



Ministry for the  
**Environment**  
*Manatū Mō Te Taiao*

# Proposed National Planning Standards evaluation report 2018

## Part 2C – Definitions

Evaluation for the proposed first set of National Planning Standards

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# Context to this document

This document forms part of the Evaluation Report for the Proposed National Planning Standards. This document should be read in conjunction with the other documents that make up the report as a whole. The Evaluation Report for the Proposed National Planning Standards report is set out as follows:

Part 1 – Overall assessment

Part 2 – Individual standard assessments

Part 2A Plan and policy statement structure and format

Part 2B Spatial planning tools and zone framework

**Part 2C Definitions**

Part 2D Noise and vibration metrics

Part 2E Electronic functionality and accessibility and mapping

Part 2F Tangata whenua provisions

Part 3 – Implementation

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# 1 Introduction

Resource Management (RM) plans have largely been developed in isolation since the inception of the Resource Management Act (RMA) in 1991. As a result, the definitions used in RM plans are varied. Our research suggests that, while some of the variation is able to be justified by specific local conditions, much of it is unnecessary and likely to be symptomatic of the highly devolved planning system.

There is currently no consistent set of nationally defined terms for use in RM plans. This has resulted in the same or similar terms being defined, applied and interpreted differently from plan to plan. Inconsistent definitions between plans can lead to uncertainty and misunderstandings at all stages of the resource consent process for applicants and submitters. The lack of consistency also creates inefficiencies for organisations working across council jurisdictions. Furthermore, councils spend significant time developing their own definitions for the same or similar purposes.

A variety of organisations, such as state-owned enterprises and infrastructure providers, regularly submit on plans across the country seeking standardised provisions to control their assets. In the absence of plan consistency or national environmental standards for many of these activities, applicants need to comprehend a range of definitions. Other regular users of plans, such as supermarket chains and retirement home providers, also seek common terminology to make their interactions with the planning system easier and more certain.

Standardising some definitions through the National Planning Standards (planning standards, or standards) will help improve the user friendliness of RM plans and give plan users certainty as a result of consistent plan interpretation. Standardised definitions will also result in time and cost savings for people working across council boundaries as well as councils themselves that spend significant time developing definitions. Standardised definitions could also enable councils and practitioners to spend more time focusing on core resource management issues, rather than deliberating over the nuances of definitions.

## 2 Statutory context

### 2.1 Sections 6, 7 and 8

There are no section 6 or 7 matters and no section 8 principles that are directly relevant to this topic.

### 2.2 Section 58G

Section 58G states that the first set of planning standards must include certain elements, which are considered as minimum requirements. These are:

- (a) a structure and form for policy statements and plans, including references to relevant national policy statements, national environmental standards, and regulations made under this Act; and
- (b) definitions; and
- (c) requirements for the electronic functionality and accessibility of policy statements and plans.

This standard is considered to reflect section 58G (b) and is therefore considered to be a minimum requirement. However, the RMA does not specify how many or which definitions should be included in the planning standards.

### 2.3 Section 18A

Section 18A of the RMA states:

**Table 1: How the definitions standards assist councils in meeting section 18A procedural principles**

Section Number	Provision	How these standards assist local authorities
18A(a)	(a) use timely, efficient, consistent, and cost-effective processes that are proportionate to the functions or powers being performed or exercised	The common use of definitions across multiple plans will make the plans more consistent.
18A(b)(i)	(b) ensure that policy statements and plans—include only those matters relevant to the purpose of this Act;	N/A
18A(b)(ii)	(b) ensure that policy statements and plans—(ii) are worded in a way that is clear and concise; and	The definitions proposed have been drafted to be clear and concise.
18A(c)	(c) promote collaboration between or among local authorities on their common resource management issues.	Common definitions along with structure will also assist to enable collaboration among local authorities.

## 2.4 National instruments

There are five National Policy Statements (NPSs) and six National Environmental Standards (NESs) currently in effect. The planning standards are required to give effect to NPS and be consistent with NES and other regulations.

Early on, it was recognised that many of the terms identified for inclusion in the planning standards were already defined in NPSs and/or NESs. The approach to drafting considered those definitions and whether they could apply more broadly in plans. In general, definitions from the existing national direction instruments were found to be too specific to the purpose of the particular NPS or NES to be included in the definitions proposed in the planning standards. Accordingly, more widely applicable definitions have been included in the planning standard.

The planning standards are not changing any definition contained within an NPS or NES. Where a term is defined in an NPS or NES that term still applies for the purposes of the NPS or NES. For instance, any definition in the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 will still apply to any telecommunication activity within the scope of the regulation.

## 3 Research and practice that informed the development of these standards

### 3.1 International context: England and Australia

Both England and Australia have national- or state-level definitions as part of their planning systems.

**Table 2: State of national level definitions in other countries**

State/country	# of definition	Comment
Queensland	123	N/A
Victoria	119	N/A
New South Wales	84	These are general definitions in the 'State and Regional Development and Exempt and Complying Development Codes', with further definitions contained in each of the 35 other state environment planning provisions.
England	82	Other definitions are contained in separate topic planning practice guidance.

The Australian state planning templates primarily relate to issues also covered in New Zealand district plans. Queensland has 77 councils and Victoria has 79 within their state borders; both of these are similar to New Zealand's 78 district and city councils. Like New Zealand, Queensland and Victoria each have one large city (Brisbane and Melbourne) and large coastlines with smaller inland councils.

From looking at the contents of their plans it can be seen that the range of issues addressed is similar to those addressed in our district plans. Based on the overseas practices, it could be suggested that the National Planning Standards in New Zealand could expect to have between 80 to 120 defined terms.

The Ministry for the Environment's research into the Australian planning system also revealed there is a high level of public interest in definitions. Submissions on definitions made up an estimated 40 per cent of total submissions to the Queensland Planning Provisions version 3.0 in 2012 and version 4.0 in 2015.<sup>1</sup>

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<sup>1</sup> From discussions with Queensland Government Representatives in 2016.

## 4 Internal and external research

Research commissioned by the Ministry in 2015<sup>2</sup> assessed 25 district plans and 11 regional plans. This assessment identified the extent to which plans define common terms and what variation exists in the way these terms are defined. Nearly 8,700 terms and associated definitions were extracted from the sample plans for analysis. From this, a ‘core set’ of 126 district terms and 212 regional terms was created, based on terms that appear in at least 25 per cent of plans. The research also identified 41 terms common to both district and regional plans.

This research was an important first step in exploring the development of a national set of definitions. However, other criteria have also been identified (discussed later in section 7.1) to finalise the proposed set of terms to be defined as part of the standards.

### 4.1 Initial drafting principles

When developing drafting principles the Ministry considered lessons that could be learnt from the Auckland Unitary Plan and Christchurch Replacement District Plan processes, and reviewed the Quality Planning website on drafting definitions. This resulted in the development of the following principles for drafting definitions.

Definitions should:

- be high level and not include de facto rules
- be written in plain English and avoid technical jargon
- be written for terms that have a commonly understood meaning
- be located in one place in the planning standards
- be drafted in the singular for the term being defined, for example, ‘commercial activity’ instead of ‘commercial activities’
- cross reference to terms already defined in legislation rather than redefining the term, unless this is not appropriate (such as ‘building’, because the definition of ‘building’ in the Building Act 2004 is not appropriate for a planning context)
- not include te reo Māori terms, which could be placed in a glossary instead.

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<sup>2</sup> Boffa Miskell. 2015. RMA District Plan Definitions. Prepared for the Ministry for the Environment by Boffa Miskell. Wellington: Ministry for the Environment; Boffa Miskell. 2015. RMA Regional Plan Definitions. Prepared for the Ministry for the Environment. Wellington: Ministry for the Environment.

## 5 Initial approach for consultation on this standard

The ideas for the development of this standard were presented through *National Planning Standards: Definitions – Discussion Paper G*.<sup>3</sup> This paper sought comment on:

- the criteria for identifying terms for inclusion
- the drafting principles for terms
- the proposed list of terms for inclusion in the planning standards
- how to treat terms that are already defined in legislation, regulations or national direction instruments under the Resource Management Act 1991 (RMA)
- whether to require the use of nesting tables.

The discussion paper proposed criteria for selecting terms to be defined in the planning standards. The proposed criteria were for terms that are:

- highly used in district plans
- common to both district and regional plans
- urban related
- infrastructure related
- relate to land use categories.

The criteria also note that terms should not be included where they:

- have an existing, ordinarily understood ‘plain’ meaning
- are te reo Māori
- are defined in the RMA.

Appendices to the discussion paper included how terms were evaluated against the criteria and the list of terms proposed to be included in the standard. Examples of nesting tables from the then-proposed Auckland Unitary Plan were also included in the discussion paper. The discussion paper also identified that there are a number of different terms used across the country to refer to the same or similar activities (for example, minor unit, supplementary unit, dependent person dwelling, family flat and granny flat). For the Definitions standard to be effective, it was identified that the standardised term would supersede all related terms. For example, as a result of the Definitions standard, all of these terms will need to be replaced in plans with the term ‘minor residential unit’ (reflecting the linkage with ‘residential unit’). This is considered to be one of the benefits that can be realised through the implementation of the standard. It will be easier for users of multiple plans, such as architects, developers, and surveyors, if the same term is used for the same or similar activities across all plans.

