

WAIKATO DISTRICT COUNCIL

Hearings of Submissions on the Proposed Waikato District Plan

Report and Decisions of Independent Commissioners

Decision Report 30: Definitions

17 January 2022

Commissioners

Dr Phil Mitchell (Chair)

Mr Paul Cooney (Deputy Chair)

Mr Dynes Fulton

Ms Linda Te Aho

Ms Jan Sedgwick

Ms Janet Gibb

Mr Weo Maag

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1 Introduction

1. Definitions are important to the interpretation of provisions in the Proposed Waikato District Plan (PDP). Chapter 13: Definitions of the PDP sets out how certain terms used in the PDP are to be interpreted and applied.

2 Hearing Arrangements

2. The hearing on this topic was held on 10 December 2019 in Council Chambers at Ngaruaawaahia. All of the relevant information pertaining to this hearing (i.e., section 42A report, legal submissions and evidence) is contained on the Waikato District Council's (Council) website.
3. We heard from the following parties with respect to definitions:

Submitter	Attendee at the hearing
Council	Anita Coplestone and Megan Yardley (joint authors of the section 42A report on Definitions)
Combined Poultry Group	Pervinder Kaur (legal counsel)
TaTa Valley Limited	Ailsa Fisher
New Zealand Steel Holdings Limited	Sarah McCarter
Kāinga Ora – Homes and Communities	Daniel Sadlier (legal counsel) Matt Lindenberg (planning)
Greig Metcalfe	Bevan Houlbrooke
Horticulture New Zealand	Vance Hodgson
Ports of Auckland Limited	Mark Arbuthnot
Whaingaroa Raglan Affordable Housing Project	Fiona McNabb
Perry Group	Aaron Collier

Middlemiss Farm Holdings Limited	Peter Fuller (legal counsel) Shane Hartley (planning)
Auckland / Waikato Fish and Game Council	Benjamin Wilson
Ethan Findlay	In person
NZTA Operations	Sam Hutchings

4. Evidence was tabled from the following submitters:
- a. John Manning on behalf of Planman Consultants Limited;
 - b. Ms Natalie Webb on behalf of Firstgas Ltd;
 - c. Michael Briggs on behalf of Rangitahi Limited;
 - d. Carolyn McAlley on behalf of Heritage New Zealand Pouhere Taonga;
 - e. Sean Grace on behalf of Department of Corrections;
 - f. Anna McLellan on behalf of Hynds Foundation;
 - g. Keith Frentz on behalf of Ministry of Education;
 - h. Pam Butler on behalf of KiwiRail;
 - i. Lisette Balsom on behalf of Waikato Regional Council;
 - j. Tanya Running on behalf of Waka Kotahi New Zealand Transport Agency;
 - k. Pauline Whitney on behalf of Transpower New Zealand Ltd;
 - l. Karleen Broughton on behalf of WEL Networks Limited;
 - m. Adam du Fall on behalf of Powerco Limited;
 - n. Karen Blair on behalf of The Oil Companies;¹
 - o. Hilary Walker on behalf of Federated Farmers of New Zealand;
 - p. Bridget Murdoch on behalf of Counties Power;
 - q. Nick Roberts on behalf of T&G Global Limited; and
 - r. Alec Duncan on behalf of Fire and Emergency New Zealand.

3 Overview of issues raised in submissions

5. Ms Coplestone and Ms Yardley set out in the section 42A report the full list of submissions received by Council pertaining to definitions. Over 300 submission points were received on definitions, and around 160 definitions or terms were considered in the section 42A report. Broadly, the relief sought by the submissions fell into one or more of the following categories:

¹ Comprising Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil NZ Ltd.

- a. Submissions requesting that the National Planning Standards definitions be adopted now through this plan review process;
 - b. Submissions expressing support for definitions as notified;
 - c. Requests for amendments or deletion of proposed definitions in Chapter 13;
 - d. Requests for rationalisation of definitions, especially for terms which are largely synonymous;
 - e. Requests for new terms to be defined, often to support a request for new rules; and
 - f. Requests for definitions in the Operative District Plan to be carried forward into the PDP.
6. In response to these submissions, Ms Coplestone and Ms Yardley recommended a number of amendments and additions to the definitions.

Overview of evidence

7. Ms Pervinder Kaur filed legal submissions on behalf of the Combined Poultry Industry on a number of terms with relevance to the poultry industry:
- a. Farming - She considered that the proposed definition of 'farming' does not currently include ranging poultry as livestock due to the requirement to use in-situ soil, water and air. She considered that ranging poultry should be included within the definition and the requirement to use in-situ soil to be deleted.
 - b. Intensive farming – This definition currently includes activities in an outdoor enclosure, but she considered that intensive farming operations that use outdoor enclosures should be excluded from this definition, and instead be considered as farming.
 - c. Poultry hatcheries – She sought inclusion of a definition for 'poultry hatcheries' in the PDP as it is a different activity to poultry farming.
 - d. Industrial activity – She sought inclusion of poultry hatcheries in this definition.
8. Mr Shane Hartley filed evidence on behalf of Middlemiss Farm Holdings Ltd. He sought inclusion of a number of terms which supported the submitter's request to introduce incentivised subdivision into the PDP.
9. Mr John Manning filed a letter accepting that the rural definitions he had an interest in are to be addressed in the Rural Zone hearing, including 'animal feed lot', 'intensive farming', 'farming' and 'rural contractors yard / depot'.
10. Ms Natalie Webb filed evidence on behalf of Firstgas Ltd and supported replacement of the terms 'operational need' and 'functional need' with the National Planning Standards definitions. She supported the retention of the definition for 'utility allotment' as notified.
11. Mr Ben Wilson prepared evidence on behalf of Auckland / Waikato Fish and Game Council and sought inclusion of a definition for 'maimai'. He also expressed support for

inclusion of the terms 'lake', 'river', 'water' and 'water body', as recommended in the section 42A report.

