmental effects, but which are not carried out for the purpose of commercial gain (e.g. farming activities on lifestyle blocks). If the definition is retained the exclusion in clause (c) needs to apply to both clauses (a) and (b) of the definition. For this reason, the definition should be formatted as shown.</p>

	<p>(b) includes any land and auxiliary buildings used for the production of the products that result from the listed activities; but <u>but</u> does not include processing of those products</p>	
12.	<p>Quarry Means an area of land where the excavation <u>or extraction</u>, with or without the processing, of minerals and other solid natural substances occurs.</p>	<p>The term 'extraction' should be inserted so the definition applies to substances and material that are extracted but not excavated.</p>
13.	<p>Reclamation Means the infilling of any part of a waterbody, bed of lake or river or part of a waterbody or coastal marine area, to create permanent land, and includes any embankment or causeway, but does not include beach re-nourishment or any deposition of material or infilling that is not permanent.</p> <p><u>Means the creation of permanent land by deposition of infill or other material onto the bed of a lake or river or coastal marine area.</u></p>	<p>The proposed definition uses terms that are undefined and poorly understood by the general public (e.g. beach re-nourishment). We recommend changes to simplify the definition and improve comprehension.</p>
	<p>Residential activity Means the use of land and buildings by people for the primary purpose of living accommodation.</p>	<p>The proposed definition is inconsistent with the definition of 'residential activity' used in s95A(6) of the RMA. To avoid inconsistency with that definition we request the term is omitted, or in the alternative another term is used (e.g. residential use).</p>
14.	<p>Reverse Sensitivity means the potential for the operation of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment or alternation of another a new or proposed activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by the existing activity.</p>	<p>The suggested changes would improve clarity of the definition.</p>

15.	<p>Sewage Means any water containing human faecal matter and urine that contains any toilet or urinal waste, or any waste in water from industrial or commercial purposes.</p>	<p>The definition should describe the contaminants rather than the source of the waste. Industrial or commercial waste streams should be excluded as contaminants present in industrial or trade process wastes are not the same as 'sewage'.</p>
16.	<p>Sign (a) Means any device, character, structure, graphic, or display (including electronic displays), whether temporary or permanent, used to communicate or advertise information to the public, that is visible from beyond the site boundary, for the purposes of— (i) Identification of and provision of information about any activity, site or structure; (ii) Providing directions; (iii) Promoting goods, services or forthcoming events; and (b) Includes the frame, supporting device and any associated ancillary equipment whose principal function is to support the message or notice; and (c) May be two or three dimensional, and manufactured, painted, written, printed, carved, embossed, inflated, projected onto, or fixed, or attached to, any structure or natural object; and (d) May be illuminated by an internal or external light source.</p>	<p>The definition would benefit from simplification as shown. It is more appropriate to describe the term generally rather than attempt to describe all the types of 'sign' that may exist.</p>
17.	<p>Small scale renewable electricity generation Means renewable electricity generation <u>of electricity from solar, wind, hydro-electricity, geothermal, biomass, tidal, wave, or ocean current energy sources, which does not exceed a power rating of an output of 20kW.</u></p>	<p>The requested amendments define the phrase 'renewable electricity generation'. The requested changes reflect that used in the National Policy Statement for Renewable Electricity Generation 2011.</p>

18.	<p>Stormwater <i>Means <u>run-off water and entrained contaminants arising from natural precipitation (including any contaminants it contains) that flows over land or on the external surface of any structures or land modified by human action. (including in a network), to a waterbody or the coastal marine area.</u></i></p>	<p>The definition needs to convey that 'stormwater' is the run-off generated from precipitation on structures and land, and not the precipitation itself. The definition should be limited to describing the elements that comprise stormwater and should be silent in respect of the discharge point (be it land, surface water, a wetland, a reticulated network or the coastal marine area).</p>
19.	<p>Swale <i>Means <u>an grassed or vegetated watercourse designed, formed and constructed to treat and convey stormwater area of land that has been shaped to allow a watercourse to form during stormwater collection</u></i></p>	<p>The definition should describe the key components of a swale and its purpose; that being that it is a grassed or vegetated watercourse used for treatment and conveyance of stormwater.</p>
20.	<p>Wastewater <i>Includes <u>Means sewage, and greywater, and excludes stormwater, processing wastes, and other wastes from other industrial, commercial or trade activities.</u></i></p>	<p>The definition should exclude contaminants and sources as shown.</p>
21.	<p>Water sensitive design <i>Means an interdisciplinary approach to land use and development planning, design and implementation which integrates land use and water management, to minimise adverse effects on freshwater system and coastal environment, particularly from storm water runoff.</i></p>	<p>The proposed definition serves no useful purpose and should be omitted. In particular, the last part of the definition 'particularly from stormwater run-off', inappropriately constrains the application of the term.</p>
22	<p>Wetland <i>Includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. <u>It excludes wet exotic pasture, artificial reservoirs and artificial systems used to treat, collect or dispose of stormwater or wastewater.</u></i></p>	<p>The RMA definition of 'wetland' is broad and captures a range of artificially created systems that provide 'wetland' benefits but which have been constructed for other purposes (e.g. stormwater collection). The exclusion of wet exotic pasture is necessary to exclude pastoral environments from the definition.</p>