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<sup>3</sup> Ministry for the Environment. 2017. *National Planning Standards: Definitions – Discussion paper G*. Wellington: Ministry for the Environment. Retrieved from <http://www.mfe.govt.nz/sites/default/files/media/RMA/Discussion%20Paper%20G%20-%20Definitions%20%281%29.pdf>

## 6 Consultation to date

Table 3 summarises the primary consultation undertaken in respect of the Definitions standard.

**Table 3: Summary of the primary consultation undertaken on the Definitions standard**

Who	What	When	Relevant issues raised
Resource Management Act 1991 (RMA) practitioners	Workshops on the discussion document	June–July 2017	<ul style="list-style-type: none"> <li>urban and district plan focus too narrow</li> <li>concern around ability for local content with standard definition</li> <li>mixed views on the value of nesting tables</li> <li>need to consider the context in which the definition is used</li> <li>some terms will apply in the coastal marine area (CMA) and not just on land; these terms will need to be drafted accordingly.</li> </ul>
Submitters	Feedback on discussion document	August 2017	<ul style="list-style-type: none"> <li>various suggestions for additional terms to be included</li> <li>urban and district plan focus too narrow</li> <li>concern around ability for local content with standard definitions</li> <li>some of the main issues and debates were around regional plan-related terms</li> <li>questioned what outcome standardising definitions was trying to achieve?</li> </ul>
Practitioners' drafting group	Feedback on revised criteria and draft definitions	August 2017–Jan 2018	<ul style="list-style-type: none"> <li>some terms removed</li> <li>drafting of many terms refined</li> <li>did not see value in nesting tables in the standards (as local context such as rules is needed to nest definitions).</li> </ul>
Pilot councils	Draft definitions sent	Dec 2017	<ul style="list-style-type: none"> <li>changes to definitions can require significant redrafting of the plans and policy statement</li> <li>need to consider the CMA as the terms will apply there as well</li> <li>what outcome are the definitions trying to achieve?</li> <li>amendments to many definitions proposed</li> <li>suggested that some terms should be excluded or where drafting was not certain enough for inclusion.</li> </ul>

Who	What	When	Relevant issues raised
Māori Advisory Group	Approach to te reo terms Define statutory acknowledgement		<ul style="list-style-type: none"> <li>• dialect differences mean that these should only be defined at a local Iwi level, not nationally</li> <li>• decision made to not include a statutory acknowledgement definition in the standard; statutory acknowledgement definitions and the ways they can be used change depending on what has been drafted in settlement legislation, so one single definition does not work for all occurrences.</li> </ul>
Industry groups: <ul style="list-style-type: none"> <li>• infrastructure providers</li> <li>• rural sector representatives</li> <li>• New Zealand Airports Association</li> </ul>	Draft definitions sent	Dec 2017	<ul style="list-style-type: none"> <li>• what outcome are the definitions trying to achieve?</li> <li>• remove the sensitive activity definition as it is too broad without the context in which it is used</li> <li>• amendments to many definitions proposed</li> <li>• suggested that some terms should be excluded from the standard</li> <li>• Ministry for the Environment are continuing to work with infrastructure providers to develop model infrastructure provisions (for possible inclusion in a future planning standard); utility-specific terms have been removed from the list of terms in the standard in case future drafting changes are required.</li> </ul>

## 7 Summary of the issues analysis

Based on the analysis and consultation outlined above, the following issues have been identified:

**Table 4: Summary of issues in relation to definitions**

Issue	Response
Implementation impacts – resource requirements due to the scale of change required to plans	<ul style="list-style-type: none"> <li>the proposed implementation requirements have been amended to reflect this; in many cases plan amendments for the definitions standard will occur as part of a scheduled plan review to minimise the additional resource requirements</li> <li>there are benefits to both users and councils of common definitions, which can be achieved once the standards have been implemented.</li> </ul>
Scope for localised content should be retained, ie retain the ability to respond to the local environment and circumstances	<ul style="list-style-type: none"> <li>the definitions provide a common understanding of what a term means; while the definitions may require the removal of definitions that serve as de-facto rules, they are not specifying any particular outcome, and consequential changes can be made to rules, standards and/or policies without a Schedule 1 process to ensure that the plan still achieves the same intended outcomes when this standard is implemented</li> <li>the definitions have been pitched at a high level; councils are able to define additional terms and subsets of the definitions where these are necessary to respond to the local environment and circumstances.</li> </ul>
Questions about why are definitions being included	<ul style="list-style-type: none"> <li>section 58G of the RMA requires that definitions are included in the first and all subsequent sets of planning standards</li> <li>the definitions will provide a clear understanding of what a term means</li> <li>the definitions are not trying to achieve any particular environmental outcome on the ground; they are not intended to change the outcomes of plan provisions, but it is recognised councils will likely need to make consequential changes to plans to take account of the new definitions</li> <li>consultation has been undertaken to ensure that the definitions leave flexibility around the outcomes that can be achieved</li> <li>aiming to make plans easier to understand especially for people that work across multiple plans.</li> </ul>
Variety of views on the need for nesting tables (or other techniques to clarifying relationships between definitions, eg, Venn diagrams)	<ul style="list-style-type: none"> <li>the planning standards will not require the use of nesting tables (or Venn diagrams)</li> <li>nesting tables and Venn diagrams will still be able to be included in plans to show the relationship between the different definitions</li> <li>nesting tables are best developed from the bottom up; as the planning standards don't include all the possible terms (councils can provide definitions that are subsets of the defined terms) it is not appropriate for the planning standards to define the nesting tables.</li> </ul>
Disagreement on the content of definitions	<ul style="list-style-type: none"> <li>the use of some definitions clearly varied across the country, due to the local environment or particular context; if the necessary variation could not be accommodated through rules and performance standards or accommodating all of the variation made the definition extremely broad and unhelpful then the definition was excluded.</li> <li>some of the disagreement has been around the outcome that is to</li> </ul>

Issue	Response
	<p>be achieved as a result of the definition; in these instances the term has been included in the standard on the basis that rules and performance standards should manage the outcome not the definition – one of the drafting principles is that the definitions should not be de-facto rules.</p>
<p>Many current definitions in plans contain a number of exclusions to reflect what is captured by the rules in the plan. Feedback on the initial testing of the definitions often sought that exclusions be added to the definitions proposed.</p>	<p>One of the drafting principles is that the definitions should not be de-facto rules; it is considered that the rules and performance standards should be drafted to make it clear what is excluded from a rule, otherwise the definitions become de-facto rules. For instance, some plans exclude fences of up to 2m or 2.5m from the definition of a building and then apply height and setback rules to buildings but not other structures like fences. This approach does not make it obvious to inexperienced plan users that fences up to 2m or 2.5m are permitted.</p>
<p>Land use definitions</p>	<ul style="list-style-type: none"> <li>• it is recognised that plans often require specific land use definition that match the provisions in the plan; the Ministry for the Environment has not developed definitions down to this level, which allows councils to include definitions as necessary to reflect and implement the plan provisions</li> <li>• the standards allow additional terms to be defined in plans, and this can include subsets of any of the terms in the standard</li> <li>• high-level land use definitions have been included to provide a level of consistency across the broad level categories and assist with the implementation of other planning standards</li> <li>• the Ministry has the drafting principle that definitions should not be de-facto rules; any of the exclusions sought were considered to be more appropriate in the drafting of rules or performance standards.</li> </ul>
<p>Initial criteria were too urban- and district plan-focused. Other terms are important and it is very difficult to identify a term as only urban related.</p>	<p>The initial criteria was revised and widened to include rural and regional terms.</p>

# 8 Amendments to the standard as a result of consultation

## 8.1 Revised selection criteria

The initial criteria were refined following the consultation on the Definitions discussion paper. It was accepted that the initial focus on the district plan and urban area definitions was too restrictive. The main changes to the criteria were:

- removing the district plan and urban focus
- limiting land use definitions to only high-level definitions
- including a consideration on whether (titled as a reality check) the inclusion of the definition is not necessary (eg, obsolete) or requires local variation.

The revised criteria is explained in detail in Appendix 1. In summary, the revised criteria used to select the terms for inclusion in the planning standard are:

- highly used
- common to both district and regional plans
- infrastructure related
- high level land use categories
- dependencies or linkages with other definitions
- exclusion criteria:
  - the term has an existing, ordinary understood meaning
  - the term is te reo Māori
  - the term is defined in the Resource Management Act 1991
  - reality check.

All of the suggested terms in the feedback on the discussion papers were considered against the refined selection criteria. Any term that met two of the criteria and none of the exclusion criteria (as shown in the table A1.1 in Appendix 1) was included in the initial drafting stage of the definitions.

## 8.2 Revised drafting principles

Following the review of the selection criteria, it was decided to also review the drafting principles proposed in the discussion paper. The main changes to the drafting principles were:

- the requirement to keep them at a high level was removed as a result of the change to the selection criteria that limits land use definitions to only the high-level terms
- where the definition comes from legislation it should be included verbatim in the standard, to minimise the risk of unintended consequences on plan provisions from legislative amendments
- the plain English requirement was amended to instead require drafting to be clear and concise (reflecting section 18A of the RMA) and to acknowledge that recognised technical terms may be appropriate

- the requirement relating to where the definitions would be located in plans was removed, as this matter is covered by the structure standards
- the requirement to avoid subjective language or opinions was added
- clarification around how the words ‘includes’ and ‘excludes’ should be applied.