12. Mr Michael Briggs filed evidence on behalf of Rangitahi Ltd and addressed a number of definitions relevant to the development of Rangitahi Peninsula, including Rangitahi commercial activity and Rangitahi integrated development. He expressed support for the section 42A report recommendations to retain the definition of 'childcare facilities' with minor changes, as well as the rationalisation of community activities into a single term.
13. Ms Ailsa Fisher filed evidence on behalf of TaTa Valley Limited and expressed support for incorporating the Definitions section of the National Planning Standards into the PDP through the plan review process. She provided evidence on:
 - a. Rural definitions, including 'primary production' and 'productive rural activities';
 - b. Workers' accommodation;
 - c. Noise sensitive activities;
 - d. Commercial activity;
 - e. Visitor accommodation;
 - f. Outdoor recreation; and
 - g. Entertainment activity.
14. Ms Carolyn McAlley filed evidence on behalf of Heritage New Zealand Pouhere Taonga (HNZPT). While the submission of HNZPT supported the notified definition of 'earthworks', she accepted the use of the National Planning Standards definition for 'earthworks' and retains an interest in other related activities such as 'cultivation' and 'ancillary earthworks' within a Maaori Site or Area of Significance.
15. Ms Sarah McCarter filed evidence on behalf of New Zealand Steel Holdings Ltd (NZ Steel) and focused on the rationalisation of three definitions covering mineral extraction into a single defined term 'extractive activity' which accurately described the range of activities. She did not support retaining a definition for 'overlay' or 'reverse sensitivity'. She sought recognition of mineral extraction in the definition of 'productive rural activity'.
16. Mr Sean Grace prepared evidence on behalf of Department of Corrections and addressed a number of definitions relevant to the responsibilities of the Department, including 'community corrections activity', 'community activity', 'correctional facility' and various forms of residential accommodation. He supported the use of terms that feature in the National Planning Standards.
17. Mr Daniel Sadlier filed legal submissions on behalf of Kāinga Ora – Homes and Communities (Kāinga Ora) whilst Mr Matt Lindenberg presented planning evidence on behalf of Kainga Ora. Mr Lindenberg expressed support for Council's approach to align the definitions of the PDP with the National Planning Standards. He did not support

Council's approach to limit the alignment only to those definitions that have received a submission. His evidence addressed a number of defined terms relevant to building and development.

18. Mr Bevan Houlbrooke prepared evidence on behalf of Grieg Metcalfe and sought inclusion of a number of additional terms that he considered should be defined. The additional terms were focused on wastewater systems, aircraft activities and real estate signage. He supported the inclusion of definitions as recommended by the section 42A report, including 'identified area', 'boundary adjustment', 'community-scale wastewater treatment plant'; and 'real estate sign'.
19. Mr Bill Loutit filed legal submissions on behalf of Hynds Foundation and addressed the definition of 'industrial activities' and definitions associated with reverse sensitivity. Ms Anna McLellan filed planning evidence on behalf of Hynds Foundation and supported the section 42A report recommendation to replace the notified version of 'industrial activities' with the National Planning Standards.
20. Mr Vance Hodgson prepared evidence on behalf of Horticulture New Zealand and addressed a number of definitions, mostly concerned with rural activities. He supported the use of National Planning Standards definitions where appropriate.
21. Mr Keith Frentz filed evidence on behalf of Ministry of Education and supported replacing the PDP term with 'educational facilities' as defined in the National Planning Standards. He sought deletion of the term 'childcare facilities' to ensure that the full range of activities that may be provided at an educational facility are recognised in the definition of educational facilities'. He also sought enabling activity status for educational facilities in most of the zones.
22. Mr Mark Arbuthnot provided evidence on behalf of Ports of Auckland Limited and addressed a range of definitions associated with industrial activities and workers accommodation. He supported:
 - a. the inclusion of certain definitions from the Definitions List of the National Planning Standard;
 - b. the retention of the definitions of 'hazardous substances', 'heavy vehicle' and 'impervious surface' as notified;
 - c. the recommended definition of 'identified area'; and
 - d. the section 42A recommendation not to include a definition of 'reverse sensitivity'.
23. Ms Pam Butler filed evidence on behalf of KiwiRail Holdings Ltd (KiwiRail) and sought inclusion of a definition for 'reverse sensitivity'. She expressed support for the section 42A report recommendation to include places of assembly as a 'noise sensitive activity', and also its recommendations to restructure the definition of 'sensitive land use'.

24. Ms Fiona McNabb filed evidence on behalf of Whaingaroa Raglan Affordable Housing Project and sought primarily to amend the Residential Zone provisions (including definitions for 'minor dwellings') to allow additional houses to be built on sites to increase access to affordable housing.
25. Ms Lisette Balsom filed a statement on behalf of Waikato Regional Council (WRC), which expressed support for the recommendations set out in the section 42A report in respect of WRC's submission.
26. Ms Tanya Running filed evidence on behalf of Waka Kotahi New Zealand Transport Agency (Waka Kotahi). Of the eighteen submission points made on definitions, she concurred with six of the recommendations made by the section 42A report authors. Specifically, her evidence addressed the definitions of 'reverse sensitivity', 'watercourse' and 'vehicle movement'.
27. Ms Pauline Whitney filed evidence on behalf of Transpower New Zealand Ltd and supported the recommendations of the section 42A report to adopt definitions from the National Planning Standards, including 'building', 'functional need' and 'operational need'. She supported the section 42A report recommendation for 'sensitive land use' and 'identified area' but opposed the recommendation not to include a definition for 'reverse sensitivity'.
28. Ms Karleen Broughton filed evidence on behalf of WEL Networks Ltd and expressed support for the section 42A report recommendations for the terms 'utility allotment' and 'building'.
29. Mr Adam du Fall filed evidence on behalf of Powerco and expressed support for the section 42A report recommendation to use the National Planning Standards definitions for 'earthworks', 'functional need', 'operational need', and 'building'.
30. Ms Bridget Murdoch tabled evidence on behalf of Counties Power Ltd and expressed support for the section 42A report recommendation to use the National Planning Standards definitions for 'earthworks' and 'building'. She also supported the recommended retention of the definition for 'utility allotment'.
31. Mr Aaron Collier filed evidence on behalf of Perry Group Limited and supported the section 42A report recommendation not to include a definition for 'reverse sensitivity'. He addressed the definition of 'sensitive land use' and considered that the various submissions seeking to include 'visitor' and 'student' accommodation are unnecessary as they are already included in accommodation. He opposed exclusions for workers' accommodation and the section 42A report recommendation to include places of assembly in the definition of 'sensitive land use'.

32. Mr Nick Roberts tabled evidence on behalf of T&G Global Limited and considered it practical to use the National Planning Standards definition of 'building'. He sought inclusion of a definition for 'workers accommodation' and an exclusion for workers' accommodation from the definition of 'sensitive land use'.
33. Ms Alec Duncan tabled evidence on behalf of Fire and Emergency New Zealand and supported the section 42A report recommendation to include definitions for 'emergency services' and 'emergency services training and management activities'.
34. Ms Hilary Walker tabled evidence on behalf of Federated Farmers of New Zealand and expressed support for the adoption of the National Planning Standards definitions.
35. Mr Duncan Cotterill filed legal submissions on behalf of Synlait Milk Ltd and expressed support for the adoption of the National Planning Standards definitions. He supported the recommendations of the section 42A report in respect of 'noise-sensitive activity' and 'sensitive land use'.
36. Ms Karen Blair tabled evidence on behalf of The Oil Companies. She supported the adoption of the National Planning Standards definitions for 'commercial activities' and 'sign'. She expressed concern that the National Planning Standards definition of 'sign' includes a very wide range of signage including, for example, signs not directed to or clearly legible to people outside of the site. She supported amendments to the sign rules to exclude signs not visible from a public place. She questioned also how the 'sign' definition manages health and safety signs, including signs required by other legislation. She considered that there was value in including a definition for 'service station' and 'cumulative risk', particularly in the context of management of hazardous substances. She supported the section 42A recommendation not to include a definition of 'reverse sensitivity' in the PDP.