Appendix 2: Recommended amendments to Table 26 of the Draft Chapter Form Standard

Table 26: Rule table

<p>Insert unique rule number in format required by the F-6: Status of Rules and Other Text and Numbering Form Standard</p>	<p>Insert rule title in bold text</p>	
<p>This cell is to be used where rules are applied on an area specific basis (ie, zones or to spatial planning tools)</p> <p>If required, insert name of relevant spatial planning tool/s</p> <p>Or</p> <p>If required insert name of relevant zone/s xx zone or all zones</p>	<p>This cell is required for permitted activities</p> <p>Activity status: Insert activity status. If abbreviated use a mandatory abbreviation</p> <p>Where: Insert rule descriptor <u>Describe the scope of the activity to which the rule relates</u></p> <p>1 insert rule detail</p> <p>2 insert rule detail</p> <p>3 insert rule detail.</p> <p>Where this activity complies with the following <u>conditions rule requirements</u>:</p> <p>1 insert reference to rule requirement/s. <u>insert rule conditions.</u></p>	<p>This cell is required for permitted activities if the rule includes rule requirements.</p> <p>Activity status when compliance <u>with the rule/ condition number [choose relevant option] is not achieved:</u> Insert activity status. If abbreviated use a mandatory abbreviation.</p> <p>(Use for C activities)</p> <p>Matters over which control is reserved:</p> <p>1 insert matter</p> <p>insert matter.</p> <p>(Use for RD activities)</p> <p>Matters of discretion are restricted to:</p> <p>1 insert matter</p> <p>2 insert matter.</p> <p><u>Where the status of an activity (e.g. controlled, restricted discretionary, non-complying or prohibited) depends on the condition of the rule that is contravened,</u></p>

		<p><u>include any other relevant activity classifications here.</u></p> <p>Notification: Insert notification detail, if any. <u>If notification requirements or restrictions do not apply do not include this section.</u></p>
	<p>This cell is required for controlled activities</p> <p>Activity status: Insert activity status. If abbreviated use a mandatory abbreviation.</p> <p>Where: <u>Insert rule descriptor Describe the scope of the activity to which the rule relates</u></p> <p>1 <u>insert rule detail</u></p> <p>2 <u>insert rule detail</u></p> <p>3 <u>insert rule detail.</u></p> <p>Where this activity complies with the following <u>conditions rule requirements:</u></p> <p>1 <u>insert reference to rule requirement/s. insert conditions.</u></p> <p>Notification: Insert notification detail, if any. <u>If notification requirements or restrictions do not apply omit this section.</u></p>	<p>This cell is required for controlled activities if the rule includes rule requirements</p> <p>Activity status when compliance <u>with the rule/ condition number [choose relevant option] is not achieved:</u> Insert activity status. If abbreviated use a mandatory abbreviation. (Use for RD activities)</p> <p>Matters of discretion are restricted to:</p> <p>1 insert matter</p> <p>2 insert matter.</p> <p><u>Where the status of an activity (e.g. controlled, restricted discretionary, non-complying or prohibited) depends on the condition of the rule that is contravened, include any other relevant activity classifications here.</u></p>