The revised drafting principles used for the standards are:

- any definition already contained within the Resource Management Act 1991 (RMA), a National Policy Statement, National Environmental Standard or regulation under the RMA should be applied in the National Planning Standard where it is fit for purpose
- where a term is also defined in a statute, regulation or New Zealand Standard (NZS) outside of the RMA, the proposed definition should copy verbatim the text of the statutory, regulatory, or NZS definition where it is fit for purpose; this will effectively set the definition in time and avoid any unforeseen consequences that future amendments may have on plan provisions
- definitions should avoid containing (or becoming) de facto rules
- definitions should avoid using subjective language, such as “high quality”, “appropriate” or “approximate”
- where possible, the definitions should be drafted in a clear and concise manner, for example:
  - the language used should be clear, straightforward and provide the plan user with certainty as to the scope of the definition
  - sentences should be short and avoid unnecessary words and jargon
- where a definition contains the word ‘includes’ and is followed by a list, the list shall be non-exhaustive; conversely, if a definition ‘excludes’ a list of matters, this shall be treated as exhaustive
- definitions should not give interpretation rights exclusively to one person or organisation (eg, “which in the opinion of council is...”)

## 9 Definition drafting

The Ministry started drafting a definition for terms that met the selection criteria explained in section 1.7.1. Given the rigour of the Auckland Unitary Plan and Christchurch Replacement Plan processes, the definitions from these plans were always carefully considered in the process of drafting the definitions for the draft standard.

During this drafting process there were discussions with the practitioners' drafting group, pilot councils and some industry groups, as identified in section 1.5. The drafting was an iterative process and many changes were made as a result of the discussions and feedback received with stakeholders. Some terms were excluded from the standard as a result of the feedback.

During this drafting stage it was also recognised that some of the terms that meet the selection criteria were synonyms of each other. Therefore only one version of each term has been included in the final draft of the definitions.

The drafting stage also identified some terms that would be useful to assist with the implementation of the definitions in the planning standards that were not considered when applying the selection criteria. For instance, a 'footprint' definition has been included to assist with the implementation of the coverage definition to clarify how cantilevered buildings and buildings on poles should be considered for the coverage definition.

Explanations for each of the definitions in the draft standard are included in table A2.1 in Appendix 2. These explanations document the drafting process and key decisions made.

Some terms that meet the criteria for inclusion were not ultimately included in the standard. Table A2.2 in Appendix 2 sets out the list of excluded terms and the rationale for why they were excluded.

The proposed set of standards now includes 109 terms.

# 10 Other specific drafting considerations

## 10.1 Reference to RMA terms in the planning standards

The RMA terms that are being included in the standard have used the exact term from the RMA, and repeated it in the standard. This approach has been taken in case the any RMA terms are amended in the future (in an attempt to avoid unintended consequences in council plans of amended RMA terms). If any RMA terms are amended, an updated standard could be released that includes the amended RMA term. A new mandatory standard will allow any plans to be updated with the amended terms and any consequential amendments to be made to plans without the need for a Schedule 1 process to be followed.

## 10.2 Noise-related definitions

When developing the noise metric with the Acoustical Society of New Zealand; it was identified that a number of terms could be defined to assist with the implementation of the noise metric. The following noise terms have been included in the Definitions standard:

- $LA_{eq}$
- $LAF_{(max)}$
- $LA_{90}$
- notional boundary
- $L_{peak}$
- $L_{dN}$
- noise rating level
- special audible character
- peak particle velocity
- building damage from construction.

The reason for including the set of noise definitions above is to ensure that if plans include noise terms that they are appropriately defined to support the noise metric. While local authorities will not have to include any of the noise-related definitions in their plans, having them in the standard also means that they will not be able to define them any other way. It is noted that the commonly used noise terms would meet the selection criteria regardless the noise metric standard.

## 10.3 Diagrams in definitions

It is recognised that many plans include diagrams with the definitions and this assists with the interpretation of the definitions. In general, the standard has avoided using diagrams. In many cases where a diagram was used the metric that was to be applied also appeared on the diagrams. The 'height in relation to boundary' is such a term that would commonly be accompanied by a diagram that includes the metric. Diagrams with metrics are considered to be beneficial to the interpretation of the term and associated rules. With the exception of the noise definitions; the standard is not defining the metric to be used. The standard provides for diagrams to be used with definitions but generally does not propose that a diagram is used.

'Root protection area' is the one term where a diagram is proposed. In this instance there is no metric or localised content that would benefit from, or require, different diagrams across the country.

## 10.4 Infrastructure-related terms

One of the criteria was to include infrastructure-related terms, but a late drafting decision was made to remove many of the infrastructure-specific definitions. This decision was made because the Ministry for the Environment has been working with infrastructure providers to develop model district plan infrastructure provisions (for possible inclusion in a future planning standard).<sup>4</sup> The model provisions were not developed and tested enough to be included in the first set of planning standards, but work is continuing to develop and test them. It is considered that the best approach to infrastructure-specific terms would be to define them to reflect the model provisions once they are fully developed.

Some infrastructure-related terms have wider implications beyond infrastructure provisions, and where these terms met the selection criteria they have still been included in the standard. 'Functional need' and 'reverse sensitivity' are examples of infrastructure-related terms that have been included in the standard on the basis that their use is wider than just infrastructure-related provisions.

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<sup>4</sup> The work also considered related regional policy statement content but is focusing on district plan provisions.

# 11 Quantification of benefits and costs

Section 32(2)(b) of the RMA requires that, where practicable, the benefits and costs of a proposal are to be quantified. Given the assessment in this report that the scale and significance of the proposed National Planning Standards (planning standards) is high, a cost-benefit analysis of the planning standards was commissioned by the Ministry for the Environment. The Castalia report<sup>5</sup> (Castalia, 2018) is available from the Ministry for the Environment [website](#), and should be read in conjunction with this report.

Assuming an implementation period of five years, the report concluded that the benefit-cost ratio (BCR) for all planning standards would be \$1.53 for every dollar invested. This particular standard was assessed as a BCR of \$1.19 for every dollar invested. The lower benefit than other standards was due to local authorities considering that they should use a Schedule 1 change process to implement this standard to confirm that the community are content with the outcomes of any consequential changes to the rules and policies. The costs for the local authority of undertaking a Schedule 1 process (including potential appeals) has been included in the calculation of the benefit.

Consideration was also given to if the implementation of the standard could occur over a 10-year period when the costs of the plan review are already being incurred. If the standard is able to be implemented at the time of the next plan review then the benefits increase to \$2.90 for every dollar invested.

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<sup>5</sup> Castalia. 2018. *Economic Evaluation of the Introduction of the National Planning Standards*. Prepared for the Ministry for the Environment. Wellington: Ministry for the Environment.

## 12 Options assessed

Under section 32(1)(b) of the RMA, reasonably practicable options for achieving the proposed objectives outlined in part 1 section 5 must be identified and examined. “Reasonably practicable” is not defined in the RMA, but may include options that:

- are both regulatory and non-regulatory
- are targeted towards achieving the goal/objective
- are within the Ministry for the Environment’s resources, duties and powers
- represent a reasonable range of possible alternatives.

For each potential option an evaluation has been undertaken relating to the costs and benefits, in order to determine the effectiveness and efficiency of the approach, and whether it is the most appropriate way to achieve the relevant objective(s). These evaluations are outlined in the table 5 below.

Definitions are required by the RMA (section 58G) to be included in the National Planning Standards (planning standards, or standards).

The RMA does not define how many or which definitions must be included. The options in Table 5 outline which definitions should be included in the planning standards.

Option 1 Common Urban and District Plan definitions is the option that was included in the Definitions topic paper that was discussed during the practitioners workshops and went out to the public for submissions in mid-2017. The basis for the district plan and urban focus was that the National Monitoring System data showed that most resource consents were granted at the territorial authority level for land uses and activities that occur in urban areas. Feedback on the discussion paper made it clear that this should not be the preferred option.

Option 2 Controversial Terms was based on some of the feedback received on the discussion papers that it is the most controversial terms that are debated and challenged during the plan-making and resource consent application processes. The feedback considered that there would be benefit in resolving these so that they are beyond challenge and debate.

Option 3 Criteria-based approach. The Ministry for the Environment considered that a criteria basis approach should be applied so that there is some methodology to how the terms were selected to be defined in the standards. As identified above, the criteria in the discussion papers were revised as a result of feedback to widen the scope to include rural and regional terms.

Option 4 A complete list of terms is based on the concept in option 2 that it could be useful to have terms beyond challenge and debate during the resource consent and plan-making processes. However, this option was also quickly dismissed for the reasons in the options table.

## 13 Scale and significance

As noted in Part 1 Overall assessments evaluation report, section 32(1)(c) of the RMA states that a section 32 evaluation must contain a level of detail that corresponds to the scale and significance of the effects of the proposal.

It is considered that the National Planning Standards as a package are of a large scale and of high significance. However, each individual standard will be of varying scale and significance.

The definitions standard is considered to be of large scale and high significance because it is likely to lead to many detailed changes to the provisions in plans across the country, and significant resources to implement. This is reflected in the level of analysis contained in table 5 and the appendices.

## 14 Costs assessed

As these standards will not directly affect material changes in environmental outcomes, the costs and benefits considered in table 5 are not categorised as environmental, economic, social and cultural costs and benefits as often occurs in RMA plan section 32 assessments.

Although the standards will not have a direct effect on environmental outcomes, they will create opportunity benefits for individual planning processes and the planning system as a whole by enabling more resources to be directed to managing environmental effects instead of administrative matters.