4 Panel Decisions

37. Due to the very specific nature of the submissions, evidence and our decision on each term, we have, for succinctness, combined our consideration of the submissions and evidence with our findings on each definition.
38. There are a number of defined terms not addressed in this decision, and that is because they are more relevant to one of our other decisions on zones or overlays. We have addressed those defined terms in the context of the relevant decision. For example, the definition of 'Significant Natural Areas' is addressed in our decision on Significant Natural Areas as we found it more helpful to consider the provisions (including definitions) for particular topics or zones holistically.

39. We are aware that our decisions on definitions will necessitate consequential amendments to provisions elsewhere in the PDP. We have not set out those amendments here, and instead have incorporated them in our decision provisions.
40. There were a number of definitions which only attracted supporting submissions. As we have not made any amendments to those, we have not discussed them in our decision. We have also made a number of minor amendments to ensure that each definition is clear and assists in interpretation of the PDP.

National Planning Standards

41. While the PDP was notified in July 2018, the National Planning Standards only came into effect on 5 April 2019. There are 17 standards and the most relevant to this decision is Standard 14 Definitions which states:

Where terms defined in the *Definitions List* are used in a policy statement or plan, and the term is used in the same context as the definition, local authorities must use the definition as defined in the *Definitions List*.

42. If required, the Definitions List may define:
 - a. Terms that are a subcategory of, or have a narrower application than, a defined term in the Definitions List. Any such definitions must be consistent with the higher level definition in the Definitions List.
 - b. Additional terms that do not have the same or equivalent meaning as a term defined in the Definitions List.
43. There are a number of terms that are in the PDP that must be replaced by the definitions in the National Planning Standards. We note the high level of support for implementation of the National Planning Standards definition in the evidence received. A number of parties considered that the current District Plan Review process is the most opportune and efficient process for amending the definitions and plan provisions to be consistent with the Definitions Standard and we agree.
44. Given that we have decided to implement the National Planning Standards, there is no decision for us to make for those terms and we do not discuss them further in this decision.

Sites and boundaries

Allotment and Lot

45. Council's submissions sought that it would be efficient if the terms 'lot' and 'allotment' could be used interchangeably. We note that 'allotment' is defined in the National Planning Standards, while 'lot' is not. Ms Fisher on behalf of TaTa Valley Ltd

considered that to use both the terms 'lot' and 'allotment' is confusing and inconsistent with the National Planning Standards.² We agree and have deleted the term 'lot'.

Record of Title

46. We agree with the section 42A report authors that including a definition for 'Record of Title' would assist in providing clarity. We agree with the analysis and wording as recommended in the section 42A report and have included a new definition.

Rear Record of Title

47. We agree with the submission from Council that if the term is not used in the PDP, then it should be deleted. As 'Rear record of title' is not used in the PDP, we have deleted the definition.

Viable Record of Title

48. We agree with the submission from Sharp Planning Solutions Ltd that the definition is not needed and the standards included in the definition are more appropriately addressed in the rule for subdivision in the Rural Zone. We have therefore deleted the definition of 'Viable record of title'.

Boundary

49. We agree with the submission from Council and have amended the definition to refer to the boundary of 'exclusive use areas' with respect to cross-lease titles, rather than the boundary of the 'restrictive covenant.' We have not adopted the changes sought by Sharp Planning Solutions Ltd to broaden the definition to include external boundaries of cross-lease sites as it would have unintended consequences and change the application of bulk and location standards. We have been helped in this regard by the legal advice sought by Council so that the definition in relation to unit titles was fit for purpose, in particular given the definition of 'site' in the National Planning Standards. We have made a number of changes to the definition to capture the principal unit and any accessory units such as a garage.

Front, side and rear boundary

50. While Council sought inclusion of definitions for 'front', 'side' and 'rear boundary', the rules in the PDP do not differentiate between side and rear boundaries. We agree with the assessment in the section 42A report that the definitions as sought are problematic

² Statement of Evidence of Ailsa Fisher on behalf of TaTa Valley Limited, Paragraph 22.2.

in the context of the building setback rules, and do not cover all eventualities. For this reason, we have not included the additional definitions requested.

Continuous landholding

51. We agree with the assessment in the section 42A report that amending the definition by inserting reference to 'multiple' adjoining Records of Title 'in the same ownership' will provide additional clarity.

Contiguous

52. The term 'contiguous' is used in one rule in the PDP, being Rule 22.4.1.6 Conservation Lot Subdivision. Because we have deleted this rule, the definition is no longer required.

Residential accommodation

Living accommodation

53. In his evidence on behalf of Department of Corrections, Mr Grace sought inclusion of a new term 'living accommodation' which included shared accommodation forms such as emergency and refuge accommodation, accommodation for supervision staff, home detention and workers accommodation. We do not see the need for additional terms that relate to residential accommodation and have therefore rejected the request.

Dwelling and household

54. We have deleted the definition of dwelling due to overlap with the National Planning Standards term 'Residential unit'. While the Department of Corrections sought inclusion of a new defined term 'household' to cover a person or group of people who live together as a unit, we do not see the need.

Sleepout

55. The Surveying Company Ltd, Leigh Michael Shaw and Bradley John Hall sought inclusion of a definition for 'sleepout' as it was included in the Operative Waikato District Plan: Franklin section. We consider that sleepouts are adequately covered by the terms 'accessory building', and 'minor residential unit' if they are self-contained. We therefore have not included a definition for 'sleepout'.

Apartment

56. We agree with the assessment in the section 42A report that the term 'apartment' requires clarification as it is not clear if it refers to a building, or an individual unit. We have amended the term to identify that the term refers to a building, as requested by Kāinga Ora and note Mr Lindenberg's support for these amendments in his evidence.

We have also made amendments to recognise that an apartment building could have other uses along with residential, for example a ground floor in retail and upper floors in residential units where only part of the building is residential.

Multi-unit development

57. We have made a number of amendments to the definition to recognise that a multi-unit development may comprise of a range of housing types. We note Mr Lindenberg's support for these amendments in his evidence for Kāinga Ora.

Traveller's accommodation, Visitor accommodation and Homestay

58. As 'visitor accommodation' is included in the National Planning Standards definitions, we have replaced 'traveller's accommodation' with the National Planning Standard definition for 'visitor accommodation'. Ms Fisher initially considered that different types of visitor accommodation have different effects and suggested creating sub-types of visitor accommodation which can be used to differentiate activity status in the zone rules. At the hearing, she accepted the view of the section 42A report authors and concluded that it is not necessary to provide for sub-types of visitor accommodation within the definition. Given our consideration of the TaTa Valley Resort Zone and its provisions (which is the context for Ms Fisher's evidence), we see no need for additional defined terms for visitor accommodation and consider that the rules can be tailored to reflect different forms of visitor accommodation in the zone, if, and to the extent, necessary.
59. However, we consider a 'homestay' to be a sufficiently distinguishable activity to warrant its own definition. We have, therefore, retained that definition.

