SUMMARY STATEMENT OF AILSA JEAN FISHER ON BEHALF OF TATA VALLEY LIMITED (PLANNING)
HEARING 5 – DEFINITIONS

Incorporation of National Planning Standards (Definitions)

1.1 I support incorporating the Definitions section of the National Planning Standards (**Standards**) into the Proposed Waikato District Plan (**PWDP**) now and agree with the reasons of the Reporting Officer (section 2.5.1 of the s42A Report) to do so. I understand from the Reporting Officers rebuttal (paragraph 21) that Council are working through integrating the definitions concurrently with the PWDP process (and aim to complete this by the end of Hearings). I note that this enables Council to consider the matters discussed and potential changes suggested in evidence and apply these to the PWDP in a collective and consistent manner and style.

1.2 I acknowledge that further to my table in Attachment A of my evidence, there are additional definitions from the Standards which may need to be included in the PWDP (these are noted in the Reporting Officer's rebuttal). With these in mind I maintain the view that incorporating all definitions from the Standards into the PWDP at once is a more timely and efficient process than focusing only on definitions that have been submitted on.

1.3 The Reporting Officer notes Section 10 of the Standards requires defined terms to be highlighted, italicised or similar (e.g. asterisk). I agree once the PWDP is made operative that this is appropriate and note that as the definitions can be incorporated into the Plan without a Schedule 1 process, it is not necessary to show such changes differently. However, in light of the current process, if the definitions (and consequential amendments) of the Standards are incorporated into the Decisions Version at the same time as changes as a result of submission points, I maintain that I think it would be helpful to show them differently. This would help to avoid potential confusion by submitters reading the Decisions Version and wondering why changes have been made without a corresponding submission point.

Rural Definitions

1.4 I do not consider that "Primary Production" and "Productive Rural Activities" are interchangeable as suggested by the Reporting Officer for the s42A Report. The discussion of productive rural activities within Chapter 1.4.3.1(a) of the PWDP as notified covers a wider range of activities and is location specific, in comparison to "Primary Production". The Reporting Officer notes in rebuttal that:

(a) Following Hearing 1, Ms Donaldson has recommended changes to Chapter 1 to rationalise the Chapter (based on submission point 697.378 of Waikato District Council to generally reduce the length of the Chapter) which would delete this sentence in Chapter 1.4.3.1(a).

(b) Given the term ("Productive Rural Activities) is used in Objective 5.1.1 careful consideration is still needed if this term is to be replaced. However the Reporting

Officer maintains in rebuttal (paragraph 96) that the terms can be replaced without altering the scope of what was intended by the Plan.

1.5 In relation to these comments:

(a) I understand from reading the "Right of Reply" s42A Report (30 October 2019) for Hearing 1 that the additional changes to Chapter 1 (post Hearing 1) are recommendations and not decisions. Therefore, it is possible that such recommendations will not be accepted by the Panel and the sentence in Chapter 1.4.3.1(a) may remain or be amended in another way. I do not think it is appropriate for the Reporting Officer to disregard the sentence by relying on these changes.

(b) The description around productive rural activities in the PWDP as notified (i.e. Chapter 1.4.3.1(a)) gives guidance to Council's interpretation of the term. For the reasons set out in my evidence (paragraph 8.2) in my opinion changing the term to "Primary Production" in Objective 5.1.1 would alter the meaning and implications of the Objective. Therefore, amendments to the Objective need to be well thought through.

(c) I understand these terms will be discussed further at Hearing 21A: Rural including whether an overarching term "Rural Activities" be used to incorporate the various land use outcomes that Council wishes to achieve in the rural environment.

Workers Accommodation

1.6 In my evidence I expressed the view that a definition for "Workers Accommodation" should be addressed as part of this Hearing. The Reporting Officer recommended (paragraph 508 of the s42A Report) that such a definition be considered later at a number of multiple hearings for different Zones and maintains this view in their rebuttal evidence. I agree that it is important to consider a new definition in light of the relevant rules to achieve the appropriate context. However, it is not clear to me how the process to combine all of the discussions from each Hearing to create one definition will work.

1.7 Two possible options are that each s42A Report author could either craft the definition cumulatively building from discussions from the previous Hearing material, or consider the definition separately at each Hearing, with Council to consider and combine the output of the discussions into one definition for the Integration Hearing.

1.8 In my opinion, the 'separate' process would be more efficient and less confusing for those involved. It would also mean that submitters would not need to provide multiple pieces of evidence responding to the definition over the course of the relevant Hearings. It is likely however to require further work by Council to reconcile these. On that basis I support deferring the consideration of the definition and maintain support for the definition proposed by Ports of Auckland Ltd (submission point 578.80) which achieves the relief sought by TVL.