**Table 5: Options analysis for the Definitions Standard**

Planning standards objectives		
<p><b>Objective 1: An appropriate level of standardisation is achieved for matters that don't need local variation:</b></p> <ul style="list-style-type: none"> <li>• avoid duplication of effort</li> <li>• ensure that only matters that do not need local input are included in the standard</li> <li>• standardises how national direction is represented and implemented in plans</li> <li>• result in standards where the effort put in by councils to implement the standards is commensurate with the level of standardisation achieved</li> </ul>	<p><b>Objective 2: Improve the accessibility and usability of plans:</b></p> <ul style="list-style-type: none"> <li>• plans are easier to access</li> <li>• plans are easier to understand</li> <li>• electronic functionality is used to improve accessibility wherever possible.</li> </ul>	
<p><b>Objective 3: Improve plan-making baseline performance:</b></p> <ul style="list-style-type: none"> <li>• shorter timeframes</li> <li>• less resource intensive</li> <li>• more focus on local outcomes</li> <li>• assist in good practice being adopted in a more timely manner.</li> </ul>	<p><b>Objective 4: Implementation of the standards is practical and feasible, while taking into account the:</b></p> <ul style="list-style-type: none"> <li>• resource intensity needed to implement the planning standards</li> <li>• capacity and capability of councils to implement the planning standards</li> <li>• efficiency of central government having ownership, associated ongoing responsibility and maintenance costs for this level of standard.</li> </ul>	
Option 1: Common urban and district plan definitions		
	<p>Costs</p> <p><b>Councils</b> Amending plans to take into account the definitions will take significant time and resource for district councils.</p> <p><b>Ministry for the Environment, central government</b> Resourcing costs for the development and testing of definitions.</p>	<p>Benefits</p> <p><b>Councils</b></p> <ul style="list-style-type: none"> <li>• less time and resources needed to develop district plans</li> <li>• easier for planners to move between district plans to assist with territorial authority resourcing peaks</li> <li>• interpretation by the Environment Court or higher courts through declarations and appeals would apply across the country</li> <li>• common definitions will support territorial authorities sharing common and best practice approaches with district plan provisions</li> </ul>

	<p><b>Plan users</b></p> <ul style="list-style-type: none"> <li>• loss of any case law on specific definitions once the terms are re-defined</li> <li>• increase in appeals on new definitions and how they are used in plans</li> <li>• opportunity cost of not including regional council definitions that could assist with the implementation of regional plans.</li> </ul> <p><b>General public</b></p> <p>Minimal costs to general public as they are likely to interact with only one plan.</p>	<ul style="list-style-type: none"> <li>• enable shared guidance around how to use a district plan that applies across multiple plans.</li> </ul> <p>Plan users</p> <p>Easier for plan users to use multiple district plans with common definitions.</p>
<p><b>Effectiveness and efficiency</b></p>	<p><b>Effectiveness</b></p> <p>This option is not considered to be the most effective option. Feedback received was that the largest value consenting costs occur at the regional level and therefore any standardisation of regional terms would be beneficial. There are benefits to plan users of defining the regularly used regional terms as well.</p> <p>Definitions can apply across both district and regional plans, and urban and rural environments. Only defining terms in district plans does not remove all unnecessary variation and could have unintended consequences if definitions developed for a district plan are applied at a regional level or those developed for an urban environment are applied rurally. If a required term is not fit for the purpose it could make a plan harder to understand.</p>	<p><b>Efficiency</b></p> <p>It is considered that this option would make district plans easier to use and understand.</p> <p>There is a risk that if the focus is on the district plan application of a term that this could create issues when drafting regional provisions. This approach would not alleviate any of the unnecessary variation at the regional level. It can be very difficult to identify any terms that only have an urban application.</p>
<p><b>Overall evaluation</b></p>	<p>This option is not the preferred approach because:</p> <ul style="list-style-type: none"> <li>• it does not meet Objective 1 or 2, as there are more terms that could be standardised across all plan-making types, making plans more accessible and useable</li> <li>• it does not meet Objective 3 as well as the other options as the scope of best practice adoption is more limited than in other options</li> <li>• many definitions apply across regional and district plans</li> <li>• it is difficult to identify definitions that only apply in urban environments</li> <li>• it is considered that unnecessary variation exists in regional and district plan terms and therefore any definitions should not be limited to the district plan or urban</li> </ul>	

application.

An approach that only introduced district definitions would require councils to rework their plans and would only partially realise the stated objectives of the National Planning Standards detailed above.

## Option 2: Controversial terms

	Costs	Benefits
<p><b>Option 2:</b> Limit definitions to the most controversial ones that are regularly debated and appealed (this would likely produce the smallest number of definitions of all of the options).</p>	<p><b>Councils</b> Amending plans to take into account the definitions will take significant time and resource for councils.</p> <p><b>Councils and plan users</b></p> <ul style="list-style-type: none"> <li>• loss of any case law on specific definitions once the terms are re-defined</li> <li>• increase in appeals on new definitions and how they are used in plans</li> <li>• opportunity cost of not including a wider range of definitions that could assist with the implementation of regional plans.</li> </ul> <p><b>Ministry for the Environment, and central government</b></p> <ul style="list-style-type: none"> <li>• resourcing costs are incurred in the development and testing of definitions</li> <li>• determining which definitions are controversial would involve considerable resourcing and is likely to be subjective.</li> </ul> <p><b>General public</b> Minimal costs to general public as they are likely to interact with only one plan.</p>	<p><b>Councils</b> Could remove some of the challenges around the definitions that are often debated and appealed (although often provisions and definition are appealed together).</p> <p><b>Plan users</b></p> <ul style="list-style-type: none"> <li>• a clear understanding of controversial terms that will not be able to be challenged locally or amended</li> <li>• any interpretation by the Environment Court or higher courts through declarations and appeals would apply across the country and provide greater certainty over time; although the benefits of this would be less with this option than the other options considered.</li> </ul>
<p><b>Effectiveness and efficiency</b></p>	<p><b>Effectiveness</b> The option is not the most efficient. Some terms that are not controversial would be linked to the controversial terms. The linked terms should be defined to assist councils to share best practice approaches and make the plans easier to use for plan users that work across multiple plans. Without considering any of the linked terms in plans this approach could create unintended consequences through the definition work.</p>	<p><b>Efficiency</b> This option will not provide the as great a level of consistency across plans as the other options. May make the plans harder to use as more ways are developed to work around the smaller set of defined controversial terms.</p>

<b>Overall evaluation</b>	<p>This option is not considered to be the preferred approach because:</p> <ul style="list-style-type: none"> <li>• it would involve fewer costs for councils but could also open up council approaches to more risk and fewer benefits</li> <li>• having only the controversial terms covered by the planning standards may have the effect of people having to focus their appeals on any related terms as people look for ways to work around the set definitions.</li> <li>• it would be difficult for the Ministry for the Environment to resource this option as the determination around whether a particular definition is controversial (and not the related provisions) would be resource intensive (does not meet Objective 4)</li> <li>• controversial terms may in fact be controversial because of how they relate to the broader policy and rule framework, ie, how they impact on the local context. These terms may require local input; therefore this option is unlikely to meet Objective 1.</li> </ul> <p>An approach that only introduced controversial definitions would require councils to rework their plans and would only partially realise the stated <b>objectives</b> of the National Planning Standards detailed above.</p>
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### Option 3: Criteria-based approach

<b>Option 3</b>	<b>Costs</b>	<b>Benefits</b>
<p>Consider any terms at both the regional and district level that meet criteria for inclusion.</p>	<p><b>Councils</b> Amending plans to take into account the definitions will take significant time and resource for councils.</p> <p><b>Ministry for the Environment, central government</b> Resourcing costs are incurred in the development and testing of definitions.</p> <p><b>Plan users</b> Reduced ability to influence plan definitions.</p> <p><b>General public</b> Reduced ability to influence plan definitions.</p>	<p><b>Councils</b></p> <ul style="list-style-type: none"> <li>• there would be a set of commonly used terms that would consistent across the country (to a greater level than Options 1 &amp; 2)</li> <li>• easier for planners to move between district plans to assist with territorial authority resourcing peaks (to a greater level than Options 1 &amp; 2)</li> <li>• common definitions will support all councils being able to share common and best practice approaches with provisions (to a great level than Options 1 &amp; 2)</li> <li>• interpretation by the Environment Court or higher courts through declarations and appeals would apply across the country and provide greater certainty over time (to a greater level than Options 1 &amp; 2)</li> <li>• will support local authorities being able to share common and best practice approaches with plan provisions(to a greater level than Options 1 &amp; 2)</li> <li>• support integration of provisions across regional and district plans</li> <li>• assist to simplify the ability to develop combined documents as enabled through section 80 of the RMA</li> <li>• assist with the ability create guidance on issues and approaches that apply across multiple plans (to a greater level than Options 1 &amp; 2).</li> </ul>