Workers' accommodation

60. This term is not used in the PDP, as notified, however we have made changes to the Rural Zone rules to specifically cater for workers' accommodation. We heard from Ms Fisher on behalf of TaTa Valley Ltd, Mr Vance Hodgson on behalf of Horticulture New Zealand, Mr Nick Roberts on behalf of T&G Global and Mr Mark Arbuthnot on behalf of Ports of Auckland Ltd, all of whom supported the inclusion of a definition for workers' accommodation, with each of them providing different proposed wording. For clarity, we consider that a definition would aid interpretation of the PDP. Of the versions presented to us for consideration, we prefer the wording put forward by Ms Fisher as it is succinct and clearly describes what workers' accommodation is.

Rest Home and Retirement Village

61. We agree with the submitters that the term 'rest home' is a duplication of 'retirement village', and that the terms should be rationalised into one. As 'retirement village' is a National Planning Standards term, we have used that and deleted 'rest home'.

Boarding House

62. While this term was sought by Kāinga Ora, it is only used in the context of a 'noise sensitive activity' in the PDP. Given the National Planning Standards define 'residential activity', we see no need to duplicate that by including different forms of living.

Special Housing Development

63. As this term is not used in the PDP, we see no need to include a definition.

Minor dwelling and minor residential unit

64. As 'minor residential unit' is a National Planning Standards definition, we have used that term to replace 'minor dwelling'. Ms Fiona McNabb on behalf of Whaingaroa Raglan Affordable Housing Project presented evidence which sought to amend the definition of 'minor dwelling' and Rule 16.3.1 to allow more than one dwelling per site. We note that the National Planning Standards definition of 'minor residential unit' does not limit the number of units on a particular site. We have not amended the definition but have addressed her request in our decision on the rules for the Residential Zone.

Sensitive activities and reverse sensitivity

Noise-sensitive activity

65. While the section 42A report authors recommended including places of assembly in the definition of 'noise sensitive activity', Ms Fisher on behalf of TaTa Valley Ltd opposed the amendment. She considered that places of assembly are occupied intermittently and occupants do not need increased protection from noise generating activities due to the short duration of exposure. Conversely, Mr Hodgson in his evidence on behalf of Horticulture New Zealand agreed with the section 42A report recommendation to extend the definition to include 'places of assembly' as 'noise sensitive activities'.
66. We agree with Ms Coplestone and Ms Yardley that places of assembly can include a wide range of activities, some of which are sensitive to noise and others that are not.³

³ Statement of Rebuttal Evidence Hearing 5: Chapter 13 Definitions, Anita Coplestone and Megan Yardley, Paragraph 56, dated 3 December 2019.

Accordingly, we consider it is appropriate to assume that activities that are sensitive to noise are likely to occur in a place of assembly.

67. Mr Arbuthnot on behalf of Ports of Auckland Limited (POAL) sought an exclusion for workers' accommodation. He considered this was appropriate because the accommodation is for the use of people who are engaged in the activity occurring on the site and who are familiar with (and not sensitive to) the effects of the activity.⁴ We consider that the exclusion of workers' accommodation from noise sensitive activity rules is most appropriately addressed in the rules, rather than complicating the definition.
68. We have only made modest amendments to this definition to match defined terms in the National Planning Standards and included places of assembly in response to the submission from KiwiRail as these may include activities sensitive to noise.

Sensitive land use

69. The term 'sensitive land use' is used in a number of policies and rules in the PDP and we agree with the analysis of the section 42A report authors that 'sensitive land use' and 'reverse sensitivity' are not intended to be used interchangeably. We do not consider it appropriate to merge them into a single term as suggested by a number of submitters, because the term 'sensitive land use' is used in rules which manage reverse sensitivity, but reverse sensitivity is not limited to the adverse effects of noise.
70. We received evidence from Mr Roberts on behalf of T&G Global who considered that 'workers' accommodation' needed to be excluded from the definition of 'sensitive land use' due to the need for workers to live near primary productive activities. Mr Arbuthnot on behalf of POAL made similar points in his evidence, although narrowed the exclusion to workers' accommodation in the Industrial Zone. In his evidence on behalf of Perry Group, Mr Aaron Collier considered Mr Arbuthnot's requested exclusion for 'workers accommodation' in relation to the Industrial Zone to be inappropriate. He considered that it was problematic to state that an activity that would be sensitive *outside* an Industrial Zone would not be sensitive *within* an Industrial Zone.⁵ Similar to our decision on noise sensitive activities, we consider that the exclusion of workers' accommodation from sensitive land use rules is most appropriately addressed in the rules, rather than complicating the definition.
71. Mr Collier considered that it is unnecessary and repetitive to incorporate 'visitor accommodation' and 'student accommodation' in the definition of 'sensitive land use',

⁴ Statement of Evidence of Mark Arbuthnot for Ports of Auckland Limited in Relation to Hearing 5 – Chapter 13 Definitions, , Paragraph 10.3, dated 18 November 2019.

⁵ Statement of Evidence of Aaron Collier on behalf of Perry Group Limited, Paragraph 4.9, dated 14 November 2019.

as they already fail to be considered as 'accommodation'. We agree, although we have retained 'visitor accommodation' for the avoidance of doubt.

72. We agree with Radio New Zealand and KiwiRail that additional clarity would be achieved by restructuring the definition into clauses, noting also that the current structure of the definition makes it appear (incorrectly) that all 'sensitive land uses' are education facilities.
73. We have included places of assembly as they could include sensitive activities, although we agree with Mr Collier that places of assembly are often generators of noise.⁶

Reverse sensitivity

74. The PDP does not currently include a definition for 'reverse sensitivity' and a number of parties considered that there should be a definition for 'reverse sensitivity', as follows:
- a. Ms Pauline Whitney on behalf of Transpower NZ acknowledged the challenges of defining the term, but nevertheless considered that a definition of the term 'reverse sensitivity' (reflecting the same in the RPS) would be beneficial to plan users and would support the PDP's interpretation and application.
 - b. Ms Tanya Running on behalf of Waka Kotahi considered that the term is well established in case law and planning documents, including the RPS, and appears frequently in the PDP.⁷
 - c. Ms Pam Butler on behalf of KiwiRail considered that it is important that the concept is properly understood and inclusion of a definition would make the PDP easier to interpret.⁸
75. Mr Collier on behalf of the Perry Group had an opposing view and outlined his preference that plans should focus on policies to manage reverse sensitivity rather than relying on a definition. Similarly, Ms Sarah McCarter on behalf of NZ Steel did not support inclusion of a definition for 'reverse sensitivity' given that the case law on this matter is still evolving. She drew our attention to the decision of the Auckland Unitary Plan which considered that a better approach to informing people about the issue of reverse sensitivity would be by way of guidance material outside the PDP itself.⁹ Mr Hodgson on behalf of Horticulture New Zealand considered that there was no need to define the term, particularly as the term is defined in the RPS should there be a need

⁶ Statement of Evidence of Aaron Collier on behalf of Perry Group Limited, 14 November 2019, Paragraph 4.10.