Noise Sensitive Activity

1.9 In my primary evidence I outlined why "Places of Assembly" should be excluded from the definition of "Noise Sensitive Activity", including that they are not typically activities where sensitive receivers stay for a long period of time and on a regular basis and are less likely to experience impacts on health and amenity. Some activities may not be sensitive to noise and may be noise generators themselves (e.g. music concert).

1.10 I understand that plans around the country approach this definition differently, although I do not believe the difference necessarily relates to the type of district and whether it has large cities or not (suggested by the Reporting Officer in rebuttal).

1.11 In the PWDP (notified) "Noise Sensitive Activities" are referenced in rules relating to buildings containing a noise sensitive activity, and require compliance with internal design sound levels for certain parts of the District (set out in Appendix 1). They are also referenced in policy 5.3.15 (Noise and Vibration)[1]. Appendix 1 specifies required internal design sound levels based on location and the type of noise sensitive activity (e.g. a dwelling within the Business Zone must be designed so that the internal design sound level is no more than 40dB L_{Aeq}).

1.12 Appendix 1 relates to internal design sound levels only i.e. does not regulate external noise or presumably areas of buildings which are not "internal" (e.g. a covered deck of a dwelling) and focuses on sleeping and habitable rooms. This seems a reasonable approach to provide for appropriate noise levels for living, sleeping and learning areas and hospitals. If Places of Assembly are to be included then Appendix 1 will require consequential amendments to include reference to Places of Assembly and set out specific noise levels to achieve for these activities in specific locations. Given the design standards focus on sleeping and habitable rooms I do not consider that the same standard of noise protection is required for Places of Assembly and they should not be included in the definition.

Use of the term "Commercial Activity"

1.13 Submissions were received seeking to merge "Commercial Activity" with "Commercial Services" and merge "Commercial Activity" and "Retail Activity". The Reporting Officer agrees and recommends that all three are replaced with "Commercial Activity" (defined within the Standards). In my evidence I consider that "Commercial Services" and "Retail Activity" are not interchangeable due to the different types of effects that may incur.

1.14 The Reporting Officer acknowledges in rebuttal (paragraph 115) that although there are valid effects based reasons to differentiate these two definitions, at present the rules of the PWDP do not do this (although they do note different activity statuses for the Industrial zone in

[1] 5.3.15 Policy – Noise and vibration *(a)Adverse effects of noise and vibration are minimised by: …(iii)Maintaining appropriate buffers between high noise environments and noise sensitive activities;*

paragraph 114 of rebuttal) and it is therefore unnecessary to have subcategories. They acknowledge that this should be revisited if required at subsequent hearings.

1.15 I retain my view that separate subcategories are necessary and appropriate. The fact that there are different effects and different activity statuses is reason enough to have subcategories which allow for more effective and focused management. But in any event, I agree it is appropriate to revisit this at later hearings. I note that the TaTa Valley Resort Zone proposes to separate retail activities from commercial services in the activity status for the reasons provided in my evidence (paragraph 11.6), which supports the use of subcategories. This will be addressed at Hearing 25.

Visitor Accommodation

1.16 I accept the view of the Reporting Officers in their rebuttal (paragraph 45) that it is not necessary to provide for sub-types of visitor accommodation within the definition. In saying that, I note that it is a wide ranging definition and as such the nature of the accommodation and subsequent effects can be wide ranging too and could result in unintended consequences. I therefore expect it will be necessary to use specific standards relating to visitor accommodation to manage effects and provide for certain types of visitor accommodation in a Zone. I note that this is a matter that TVL will further consider and address at Hearing 25.

Outdoor Recreation

1.17 I acknowledge the potential cross overs in definitions of "Outdoor Recreation" (as sought in TVL's submission) and "Informal Recreation" (as notified in the PWDP). The definition of "Informal Recreation" is fairly broad and generally would cover the intent of "Outdoor Recreation" within TVL's submission. I therefore accept it does not require a district wide definition. This will be considered and addressed further at Hearing 25 in light of the proposed provisions of the TaTa Valley Resort Zone.

Entertainment Activity

1.18 The Reporting Officer suggests an alternative definition for "Entertainment Activity" (paragraph 208 of rebuttal) that could be applied in the PWDP from the Operative Christchurch District Plan. I support the suggested definition which would achieve the intent sought by TVL in their submission. This amendment will be given further consideration in relation to the proposed TaTa Valley Resort Zone provisions to be addressed at Hearing 25.