		<p><b>General public</b></p> <p>Plans will be more readable and easier to understand as provisions should contain most information needed to assess an activity, as opposed to this being in definitions.</p>
<b>Effectiveness and efficiency</b>	<p><b>Effectiveness</b></p> <p>The option is the most effective. It creates an appropriate balance between having common understandings of terms and an ability to provide definitions to reflect the local environment and circumstances when necessary.</p>	<p><b>Efficiency</b></p> <p>Of the four options assessed, this option is considered to have the highest benefit, even though there are likely to be high costs with the initial implementation of the standard. Once implemented it will assist with efficiencies that can be achieved through shared approaches to issues and combined documents.</p> <p>This option would be even more efficient if the changes to implement the standard were carried out as part of a full plan review. The Ministry is encouraging this approach.</p>
<b>Overall evaluation</b>	<p>This option is the preferred one because:</p> <ul style="list-style-type: none"> <li>• it is considered to be the most effective, efficient and most reasonably practicable option, fulfilling the objectives of the National Planning Standards</li> <li>• this option is strongly evidence based, as the Ministry has assessed which definitions were the most common and developed a set of definitions for those most useful to standardise</li> <li>• it is thought that this will be an appropriate balance between achieving consistency across multiple plans where it counts, while still enabling the development of definitions to reflect the local issues and environment as appropriate (meeting Objective 1)</li> <li>• it is considered that common definitions across all levels could support good practice approaches, and common approaches to the implementation of national direction (Objective 3 and Objective 1)</li> <li>• this option is also considered to meet Objective 4, as while it would take a significant amount of resource to implement it will bring significant national plan standardisation.</li> </ul>	
<b>Option 4: Complete set of definitions</b>		
<b>Option 4</b>	<b>Costs</b>	<b>Benefits</b>

<p>Complete set of definitions provided to the extent that councils can not include any other terms.</p>	<p><b>Councils</b></p> <ul style="list-style-type: none"> <li>• a full set of definitions could make it difficult for councils to respond to the particular local context or new emerging issues</li> <li>• local authorities would be required to re-draft the majority of their plans to reflect any definitions.</li> </ul> <p><b>Ministry for the Environment, central government</b></p> <ul style="list-style-type: none"> <li>• it would place a considerable burden on the Ministry to draft and maintain a full set of definitions when some definitions, such as geothermal-related definitions, only apply in discrete areas of the country</li> <li>• there would be significant resource required to ensure that the definitions remain current and fit for purpose.</li> </ul> <p><b>Plan users and the general public</b></p> <p>There would be no ability to input into definitions that affect the local context.</p>	<p><b>Councils and plan users</b></p> <ul style="list-style-type: none"> <li>• there will be a set of commonly used definitions that will be consistent across the country (to the greatest extent of all options)</li> <li>• any interpretation by the Environment Court or higher courts through declarations and appeals would apply across the country and provide greater certainty over time (to the greatest extent of all options)</li> <li>• option will support all councils being able to share common and best practice approaches (to the greatest extent of all options)</li> <li>• easier for planners to move between district plans to assist with territorial authority resourcing peaks (to a great level than Options 1 &amp; 2)</li> <li>• assist with the ability create guidance on issues and approaches that apply across multiple plans (to a great level than Options 1 &amp; 2).</li> </ul>
<p><b>Effectiveness and efficiency</b></p>	<p><b>Effectiveness</b></p> <p>This option, while being the most effective at standardising definitions across the country, is not considered to be effective overall as it will take away the ability of the community to influence definitions specifically related to the local context. This option could also make plans harder to use due the kind of drafting that would be required to create localised content desired by the community without being able to draft appropriate rules.</p>	<p><b>Efficiency</b></p> <p>This option would place a considerable burden on the Ministry to maintain an exclusive list of all possible plan terms that can be used. It does not take into consideration the devolved decision-making of the RMA, which recognises that communities can set the priorities and desired outcomes for their own area. A full set of definitions could undermine the ability of the community to achieve the local outcomes sought, or adhere to the procedural principle of being worded in a way that is clear and concise that is required by section 18A of the RMA. This option is also not considered efficient as it would require plans to be significantly redrafted to take into account all definitions.</p>
<p><b>Overall evaluation</b></p>	<p>This option is the least preferred because:</p> <ul style="list-style-type: none"> <li>• as there needs to be ability for the local council and community to include definitions that reflect the local environment and outcomes sought by the community (Objective 1 is not met).</li> <li>• this option is likely to increase the complexity of plans and make them harder to use (Objective 2 and 3 not met).</li> <li>• it will place a significant resource burden on the Ministry to maintain definitions over time and therefore is in conflict with Objective 4.</li> </ul>	

## 15 Risk of acting/not acting if there is uncertain or insufficient information

An assessment of the risks of acting or not acting if there is uncertainty or insufficient information is usually undertaken for each reasonably practicable option in a regular section 32 report. However, as established in Part 1 of this evaluation report, the National Planning Standards (planning standards, or standards) require evaluation following a slightly different methodology. As the options outlined above are essentially variations of one another, the risks of acting or not acting if there is uncertainty or insufficient information are considered to be the same. Therefore, they are addressed collectively here.

It is considered that there is certain and sufficient information on which to base the proposed standard, as:

- research has gone into the definitions that are used both at the regional and district plan level
- the drafting of definitions and the approach proposed has had initial feedback from the drafting practitioners group, pilot councils, and some industry groups
- where changes are required to existing plan definitions, consequential amendments can also be made to plans without any Schedule 1 process
- due to the complexity of the changes that may be required, there could be unintended consequences from the redrafting of the plan to implement the national planning standard definitions; the exact effect that the standard will have on any particular plan is uncertain due to the existing variation that occurs in the current plans – the implementation timeframe proposed allows the whole plan to be reviewed and notified if the council wishes to do this to ensure that there are no unintended consequences of amendments to the plan when implementing the standard
- there are options available to councils to include stakeholders in the process of how they implement the Definitions standards, for example, this could be through a full plan review and new plan using a Schedule 1 process or through the release of a draft plan.

## 16 Conclusion/summary

The option chosen is considered to be the most appropriate at balancing the consistency required around definitions in multiple plans to achieve the benefits of having common definitions and structure while still providing for localised content in a clear and concise manner. It is considered to be the most effective, efficient and most reasonably practicable option, and fulfils the objectives of the National Planning Standards.

The implementation timeframe has been proposed to enable many local authorities to implement this standard at the time of their scheduled plan review when the work on definitions and how they interact with plan provisions occurs anyway. It is considered that common definitions across all levels could assist with the adoption of good practice approaches and common approaches to the implementation of national direction.

# Appendix 1: Criteria used to identify terms

## Revised criteria for definitions to be included in the National Planning Standards

During the 2017 roadshow on the discussion papers, we were consistently told that the planning standards should have a more balanced approach to district and regional plan definitions. The stakeholders considered that standardising regional plan definitions would result in as many benefits as district plan definitions. We also received a lot of feedback on the discussion paper that the “urban related” criteria was too ambiguous and did not help identify the definitions that would provide the most benefit to the planning system.

The methodology originally proposed in our discussion document started off with the list of core district plan terms identified in our research that exhibited a weak to strong frequency of use (that is, appearing in at least 25 per cent of plans). Six criteria were then applied with equal weighting. If a term met two or more criteria, it was chosen for inclusion in the planning standards.

We have revised this methodology in the following ways:

- Criteria 1 was amended to capture highly used terms across both district and regional documents, rather than just district plans.
- We have started off with a list of the district plan and regional plan terms identified in our research that exhibited a weak to strong frequency of use (that is, appearing in at least 75 per cent of plans)
- We removed the “urban related” criteria, as it was consider too ambiguous and did not help filter down the list of the definitions.
- We changed the criteria “land use categories” to “parental group land use categories”. This change is intended to provide a better and more consistent approach to dealing with land use categories.
- A new inclusion criteria was added, “dependencies or linkages with other definitions”.
- A new exclusion criteria was added – “reality check”. This was basically applied to the original list but not documented.

The criteria used to identify terms for inclusion in the standards are outlined below.

### Criteria 1: Highly used

Where commonly used terms already exist across district plans and regional planning documents, it makes sense to standardise such terms because they are likely to be frequently used by plan users.

We think terms that constitute ‘high use’ in this context are those that have a moderate to strong frequency of use in the plans analysed as part of our research (that is, appearing in over 50 per cent of plans). However, it is also recognised that there are some terms that are not currently used that are likely to be required in the future and these have been included to provide consistency early on. For instance, to implement new national direction, new definitions may be required. It may also be useful for the planning standards to define terms that will assist in the implementation of emerging best practice across the country.

## **Criteria 2: Common to both district and regional plans**

Our research identified 40 terms that are commonly used in both district and regional plans.<sup>6</sup> Developing national planning standards for these terms could help improve the interface between district and regional plans. Terms that are common to both district and regional plans are also extremely relevant to unitary authorities.

## **Criteria 3: Infrastructure related**

Many infrastructure and large service providers frequently submit on plans, seeking to include standardised provisions to manage their activities in response to the different planning frameworks in each council. Standardising infrastructure definitions at the national level will help create more equitable planning processes for infrastructure providers in all parts of New Zealand. Furthermore, certain types of infrastructure have standard designs and operational requirements that only have small variations to reflect local conditions.

## **Criteria 4: High-level land use categories**

It is considered that any definitions relating to land use categories should be kept at a high level unless the activity is clearly consistent across the whole country. Given the vast interrelationships and dependencies between land use definitions, it is considered that standardising granular/specific land use definitions could create significant disruption and complexity in the planning system unless a comprehensive framework is established to organise the parameters and linkages of each land use definition. It is also recognised local context is important for some specific land use definitions, and there may be instances where located variation is warranted.

Targeting high-level land use categories (for example, 'industrial activities' and 'commercial activities') will provide more consistency to land use definitions across the country without significantly disrupting existing plans. Standardising the definitions of parental land use is also an achievable deliverable for the first set of planning standards, compared to standardising a comprehensive list of land use definitions.