⁷ Statement of Evidence of Tanya Running for the NZTA, Paragraphs 5.1-5.2.

⁸ Statement of evidence of Pam Butler, for KiwiRail Holdings Ltd, Paragraphs 4-7.

⁹ Statement of evidence of Sarah McCarter on behalf of NZ Steel, Paragraph 28.

to refer to the higher order instrument.¹⁰ These sentiments were echoed by Mr Arbuthnot on behalf of POAL.

76. We are mindful of the analysis of the authors of the Recommendations on Submissions Report for the National Planning Standards, and their difficulties with providing a definition of 'reverse sensitivity',¹¹ given that case law is still evolving. We agree that it is a difficult concept to define as it depends on the context and have not included a definition for 'reverse sensitivity'. We consider it is more appropriate to deal with reverse sensitivity on a case-by-case basis, as it arises in different forms.

Habitable building, non-habitable building and habitable room

77. We agree with the analysis and recommendation of the section 42A report authors and consider that including new definitions for all three terms will assist in interpreting the PDP and aid clarity.

Living court and outdoor living space

78. While there are some differences between the two definitions, we consider that the National Planning Standards definition for 'outdoor living space' should replace the term 'living court' in the PDP. We consider that the definition of outdoor living space in the National Planning Standards is sufficiently broad to include outdoor space at ground level as well as upper floors, as was contemplated in the definition in the PDP.

Communal service court and Service court

79. We have amended these definitions to align them with terms 'outdoor living space' and 'residential unit' in the National Planning Standards, but do not limit the definition to three or more residential units. We note Mr Lindenberg's support for these amendments in his evidence on behalf of Kāinga Ora.

Duplex

80. Mr Lindenberg's evidence explained the rationale for amending the definition of 'duplex' to enable the residential units to be connected by a common wall and or by an accessory building, such as a garage or a carport. We agree and have amended the definition accordingly.

¹⁰ Statement of evidence of Vance Hodgson on behalf of Horticulture New Zealand, Paragraph 62.

¹¹ Ministry for the Environment. 2019. 21 Definitions Standard – Recommendations on Submissions Report for the first set of National Planning Standards. Wellington: Ministry for the Environment, Section 393, Pages 187 – 191.

Industrial and quarry activities

Mineral extraction and processing, Aggregate Extraction Activities and Extractive Industry

81. We agree with the submitters that the terms can be rationalised and combined into one definition, as we see no value in having three definitions which cover the same activities. We consider that the most appropriate description of the activity is 'extractive activity' and this will match the naming protocol of the National Planning Standards.
82. Ms McCarter presented evidence on behalf of NZ Steel Holdings Ltd and supported streamlining the terms which relate to mining and extraction. While a number of the changes were supported by NZ Steel, she sought inclusion of:
- a. Workers' accommodation as being necessary for security purposes;
 - b. Storage, management and disposal of tailings which is a fundamental component of extractive activities and in her opinion, excluding this from the definition would lead to an incomplete description of the activity; and
 - c. Reference to 'at' or 'near' the site where the minerals have been taken, won or excavated effectively restricts the location of the extractive activity.
83. She did not see the value in either excluding or including 'ancillary earthworks' as they are indistinguishable from the activity of mineral or aggregate extraction. She considered that to define these as separate activities would create an artificial distinction which would not reflect the reality of how these activities occur.¹² We have retained 'ancillary earthworks' within the definition of extractive activity as it will aid interpretation.
84. We agree with Ms McCarter that the definition should apply to activities at or near the site where the minerals have been taken, won or extracted. We also have included reference to tailings as a fundamental aspect of extraction activities. We agree with the section 42A report authors not to include residential / workers' accommodation in the definition for people required to live on site and instead address this through the rules.
85. We have excluded farm quarries from the definition as they are of a different scale and, generally speaking, will have a lesser level of effects.

Blasting

86. We agree with the analysis of the section 42A report authors that the effects of irregular and regular blast holes are similar. We have therefore made amendments to broaden the definition to an array of blast holes (rather than a regular array) and have deleted the reference to 'regularly spaced' explosive charges.

¹² Statement of evidence of Sarah McCarter on behalf of NZ Steel, paragraph 23

Mineral

87. We agree with the submission from New Zealand Steel that it is appropriate to cross reference the definition of 'mineral' to that in the Crown Minerals Act 1991.

Cleanfills and waste management

Fill material

88. While 'cleanfill' is a defined term in the National Planning Standards, we consider that expanding the definition of 'fill material' to describe the variety of substances used for cleanfill will provide additional clarity.

Cleanfill facility

89. While The Surveying Company and Grander Investments Limited requested a new definition of 'cleanfill facility', we consider that the National Planning Standards term 'cleanfill area' adequately addresses the matters raised by the submitters. More specifically, the submitters described the activity as a facility where cleanfill material is accepted for disposal, which matches the National Planning Standards definition for 'cleanfill area'. We have therefore included the National Planning Standards definition for 'cleanfill area'.

Landfill

90. We agree with submitters that the PDP would benefit from a definition for this term given that it is used in rules. We therefore have included the National Planning Standards definition for landfill.

Waste management

91. Federated Farmers sought amendments to the definition of 'waste management' to restrict the definition to 'industrial or commercial' activities only. We have not made any changes to the definition of 'waste management' as we do not consider the amendments sought by Federated Farmers to exclude day-to-day farming will assist in interpretation.

Waste management facility

92. As notified, the definition of 'waste management facility' includes reference to cleanfills which results in overlap between the two definitions. The submission from Grander Investments Limited sought to separate the disposal of 'cleanfill' from other waste management activities/facilities and we agree. We have deleted reference to cleanfills

from the definition of 'waste management facility' to make the distinction between the two activities clear.

Disposal

93. We do not agree with the inclusion of the term 'disposal', as sought by Sharp Planning Solutions Ltd, as the term is commonly used and understood.