<p><u>Matters over which control is reserved:</u></p> <ol style="list-style-type: none"> <u>insert matter</u> <u>insert matter</u> 	<p>Notification: Insert notification detail, if any. <u>If notification requirements or restrictions do not apply omit this section.</u></p>
<p>This cell is required for restricted discretionary activities.</p> <p>Activity status: Insert activity status. If abbreviated use a mandatory abbreviation.</p> <p>Where: <u>Insert rule descriptor Describe the scope of the activity to which the rule relates</u></p> <ol style="list-style-type: none"> <u>insert rule detail</u> <u>insert rule detail</u> <u>insert rule detail.</u> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <u>insert matter</u> <u>insert matter.</u> <p>Where this activity complies with the following <u>conditions rule requirements:</u></p> <ol style="list-style-type: none"> <u>insert reference to rule requirement/s. insert conditions.</u> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <u>insert matter</u> 	<p>This cell is required for restricted discretionary activities if the rule includes rule requirements.</p> <p>Activity status when compliance not achieved: Insert activity status. If abbreviated use a mandatory abbreviation.</p> <p><u>Where the status of an activity (e.g. controlled, restricted discretionary, non-complying or prohibited) depends on the condition of the rule that is contravened, include any other relevant activity classifications here.</u></p> <p>Notification: Insert notification detail, if any. <u>If notification requirements or restrictions do not apply omit this section.</u></p>

<p>2 insert matter.</p> <p>Notification: Insert notification detail, if any.</p>	
<p>This cell is required for discretionary activities.</p> <p>Activity status: Insert activity status. If abbreviated use a mandatory abbreviation.</p> <p>Where: Insert rule descriptor Describe the scope of the activity to which the rule relates</p> <p>1 insert rule detail</p> <p>2 insert rule detail</p> <p>3 insert rule detail.</p> <p>Where this activity complies with the following conditions rule requirements:</p> <p>1 insert reference to rule requirement/s; insert conditions.</p> <p>Notification: Insert notification detail, if any. If notification requirements or restrictions do not apply omit this section.</p>	<p>This cell is required for discretionary activities if the rule includes rule requirements.</p> <p>Activity status when compliance with the rule/ condition number [choose relevant option] is not achieved: Insert activity status. If abbreviated use a mandatory abbreviation.</p> <p>Where the status of an activity (e.g. controlled, restricted discretionary, non-complying or prohibited) depends on the condition of the rule that is contravened, include any other relevant activity classifications here.</p> <p>Notification: Insert notification detail, if any. If notification requirements or restrictions do not apply omit this section.</p>
<p>This cell is required for non-complying activities.</p> <p>Activity status: Insert activity status. If abbreviated use a mandatory abbreviation.</p>	<p>This cell is required for non-complying activities if the rule includes rule requirements.</p> <p>Activity status when compliance with the rule/ condition number [choose relevant option] is not achieved: Insert</p>

<p>Where: Insert rule descriptor Describe the scope of the activity to which the rule relates</p> <ol style="list-style-type: none"> 1 insert rule detail 2 insert rule detail 3 insert rule detail. <p>Where this activity complies with the following <u>conditions rule requirements:</u></p> <ol style="list-style-type: none"> 1. insert reference to rule requirement/s. insert conditions. <p>Notification: Insert notification detail, if any. <u>If notification requirements or restrictions do not apply omit this section.</u></p>	<p>activity status. If abbreviated use a mandatory abbreviation.</p> <p><u>Where the status of an activity (e.g. controlled, restricted discretionary, non-complying or prohibited) depends on the condition of the rule that is contravened, include any other relevant activity classifications here.</u></p> <p>Notification: Insert notification detail, if any. <u>If notification requirements or restrictions do not apply omit this section.</u></p>
<p>This cell is required for prohibited activities.</p> <p>Activity status: Insert activity status, if abbreviated use a mandatory abbreviation.</p> <p>Where: Insert rule descriptor Describe the scope of the activity to which the rule relates.</p> <ol style="list-style-type: none"> 1 insert rule detail <p>insert rule detail</p> <p>insert rule detail.</p>	

Supporting commentary to recommended changes to Table 26 of the Draft Chapter Form Standard:

1. Column 2 of Table 26:

- (a) the 'where' section of the rule should be used to describe the scope of the activity to which the rule relates. This would be better described in narrative form rather than as a list, as it will more easily enable a conversion of narrative-based rules.
- (b) the references to 'rule requirements' should be omitted and instead replaced with 'conditions'. This reflects the language typically used in district and regional plans and is more readily understood by plan users.
- (c) the sections titled 'matters of which control is reserved' or 'matters of which discretion is restricted' should be relocated below the section titled 'where this activity complies with the following conditions'. From a plan user perspective, it makes logical sense to first read the 'entry' conditions to the rule, before then reading the matters of control/discretion.
- (d) the notification restrictions should be optional in recognition that restrictions or requirements will not always apply.

2. Column 3 of Table 26:

- (a) the section titled 'activity status when compliance is not achieved' should be amended to enable the plan drafter to specify the condition of the rule that is contravened. In addition, the ability to include other activity classifications needs should be provided for. Both of these points recognise that the classification of an activity will depend on the condition of the rule that is contravened.