## **Criteria 5: Dependencies or linkages with other definitions**

It is recognised that some terms, objectives, policies and rules work together so that a package of provisions (rather than individual provisions) provide the outcomes sought. With this in mind, some terms may be included to provide consistency across the whole suite of provisions where there are clear linkages. One example of this is building bulk and location rules.

## **Criteria 6: Terms that should not be defined in the national planning standards**

It is considered that there are terms that should **not** be included in the set of national definitions. Criteria were developed for these instances where terms that would meet the inclusion criteria (1–5 above) would be excluded from the standard as follows:

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<sup>6</sup> Boffa Miskell. 2015. *RMA District Plan Definitions*. Prepared for the Ministry for the Environment by Boffa Miskell. Wellington: Ministry for the Environment.

### **16.1.1 Criteria 6.1: The term has an existing, ordinarily understood ‘plain’ meaning**

Where a term has an existing, ordinary meaning and can be interpreted in a planning context without issue, the term does not need to be defined as part of the National Planning Standards.

When interpreting a term, the starting point for the courts is the term’s ordinary, natural meaning, along with any corresponding plan definition if one exists. Where a term is not defined in a plan, the courts often look to the dictionary to determine its plain, ordinary meaning. However, the courts acknowledge that care needs to be taken to ensure that any dictionary definitions referred to are appropriate to the local context.<sup>7</sup>

### **16.1.2 Criteria 6.2: The term is te reo Māori**

The independent hearings panel on the proposed Auckland Unitary Plan found that te reo Māori terms are provided to help with interpretation of terms used in the plan, they are not intended to be used as definitions. They recommended te reo Māori words are placed in a glossary where they can provide help but do not function as definitions. The independent hearings panel on the proposed Christchurch Replacement District Plan recommended that an explanation of Māori terms and concepts be contained in the introductory chapter as relevant to the management of natural resources.

We note there may be circumstances where it might be appropriate to define a te reo Māori term. For example, the term ‘marae’ could be defined because its definition in plans often encompasses land use elements such as educational use, residential uses, or housing for kaumātua. Similarly, ‘papakāinga housing’ is another Māori term that relates to a particular activity now commonly provided for in plans.

### **16.1.3 Criteria 6.3: The term is defined in the Resource Management Act 1991**

Where a term has a defined meaning in the RMA, the term should not be redefined in resource management plans or the National Planning Standards providing that the context in the RMA is appropriate. The independent hearings panel on the proposed Auckland Unitary Plan noted that the preferred option is cross referencing to the RMA so that, if any amendment is made to the legislation, the plan does not need to be changed.

### **16.1.4 Criteria 6.4: Reality check**

It is recognised that over time with technological and societal changes, some terms may be replaced or become obsolete. While these terms may be highly used and meet the inclusion criteria, there may be good reason not to include them going forward. An example of this is the latest New Zealand acoustic Standards, which changed the metrics used to measure noise. Some of the previous noise metrics are no longer considered best practice but remain defined in some plans that have not been updated.

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<sup>7</sup> For example, *Bevon Investments Ltd v Marlborough District Council* (2012) NZHC 113, where the High Court noted differences in usage of the word ‘flat’ in England and New Zealand.

If a nationally consistent definition is going to cause widespread and long-term issues (not just transitional issues) than the term should not be defined in the planning standards. For example, where a particular definition's wording is dependent on local characteristics that vary throughout the country, consideration should be given to excluding such a definition from the planning standards (even on a regional basis). It is recognised that some drafting styles may need to change but this is not a reason to exclude any definition from the planning standards.

Furthermore, in some instances the planning standards may not be the best instrument to define the term, as it might be better addressed through other national direction, regulation, or the principal Act.

## Evaluation against criteria

Every term suggested in the feedback on the discussion papers (both from the workshops and submissions) were assessed against the criteria for inclusion in the standard; as shown in the table below. The table includes identification of where a synonym of the term has been used in the draft planning standard.

**Table A1: Assessment against the criteria for inclusion of the term in the definitions standard**

Term	Criteria 1: Highly used	Criteria 2: Common to both district and regional plans	Criteria 3: Relevant to infrastructure	Criteria 4: High-level land use categories	Criteria 5: Linkages with other definitions	Synonym used in draft standard	Criteria 6: Exclusions	Criteria 6A: Reality check exclusions	Defined in a statute, regulation or technical standard?	Term meets two or more criteria?	Should define
Abrasive blasting	X		X		Dry abrasive blasting, wet abrasive blasting				NES– Electricity Transmission	3	Y
Abstraction point										0	N
Accelerated erosion		X								1	N
Access	X	X	X							3	Y
Access lot					Access strip, access way					1	N
Access strip		X			Access lot, access way , site coverage and recession plane				RMA	2	Y
Access way		X			Access lot, access strip, site coverage, recession plane					2	Y
Accessory building	X	X	X		Building, minor dwelling					4	Y
Act /the Act	X	X					Yes (plainly understood)		An abbreviation	2	N
Addition		X			Repairs and maintenance, alterations					2	Y

Adjoining			X		Adjacent					2	Y
Aerial		X	X		Antenna					3	Y
Aeronautical facility			X							1	N
Agrichemical	X	X			Fertiliser					3	Y
Aircraft operations		X	X			Yes (plainly understood)				2	N
Allocation										0	N
Allotment	X				Site	Yes (RMA)				2	N
Alteration			X		Demolition, 'repairs and maintenances', upgrading					2	Y
Ambient air quality		X								1	N
Amenity values	X	X	X			Yes (RMA)		RMA		3	N
Ancillary activity	X	X		X	Ancillary office, ancillary retail					4	Y
Animal effluent		X								1	N
Annual exceedance probability										0	N
Antenna	X		X		Aerial			NES – Telecommunications		3	Y
Aquaculture management area					Aquaculture management					1	N

Aquifer	X	X			Bore, confined aquifer, piezometer						3	Y
Archaeological site	X	X								Heritage New Zealand Pouhere Taonga Act 2014	2	Y
Artificial watercourse	X										1	N
Bed	X	X					Yes (RMA)		RMA		2	N
Berm		X									1	N
Best practicable option	X	X					Yes (RMA)		RMA		2	N
Biodiversity		X									1	N
Biosolids	X	X									2	Y
Biota		X									1	N
Bore	X	X			Aquifer, ground water, piezometer						3	Y
Boundary	X		X		Site						3	Y
Boundary adjustment	X		X		Subdivision						3	Y
Building	X	X	X		'Accessory building', 'building coverage,					Building Act 2004	4	Y
Building coverage	X				Building, bulk and location terms	Coverage					2	Y
Camp ground/camping grounds											0	N

Care facility (residential)										0	N
Carriageway			X							1	N
Catchment		X								1	N
Change of land use										0	N
Childcare facility	X									1	N
Chimney		X			Height		Plainly understood			2	N
Cleanfill	X	X			Landfill				NES - Air Quality	3	Y
Climate change		X								1	N
Coastal marine area (CMA) structure			X							1	N
Coastal environment	X	X	X					Localised content required		3	N
Coastal hazards										0	N
Coastal marine area (CMA)	X	X					Yes (RMA)		RMA	2	N
Coastal water		X					Yes (RMA)			1	N
Commercial activity	X			X						2	Y

Community facility/activity	X			X		Community facility			Local Government Act 2002 – ‘community facilities’	2	Y
Community-scale energy generation			X							1	y
Composting		X								1	N
Conditions										0	N
Confined aquifer		X			Aquifer, ground water, piezometer					2	Y
Confining layer										0	N
Consent authority		X					Yes (RMA)			1	N
Construction work			X	X					NZS 6803:1999	2	Y
Contaminant	X	X					Yes (RMA)			2	N
Contaminated land		X	X				Yes (RMA)			2	N
Contaminated site		X	X						RMA – ‘Contaminated Land’	2	Y
Contractor										0	N
Controlled activity							Yes (RMA)			0	N
Corner site*					Front site, rear site					1	N
Council	X	X					Yes (plainly understood)		An abbreviation	2	N

Cultivation		X								1	N
Cultural landscape										0	N
Dairy sludge										0	N
Dam	X				Artificial water course		Yes (plainly understood)			2	N
dBA	X	X						Obsolete	Technical standard	0	N
Demolition	X		X		Repairs and maintenance, alterations					3	Y
Deposition		X								1	N
Designation			X				Yes (RMA)			1	N
Development							Yes (plainly understood)			0	N
Discharge	X	X					Yes (RMA)			2	N
Discretionary activity							Yes (RMA)			0	N
Dispersion model		X								1	N
Disposal area										0	N
District rule							Yes (RMA)			0	N
Diversion		X								1	N

Domestic sewage		X							RMA – waste or other matter NES – Air Quality – waste	1	N
Domestic wastewater		X							RMA waste or other matter NES – Air Quality – waste	1	Y
Drain	X	X			Stormwater, fresh water					3	Y
Drainage		X								1	N
Drainage system		X								1	N
Drainage water		X								1	N
Drinking water								NES Drinking water		0	N
Dripline	X		X			Root protection area				2	Y
Dry abrasive blasting		X	X		Abrasive blasting, wet abrasive blasting				NES – Electricity Transmission	3	Y
Dust	X	X	X		Construction, earthworks					4	Y
Dwelling	X	X	X		Building	Residential Unit			RMA – ‘dwellinghouse’	4	Y
Dwellinghouse		X							RMA – ‘dwellinghouse’	1	N
Earthworks	X	X	X		Temporary earthworks, trenching				NES – Electricity Transmission and NES – Telecommunications NES – Plantation Forestry	4	Y
Ecosystem	X	X								2	Y