Rural activities and features

Rural activities and productive rural activities

94. Despite the requests by Waka Kotahi and Fonterra Limited to include definitions for these terms, we do not see the need given the limited use of the terms in the PDP. Ms Fisher (on behalf of TaTa Valley Limited) considered that the terms 'primary production' and 'productive rural activities' are not interchangeable, as suggested by the section 42A report. In his evidence on behalf of Middlemiss Farm Holdings Ltd, Mr Hartley supported the replacement of 'productive rural activities' with the National Planning Standards definition 'primary production'. He considered that this wording creates less room for future debate (especially if carried down into objectives and policies without amendments to those) as to whether a proposed activity is 'productive' or not and is therefore less likely to lead to inappropriate environmental and social outcomes.¹³
95. We agree with Ms Copplestone and Ms Yardley that 'primary production' can replace the term 'productive rural activities' in the PDP without altering the scope of what was intended by the PDP for 'productive rural activities'.¹⁴

Forestry

96. KiwiRail sought amendments to the definition of 'forestry' to explicitly include shelterbelts and woodlots. We note that the National Environmental Standards for Plantation Forestry do not include a definition for 'forestry', despite having a number of other defined terms that use the term 'forestry' such as forestry track and forestry road. We consider that the inclusion of definitions for shelterbelts and woodlots is not necessary as the definition is already sufficiently broad. We understand why KiwiRail is seeking to expand the definition, but we do not consider the definition should be modified to manage vegetation in close proximity to the railway network.

¹³ Statement of Primary Evidence of Shane Hartley on Behalf of Middlemiss Farm Holdings Ltd, Paragraph 4.8, dated 21 November 2019.

¹⁴ Statement of Rebuttal Evidence Hearing 5: Chapter 13 Definitions, Anita Copplestone and Megan Yardley, Paragraph 96, dated 3 December 2019.

High class soils

97. Mr Hartley filed evidence for Middlemiss Farm Holdings Limited and sought an amendment to the definition of 'high class soils' to exclude 'flood plain' soils. He acknowledged that this may make the PDP slightly inconsistent with the RPS. We are satisfied that the PDP should match the RPS in this regard and therefore have not amended the definition as he requested. Given the imminent release of the National Policy Statement for Highly Productive Land, it would be premature for us to pre-empt that by making changes to this definition, especially given that the current definition in the PDP aligns with the RPS. We note that this approach was supported by Mr Hodgson in his evidence on behalf of Horticulture New Zealand.

Lifestyle uses

98. Despite the request from Fonterra Limited to include a definition for this term, we do not see the need given the limited use of the term in the PDP. Mr Hodgson addressed this matter in his evidence on behalf of Horticulture NZ and agreed that it is not necessary to define the term. He considered that the PDP could be improved with use of a consistent term and alignment with the National Planning Standards and the Proposed National Policy Statement for Highly Productive Land. Given that the Proposed National Policy Statement has not yet been gazetted, this is somewhat difficult to achieve at this point.

Boarding, breeding or animal training establishment

99. We have amended this definition to clarify that it is intended to apply to domestic animals rather than to rural animals such as farm dogs. We note Mr Lindenberg's support in his evidence on behalf of Kāinga Ora for the amendments to make it clear that this term relates to boarding animals.

Poultry

100. We have addressed the points raised by Ms Kaur in our decision on the Rural Zone. In summary, we have added in a 'free range' definition to clearly separate from intensive farming. Free range includes outdoor enclosures where ground cover is maintained. If grass cover is not maintained because stocking is too intensive, then it falls into the intensive farming definition. We have also included an explicit exclusion from the 'intensive' definition for poultry hatcheries.

Commercial activities

Commercial activity, commercial services and retail activity

101. As the National Planning Standards include a definition for 'commercial activity', our key decision was whether there was any value in retaining the definitions of

'commercial services' and 'retail activity'. On behalf of TaTa Valley Ltd, Ms Fisher supported retaining separate terms for 'commercial services' and 'retail activity' and incorporating them into a nesting table as sub-categories of 'commercial activity' (as provided for by the National Planning Standards). Her reasoning was that these activities have different characteristics that may generate different effects including:¹⁵

- a. Different rates of traffic generation, parking requirements and choice of transport modes;
- b. Different floor space requirements which have subsequent impacts on density and urban form;
- c. The design of the public interface and therefore amenity; and
- d. Retail activities that are considered "anchor" tenants (e.g., supermarkets, department stores) can affect the viability of centres depending on where they are located. Commercial services normally act as a supporting role and are less likely to impact the same way.

102. We prefer the analysis of Ms Copplestone and Ms Yardley, to the effect that whilst there may be valid effects-based reasons to differentiate between commercial services and retail/commercial activities, the rules in the PDP do not make any such distinction.¹⁶ We consider that the single term of 'commercial activity' adequately addresses the activities in the other two definitions, and any specific distinctions between the two activities can be addressed in the rules, if or to the extent necessary. We therefore have deleted the definitions of 'commercial services' and 'retail activities'.

Service station

103. The Oil Companies requested the inclusion of a separate definition of 'service station' to avoid ambiguity as to whether a service station is a 'commercial activity' or a 'retail activity' or both. Ms Karen Blair (for the Oil Companies) accepted in her evidence that this issue is resolved by adopting a single definition of 'commercial activity', consistent with the National Planning Standards definition. The focus of the hazardous substances rules is on the quantity of fuel rather than the activity that it is associated with, however we have included a new definition for 'service station' in the context of the Industrial Zone.

Public floor area

104. Council sought inclusion of a definition for this term, which is used in the context of parking standards. However, as we have deleted those standards in response to the National Policy Statement for Urban Development, there is no longer a need for a definition.

¹⁵ Evidence of Ailsa Fisher on behalf of TaTa Valley Ltd, Paragraph 11.4.

¹⁶ Statement of Rebuttal Evidence Hearing 5: Chapter 13 Definitions, Anita Copplestone and Megan Yardley, Paragraph 115, 3 December 2019.

Neighbourhood centre

105. As these are not mapped on the planning maps and generally are identified only in structure plans, we have deleted the reference to the planning maps from the definition.

Community activities and facilities

Community facility, community activity and place of assembly

106. The Department of Corrections requested that 'community corrections activities' become a subset of 'community activity', to enable provision for these activities where appropriate. Mr Grace on behalf of Department of Corrections considered that 'community corrections activities' could be encompassed as a subset of the National Planning Standards definition of 'community facility', but remained concerned that this is not plainly apparent, and could lead to interpretation issues. To rectify this, he explored a number of options, but concluded that the most appropriate one is to insert explicit references to 'community corrections activities' within the relevant zone, which is to identify the applicable activity status and development standards.¹⁷ We agree.
107. Mr Michael Briggs addressed the definition of 'community facility' in his evidence on behalf of Rangitahi Ltd and supported the replacement of 'community activity' with the definition of 'community facility'.
108. The PDP contains a number of community activities/facilities definitions, some of which are specific to particular locations such as Tamahere and Te Kauwhata Lakeside Precinct. We have rationalised all these terms into the single National Planning Standards term of 'community facility' due to the overlap and consider this is a more efficient approach.