Education facility	X		X	X						3	Y
Effect	X	X					Yes (RMA)			2	N
Elderly person unit										0	N
Elevation										0	N
Emergency service									Civil Defence Emergency Management Act 2002	0	N
Energy		X								1	N
Environment	X	X					Yes (RMA)			2	N
Environmental compensation										0	N
Environmental results anticipated	X									1	N
Ephemeral waterbody/flow path	X	X			Drainage					3	Y
Erosion		X								1	N
Esplanade reserve	X	X					Yes (RMA)			2	N
Esplanade strip		X					Yes (RMA)			1	N
Extractive industry					Quarry					1	N

Factory farming		X			Intensive farming	Intensive primary production					2	Y
Farm quarry		X									1	N
Farming	X			X	Intensive farming	Primary production			RMA -- production land		3	Y
Fauna		X			Flora		Yes (plainly understood)				2	N
Feedpad		X									1	N
Fence							Yes (plainly understood)		Fencing Act 1978		0	N
Fertiliser	X	X			Agrichemical						3	Y
Financial contribution	X	X					Yes (redundant)		Being removed from the RMA		2	N
Flood carrying capacity		X									1	N
Floodplain		X									1	N
Flora		X			Fauna		Yes (plainly understood)				2	N
Flushing flows											0	N
Foreshore		X									1	N
Forestry				X			Yes (plainly understood)				1	N

Free range										0	N
Fresh water		X			River, wetland , ephemeral stream/waterbody		Yes (plainly understood)			2	N
Front site	X				Rear site, corner site		Yes (plainly understood)			2	N
Frontage	X									1	N
Functional need		X	X							2	Y
Gravel		X								1	N
Green waste		X			Waste					1	N
Greywater	X	X	X		Waste water, human waste				RMA - waste or other matter NES – Air Quality - waste	4	Y
Gross floor area	X	X	X							3	Y
Ground level	X		X		Height recession plane					3	Y
Groundwater		X			Aquifer, ground water, piezometer					2	Y
Groundwater allocation zones										0	N
Habitable building/room	X		X		Building, dwelling, residential unit, residential activity	Habitable room			Building code – ‘habitable space’	3	Y
Habitat		X								1	N

Hand-held appliance		X								1	N
Hapū	X	X					Yes (te reo Māori)			2	N
Hardfill										0	N
Hazardous facility	X		X	X						3	Y
Hazardous substance	X	X					Yes (RMA)			2	N
Hazardous waste	X	X						NES – Air Quality Hazardous substance is defined in HSNO but not hazardous waste, see also Ministry for the Environment Guidance on Management of hazardous waste module 1		2	Y
Healthcare facility/centre				X						1	N
Heavy vehicle			X						Heavy Motor Vehicle Regulations 1974 (Transport Act 1962)	1	N
Height	X		X		Ground level				NES – Electricity Transmission	3	Y
Height in relation to boundary	X		X		Ground level, boundary, height					3	Y
Hennery										0	N
Heritage landscape area										0	N
Historic heritage	X						Yes (RMA)			1	N

Historic place		X							Heritage New Zealand Pouhere Taonga Act 2014	1	N
Home occupation	X			X						2	Y
Home stay					visitor accommodation					1	N
Horticulture		X								1	N
Household/household unit			X		Residential unit, minor unit, dwelling house					2	Y
Hydraulically neutral		X								1	N
Impermeable surface					Permeable surface, bulk and location					1	N
Impoundment		X								1	N
Indigenous		X								1	N
Indigenous vegetation	X	X					Yes (plainly understood)			2	N
Industrial activity	X	X		X					RMA – Industrial or trade process	3	Y
Industrial or trade premises		X								1	N
Industrial or trade process		X								1	N
Infrastructure			X	X			Yes (RMA)			2	N
Instream values		X								1	N

Intake structure		X								1	N
Intensive farming		X		X	Farming	Intensive primary production				3	Y
Intrinsic values		X								1	N
Issue										0	N
Iwi	X	X					Yes (te reo Māori)			2	N
Iwi authority	X	X					Yes (RMA)			2	N
Iwi management plan	X	X					Yes (plainly understood)			2	N
Kaitiaki	X						Yes (te reo Māori)			1	N
Kaitiakitanga	X	X					Yes (te reo Māori and RMA)			2	N
Kaupapa	X	X					Yes (te reo Māori)			2	N
Kawa	X									1	N
Kawanatanga	X	X					Yes (te reo Māori)			2	N
Kerosene	X	X					Yes (plainly understood)			2	N
Koiwi	X									1	N

kW (kilowatt)	X									1	N
L10	X		X					Yes (redundant)	Technical standard	2	N
LAeq/Leq	X		X						Technical standard	2	Y
Lake		X					Yes (RMA)			1	N
Land	X	X					Yes (RMA)			2	N
Land disturbance		X			Earthworks, trenching, harvesting					2	Y
Land holder		X								1	N
Landfill	X	X		X					NES - Air Quality	3	Y
Landscaping			X							1	N
Large format retail										0	N
Ldn			X						Technical standard	1	N
Leachate		X								1	N
Light fuel oil		X								1	N
Line			X							1	N
Lmax	X		X						Technical standard	2	Y
Loading space					Parking space					1	N

Local authority		X					Yes (plainly understood)		Local Government Act 2002	1	N
Lot					site					1	N
Lux			X						Technical Standard	1	N
Mahinga kai	X	X					Yes (te reo Māori)			2	N
Maintenance	X	X	X		Maintenance dredging, maintenance of infrastructure					4	Y
Maintenance dredging		X								1	N
Maintenance of infrastructure	X		X							2	Y
Mana	X	X					Yes (te reo Māori)			2	N
Mana whenua	X	X					Yes (te reo Māori and RMA)			2	N
Manaakitanga		X								1	N
Marae		X		X			Yes (te reo Māori)			2	N
Mast			X		Aerial, antenna					2	Y
Matauranga Māori		X					Yes (te reo Māori)			1	N

Mauri	X	X					Yes (te reo Māori)			2	N
Mean annual flow										0	N
Mean high water springs	X	X						Requires localised consideration		2	N
Meteorological activity			X							1	N
Mineral		X								1	N
Mineral extraction activities					Mining					0	N
Minimum flow	X	X						NPS - Fresh water		2	N
Mining				X			Yes (RMA)			1	N
Minor dwelling				X	Dwelling, building	Minor residential unit				2	Y
Minor upgrading	X		X							2	Y
Minor utility structure			X							1	N
Modification/minor works			X			Minor upgrading				1	N
Mooring		X								1	N
Mouth		X								1	N

Multi unit residential development	X									1	N
National policy statement (NPS)	X	X					Yes (plainly understood)			2	N
Natural and physical resources	X	X					Yes (RMA)			2	N
Natural character		X								1	N
Natural hazard	X	X					Yes (RMA)			2	N
Natural landscape area					Significant landscape area, historic landscape area					1	N
Navigational aid		X								1	N
Net floor area	X				Gross floor area					2	Y
Net site area	X	X			site					3	Y
Net take										0	N
Network utility		X	X	X						3	Y
Network utility operator		X	X				Yes (RMA)		RMA - Section 166	2	N
New Zealand coastal policy statement		X					Yes (plainly understood)			1	N
Noa		X					Yes (te reo Māori)			1	N

Noise	X	X					Yes (RMA)			2	N
Noise sensitive activities	X		X	X	Reverse sensitivity, sensitive activities					4	Y
Non-complying activity							Yes (RMA)			0	N
Non-point discharge		X								1	N
Notable tree			X							1	N
Notional boundary	X		X		Boundary, site				NZS 6801:2008 Technical standard	3	Y
Objective							Yes (plainly understood)			0	N
Offal		X								1	N
Offal pit		X								1	N
Offensive trades										0	N
Office	X									1	N
Official sign			X		Sign					2	Y
On-site wastewater disposal system		X								1	N
Open coastal water		X								1	N
Open fire		X								1	N

Operative							Yes (RMA)			0	N
Organised motorised recreational activity										0	N
Outdoor burning	X	X								2	Y
Outdoor living space	X		X							2	Y
Outdoor storage										0	N
Papakāinga	X		X				Yes (te reo Māori)			2	N
Parking space					Loading space		Plainly understood			1	N
Pasture										0	N
Permitted activity							Yes (RMA)			0	N
Piezometer		X								1	N
Place of assembly	X			X						2	Y
Plantation forestry		X		X					NES – Plantation forestry	2	Y
PM10		X							Air Quality	1	N
Point source discharge	X	X							NPS - Fresh Water	2	N
Pole	X		X							2	Y

Policy							Yes (plainly understood)			0	N
Precautionary approach		X								1	N
Preservation		X								1	N
Primary production	X	X								2	Y
Production capacity										0	N
Production forestry									NES – Plantation forestry	0	N
Production land		X								1	N
Prohibited activity							Yes (RMA)			0	N
Property	X	X								2	Y
Proposed plan							Yes (RMA)			0	N
Protection		X								1	N
Public land		X								1	N
Quarry				X	Mining, mineral extraction					2	Y
Rangatiratanga							Yes (te reo Māori)			0	N
Rahui							Yes (te reo Māori)			0	N