Health facility

109. We do not see the need to specifically include beauty services as requested by Sharp Planning Solutions Ltd and consider that the notified definition is broad enough to encompass those activities.

Education facility and childcare facility

110. Mr Keith Frentz provided evidence on behalf of Ministry of Education that addressed the distinction between 'education facility' and 'childcare facility'. He did not support

¹⁷ Letter tabled from Sean Grace on behalf of the Department of Corrections, dated 19 November 2019.

retention of the definition of 'childcare facility' on the basis that this does not cover the full range of activities that may be provided.¹⁸ Conversely, Mr Michael Briggs in his evidence on behalf of Rangitahi Ltd supported retaining the definition for 'childcare facility' and considered the additional recognition of day care in the definition provides additional clarity. Mr Vance Hodgson expressed similar support in his evidence for Horticulture New Zealand.

111. While the National Planning Standards contain a definition for 'educational facility', we consider a distinction needs to be made for 'childcare facilities', because their effects (and usually scale) are sufficiently different from other educational facilities.

Emergency services

112. We have included district wide rules to enable emergency services and consider that a definition of 'emergency services' as well as training and management facilities would assist in interpreting the PDP.

Temporary event

113. We have deleted the reference to the duration as we consider that the rules are the most appropriate location for performance standards rather than in the definition.

Access, accessible and accessibility

114. We considered the request from Waikato District Health Board to include three new definitions for 'access', 'accessible' and 'accessibility'. We agree with the section 42A authors' analysis that a definition for 'accessible' would be useful as it is used in many different chapters of the PDP. We do not see the need to include the other two terms as their meaning can be derived from the definition of 'accessible'.

Recreation activities and facilities

Informal recreation

115. TaTa Valley Limited sought amendments to the definition of 'informal recreation' to delete reference to buildings necessary for the maintenance of the park. While the definition captures both activities and buildings, we consider it is an efficient way to capture recreation activities as well as structures and activities to support the use of parks.

Recreation facility and Outdoor recreation

¹⁸ Statement of Evidence of Keith Frenz on behalf of Ministry of Education, Paragraphs 6.1-6.13.

116. Although Ms Fisher provided evidence on these terms in Hearing 5 Definitions, Mr Scrafton did not pursue the inclusion of them as activities for the TaTa Valley Resort Zone. Given the limited use of these terms elsewhere in the PDP, we are satisfied that no definition is needed.

Entertainment facility

117. Although this term was deferred for consideration in the context of Hearing 25 Zone Extents and the new zone for TaTa Valley Resort Zone, Ms Fisher provided evidence on the term on behalf of TaTa Valley Ltd. We agree with the analysis of Ms Coplestone and Ms Yardley that the definition proposed by Ms Fisher is problematic due to its overlap with 'place of assembly' and the National Planning Standards definition of 'community facility'. Consequently, we have not included a definition for 'entertainment facility' as the term does not appear elsewhere in the PDP.

Day-to-day activity

118. Given that this term is only used in the Hampton Downs Motorsport and Recreation Zone, we have not extended the definition to include skateparks as sought by Raglan Naturally. In any event, we have deleted this definition and instead have inserted the body of the definition into the rules for Hampton Downs Motorsport and Recreation Zone.

Maimai

119. Given that we have included rules for maimai in a number of zones, we agree with Mr Wilson that it is appropriate to include a new definition to provide clarity.

Airfield

120. As the term is not used in a rural context within the PDP, we do not consider appropriate to amend the definition to provide for rural airstrips and helicopter landing areas as requested by Horticulture New Zealand. We agree with the submission from NZTE Operations and consider that 'aerodrome' is a recognised and defined term by the CAA and is therefore more appropriate than 'airfield'. We agree that the definition should align with the definition of 'aerodrome' in the CAA document Aviation Definitions and Abbreviations in Part 1 CAA Consolidation Document, dated 20 July 2018 as sought by NZTE Operations and have changed the definition accordingly.

General aviation and recreational flying

121. Mr Houlbrooke presented evidence on behalf of Greig Metcalfe seeking inclusion of a definition for these terms to avoid ambiguity. We have not included definitions for these terms since we have deleted them as activities from the Te Kowhai Airpark Zone.

Subdivision and development

Urban subdivision, use and development

122. As this term is used in the context of objectives rather than any rules, a definition is not necessary.

Comprehensive Land Development Consent and Comprehensive Subdivision Consent

123. Kāinga Ora sought deletion of references to Te Kauwhata Lakeside Precinct Plan Area in the definitions to enable the term to be used elsewhere. Mr Lindenberg provided evidence on behalf of Kāinga Ora supporting the use of comprehensive consent as a mechanism to potentially be used in other locations across the district.
124. As these terms are used only in the rules for Te Kauwhata Lakeside Precinct, there is no need for broadening the definition to apply elsewhere.

Indicative Road

125. We acknowledge the issues raised by submitters regarding the application of rules to a road which has been constructed with an alternative roading layout, but not removed from the planning maps. We agree that it would be useful for rules to differentiate between an indicative future road and one which has been authorised and/or formed with an alternative layout/location. Whilst a definition may not be the most appropriate place to make this differentiation, we agree that the wording proposed by Council will provide greater clarity and flexibility. We have amended the definition accordingly.

Village Green

126. As this term is used only in respect of Tamahere, we see no value in broadening the definition to apply elsewhere as sought by Sharp Planning Solutions Ltd.

Sign

127. As the National Planning Standards include a definition of sign, we have replaced the definition that was notified in the PDP accordingly. Ms Karen Blair on behalf of The Oil Companies stated that some significant consequential amendments to the rules will be needed, as follows:
- a. The definition in the PDP is limited to signs that are visible from a public place. There is no such limitation in the National Planning Standards definition.

- b. The National Planning Standards definition of a sign requires that a sign be attached or fixed to a structure or natural object, which not include objects that are not attached to land such as shipping containers. There is no equivalent requirement in the PDP definition.
- c. Vehicles that are used to display signs are also excluded from the National Planning Standards definition, whereas they would be captured within the definition of sign in the PDP.
- d. A 'sign' under the National Planning Standards definition specifically includes the equipment to which it is attached. The PDP does not explicitly include equipment supporting a sign within the definition of 'sign'.

128. We agree that the replacement of defined terms often necessitates consequential changes to the rules and have addressed this in terms of our decisions on the sign provisions.

Health and safety sign

129. In her evidence on behalf of The Oil Companies, Ms Blair stated that the section 42A report does not include a definition for 'health and safety sign'. We consider that the National Planning Standard definition for an 'official sign' would apply to signage required for health and safety purposes and have included this National Planning Standards term in the PDP list of definitions.

Real estate header sign and Real estate sign

130. Mr Houlbrooke presented evidence on behalf of Greig Metcalfe supporting the inclusion of definitions for 'Real estate header sign' and 'Real estate sign'. As we have included the term 'real estate header sign' in the sign rules, we consider there is value in defining the term to provide clarity. We have also included a definition for 'real estate sign' for the same reasons.

Construction noise

131. We have not included a definition for 'construction noise' as the rule references NZS 6803:1999 Acoustics – Construction Noise which provides a definition of construction work and construction noise for the purposes of applying the Standard.

Lux

132. We agree with the section 42A report authors that there is no need for this definition and have deleted it.

Noxious, dangerous, offensive or toxic activities

133. We have deleted the definition for this term as it is not used in the hazardous substances provisions.

Impervious Surface

134. A number of submitters expressed concern that the definition would restrict farm tracks, including Mr Hodgson who presented evidence on this matter on behalf of Horticulture New Zealand. He considered that farm tracks should be excluded on the basis that these are of mixed surface material and on properties large enough to manage stormwater related runoff onsite, unlike urban situations where onsite stormwater management has more challenges.¹⁹ We appreciate the concerns of the submitters that the definition is too restrictive or may unintentionally capture farm tracks and have therefore excluded them from the definition.

135. Kāinga Ora sought an alternative definition, and in his evidence on its behalf, Mr Lindenberg supported a substantially redrafted definition on the basis that it would provide clear guidance.²⁰ We agree and have largely adopted Mr Lindenberg's wording.

Transferable development right

136. Evidence was presented by Mr Hartley on behalf of Middlemiss Farm Holding Ltd who sought inclusion of a definition for 'transferable development right'. As we have not included this subdivision mechanism in the Rural Zone, there is no need for a definition.

Natural environment

Overlays

137. New Zealand Steel Holdings Limited sought that various definitions which apply to overlays be deleted, such as Significant Natural Area and Outstanding Natural Landscape. Ms McCarter on behalf of NZ Steel maintained that it is not necessary to define these but conceded that "its inclusion in the definitions is unlikely to create problems with the implementation of the Plan".²¹ We have retained the definitions for the various overlays as they provide clarity.

¹⁹ Statement of Evidence of Vance Hodgson on behalf of Horticulture New Zealand, Paragraphs 46-48.

²⁰ Statement of Evidence of Matthew Lindenberg on behalf of Kāinga Ora, Paragraph 9.16.

²¹ Statement of Evidence of Sarah McCarter on behalf of New Zealand Steel Holdings Limited, Paragraph 27.

144. While definitions for these terms were not included in the PDP, we consider there is value in including a definition for 'low impact design' and that the definition aligns with the Regional Infrastructure Technical Specifications. We have also included a number of new definitions to support the natural hazards provisions, including 'Flood plain management area' and 'Flood ponding area'.

Overland flow path

145. We agree with the submission from WRC that the definition should align with the definition in its Waikato Stormwater Management Guideline 2018 and have amended the definition accordingly.

Stormwater management plan and Catchment Management Plan

146. As these terms are not used in the PDP, we have not included definitions for them.

Wastewater treatment plants and systems

147. We heard evidence from Mr Houlbrooke on behalf of Greig Metcalfe who considered that a definition for 'wastewater treatment plant' would be useful given that it appears in both the Infrastructure chapter as well as setbacks from 'wastewater treatment plants' in the zone rules. We agree and have included a new definition accordingly.
148. Mr Metcalfe also sought inclusion of a new definition for 'community-scale wastewater system' as this term is used in the Infrastructure chapter and applies across all zones. The rule requires new development or subdivisions to have a wastewater system that is either connected to a public reticulated wastewater network, or a 'community-scale wastewater system', or is provided with a site-contained, alternative method of wastewater disposal that complies with AS/NZS 1547:2012. We consider a definition will assist with interpretation and have accordingly included a new definition for 'community-scale wastewater system'.

Watercourse

149. The inclusion of a new definition for 'watercourse' was sought by NZTA, however Ms Running's evidence stated that a definition of 'watercourse' is not required as it was addressed by the National Planning Standards definition. To be consistent with the National Planning Standards, RMA and RPS), we have not included a new definition.

Reservoir

150. Horticulture New Zealand originally sought an amendment to the definition of 'reservoir' to include water storage for irrigation. Mr Hodgson's evidence²³ on behalf of Horticulture New Zealand considered that the damming and diversion of water for irrigation purposes is an activity managed by WRC. He considered that there are no obvious land use-related matters that require the definition change sought in their original submission. We agree and have made no amendments to the definition.

Wetland

151. Mr Hartley provided evidence on behalf of Middlemiss Farm Holdings Ltd on the definition of 'wetland' and preferred that a definition of 'natural wetland' be included in the PDP. He based his preferred definition on the draft National Policy Statement for Freshwater Management (as it was at the time of Hearing 5), with further amendments.

152. The definition of 'wetland' in the PDP is consistent with the definition in the National Planning Standards, which relies on the definition in the RMA. We see no reason to depart from that approach, particularly given the recent evolution of the National Policy Statement for Freshwater Management and National Environmental Standards for Freshwater Management.

Maaori terms

153. We have made a number of minor amendments to the Maaori terms to improve the accuracy and clarity. We have also deleted terms that are not used in the PDP.

Section 32AA evaluation

154. Our amendments to the definitions generally fall into the following categories:

- a. Changes to implement the mandatory definitions in the Planning Standards – Standard 14: Definitions, along with any sub-definitions needed to maintain the intent of the PDP provisions;
- b. Changes to improve the accuracy and conciseness of the definitions, or to provide appropriate clarity for readers; and
- c. Changes to rationalise terms and delete unnecessary definitions.

155. We have undertaken a number of mandatory amendments as required by the National Planning Standards, an action which does not require a section 32AA evaluation. For those definitions or terms which are not covered by a National Planning Standards

²³ Statement of Evidence from Vance Hodgson on behalf of Horticulture New Zealand, Paragraph 67.

definition, the options are to make changes within the scope of requests made in submissions on the PDP, or to retain the definitions as notified. We consider our amendments will provide a greater level of conciseness, clarity and certainty for plan users. After considering submissions, we consider that these changes are more accurate than the notified text in Chapter 13. Many of our deletions of definitions will reduce unnecessary repetition and confusion. This will result in a plan that is more concise and easier to interpret by plan users. For this reason, those recommendations are considered to be efficient and effective.

156. We consider that our amendments will improve the efficient application of the PDP for users and the Council, and more effectively achieve the objectives of the PDP.

5 Conclusion

157. We accept the section 42A report and the evidence filed by the submitters, as these have collectively informed our section 32AA assessment informing this Decision. We consider that the inclusion of National Planning Standards definitions and the number of other amendments to definitions that we have made will assist in achieving the objectives, having considered the options available to us and the costs and benefits.
158. Overall, we are satisfied that the amended definitions (in **Attachment 1**) will assist interpretation of the PDP.

For the Hearings Panel



Dr Phil Mitchell, Chair

Dated: 17 January 2022