Rear site					Front site, rear site		Yes (plainly understood)			1	N
Reasonable mixing			X							1	N
Reclamation	X		X							2	Y
Recreation activity				X						1	N
Regional coastal plan							Yes (plainly understood)			0	N
Regional council							Yes (plainly understood)	Local Government Act 2002		0	N
Regional plan							Yes (plainly understood)			0	N
Regional policy statement (RPS)							Yes (plainly understood)			0	N
Relocatable building										0	N
Repair and maintenance	X		X		Alterations, demolition					3	Y
Residential activity	X			X						2	Y
Residential unit			X		Minor unit					2	Y
Restaurant										0	N
Retail activity				X						1	N

Reverse sensitivity	X	X	X							3	Y
Riparian margin	X									1	N
Risk										0	N
Risk assessment										0	N
Risk-based approach (natural hazards)										0	N
River	X	X					Yes (RMA)			2	N
Road	X		X				Yes (RMA)			2	N
Road boundary			X							1	N
Rocks										0	N
Rohe							Yes (te reo Māori)			0	N
Rohe moana							Yes (te reo Māori)			0	N
Root raking	x									1	N
Rural industry	X				Primary production					2	Y
Rural infrastructure										0	N

Rural production activities	X	X				Primary production					2	Y
Rushland											0	N
School											0	N
Sea level											0	N
Sensitive activities			X	X	Noise sensitive activities						3	Y
Septage		X									1	N
Service lane					Access way				Local Government Act 1974		1	N
Service station	X										1	N
Setback	X		X								2	Y
Sewage		X			Human waste, grey water				RMA – waste or other matter NES – Air Quality – waste		2	Y
Shelter belt											0	N
Sign	X		X								2	Y
Significant											0	N
Site	X	X			Front site, rear site, corner site, access site						3	Y
Slop											0	N
Sludge											0	N

Soil		X								1	N
Soil disturbance		X								1	N
Solid fuel		X							NES – Air quality	1	N
Solid waste	X	X								2	Y
Spray		X								1	N
Statutory acknowledgement	X	X						X	Yes. Used differently in different settlement legislation.	2	N
Stopbank		X								1	N
Storeys							Yes (plainly understood)			0	N
Stormwater	X	X	X		Wastewater, greywater					4	Y
Stream works		X								1	N
Structure	X	X					Yes (RMA)			2	N
Subdivision	X		X				Yes (RMA)		RMA – ‘Subdivision of land’	2	N
Subject property		X								1	N
Substation			X							1	N
Supermarket										0	N
Surface water										0	N

Sustainable management	X	X					Yes (RMA)			2	N
Taiapure		X					Yes (te reo Māori and RMA)			1	N
Taina		X					Yes (te reo Māori and RMA)			1	N
Tangata whenua	X	X					Yes (te reo Māori and RMA)			2	N
Taonga	X	X					Yes (te reo Māori)			2	N
Tapu		X					Yes (te reo Māori)			1	N
Tauranga waka							Yes (te reo Māori and RMA)			0	N
Telecommunication	X		X						Telecommunications Act 2001	2	Y
Temporary activity			X	X				Context too important		2	N
Temporary military training activities (TMTA)			X							0	N
Temporary sign					Sign					1	N
Territorial authority		X					Yes (plainly understood)		Local Government Act 2002	1	N

Territorial local authority		X					Yes (same as territorial authority)			1	N
Territorial sea		X							Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977	1	N
Tertiary institute					Educational facility					1	N
Tikanga		X					Yes (te reo Māori)			1	N
Tikanga Māori		X					Yes (te reo Māori)			1	N
Tino rangatiratanga							Yes (te reo Māori)			0	N
Track		X			Walkway, road, access way, access path, carriageway			Localised context required		2	N
Transformer means			X							1	N
Treaty of Waitangi		X					Yes (plainly understood)			1	N
Unconfined aquifer		X			Aquifer					2	Y
Upgrading					Minor upgrading					1	N
Urupā		X					Yes (te reo Māori)			1	N
Use		X								1	N

Use of hazardous substances			X							1	N
Utility corridor			X							1	N
Utility/utility service			X	X			Yes (RMA)		RMA – section 166 'Network Utility Operators/Operation'	2	N
Vegetation		X					Plainly understood			1	N
Vegetation clearance	X	X	X		Vegetation disturbance				NES – Plantation forestry	4	Y
Vehicle access					Site coverage, gross floor area, access					1	N
Vehicle crossing										0	N
Vehicle trip										0	N
Versatile land										0	N
Vertebrate toxic agents										0	N
Vessel							Plainly understood			0	N
View shaft								Localised context required		0	N
Visitor accommodation	X		X		Dwelling, commercial activity					3	Y
Waahi tapu	X	X					Yes (te reo Māori)		Heritage New Zealand Pouhere Taonga Act 2014	2	N

Wairua		X					Yes (te reo Māori)			1	N
Waka		X					Yes (te reo Māori)			1	N
Waste		X							RMA – waste or other matter NES – Air Quality – waste	1	N
Waste oil		X								1	N
Wastewater	X	X	X		Stormwater, sewage, human waste, grey water					4	Y
Water		X					Yes (RMA)			1	N
Water body	X	X					Yes (RMA)			2	N
Water harvesting		X						NPS - Fresh water		1	N
Water table		X			Aquifer, ground water,			Localised context required		2	N
Water take			X					NPS - Fresh water		1	N
Wet abrasive blasting	X	X	X		Dry abrasive blasting				NES – Electricity Transmission	4	Y
Wetland	X	X					Yes (RMA)			2	N
Whānau		X					Yes (te reo Māori)			1	N
Winter grazing										0	N

Wood		X								1	N
Wood burner		X							NES – Air quality	1	N
Wood pellets		X								1	N
Yard	X		X		Side yard, rear yard, front yard	Setback				3	Y

## Appendix 2: Explanation of each individual term

**Table A2.1: Explanation of terms included in the planning standards**

Term	Proposed definition	Explanation
abrasive blasting	means the cleaning, smoothing, roughening, cutting or removal of part of the surface of any article by the use, as an abrasive, of a jet of sand, metal, shot or grit or other material propelled by a blast of compressed air or steam or water or by a wheel	<p>Abrasive blasting is commonly used to maintain infrastructure and can be used for other structures. The research identified that there was only minor variation in how the term was defined. It is noted that ‘abrasive blasting’, ‘dry abrasive blasting’, and ‘wet abrasive blasting’ are defined in the NES for Electricity Transmission Activities (NESETA). The definition in the NESETA captures the methodology used on the national grid infrastructure but this definition potentially includes other techniques used in abrasive blasting and is therefore considered more appropriate for the planning standards.</p> <p>It is recognised that there are different effects depending on whether it is a dry or wet abrasive blasting technique that is being used and therefore a definition of each is being provided. Each of these terms are also listed separately in the Definitions standard This approach was adopted to enable local authorities to control the two types separately if they wish to.</p>
access strip	<p>has the same meaning as in section 2 of the RMA (as set out in box below)</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>means a strip of land created by the registration of an easement in accordance with section 237B for the purpose of allowing public access to or along any river, or lake, or the coast, or to any esplanade reserve, esplanade strip, other reserve, or land owned by the local authority or by the Crown (but excluding all land held for a public work except land held, administered, or managed under the Conservation Act 1987 and the Acts named in Schedule 1 of that Act)</p> </div>	RMA definition

Term	Proposed definition	Explanation
accessory building	means a detached <b>building</b> , the use of which is ancillary to the use of the principal <b>building</b> , buildings or activity on the same <b>site</b> , but does not include any <b>minor residential unit</b>	<p>‘Accessory building’ is a term defined in almost all of the district plans assessed in our research (24 out of 25 plans). Accessory buildings are a common physical feature across both rural and urban areas. Most existing definitions of ‘accessory building’ assessed in our research didn’t limit the definition to a particular zone or location but instead the definitions were applicable to “any site”.</p> <p>Accessory buildings are generally permitted activities provided they comply with certain performance standards such as height, site coverage, setbacks etc.</p> <p>There is a strong degree of consistency among the existing definitions of ‘accessory building’ assessed in our research. Commonly phrases include:</p> <ul style="list-style-type: none"> <li>• “means a building...”</li> <li>• “the use of which is incidental to that of other buildings/principal building”</li> <li>• “the use of which is incidental to the principal land use”.</li> </ul> <p>The definition includes a reference to activity to provide for any situation where the building is ancillary to the main use of the site. For instance, a small retailing building linked to a manufacturing activity.</p> <p>Our proposed definition refers to “the principal building, or buildings”. It is important to include the plural of building because large sites often contain numerous individual buildings that together accommodate the principal activity occurring on a site. It would be a perverse outcome if only one principal building could exist on one site, thereby making any other building an ‘accessory building’.</p> <p>Our proposed definition of accessory building uses the word ‘detached’ to create a clear distinction between a principal building and an accessory building. For example, if a garage is attached to a residential building, the garage would form part of the principal building.</p> <p>It was also recognised that a building may be ancillary to an activity that occurs on site that is not located in a building (eg, small staff building on a large quarry or open cast mine site). This scenario has been provided for in the definition.</p> <p>A number of existing definitions of ‘accessory building’ lists features/items that are encompassed by the definition, such as glasshouses, carports, sheds etc. The proposed definition doesn’t include such a list due to the plethora of possible structures the definition of accessory building</p>

Term	Proposed definition	Explanation
		<p>could include.</p> <p>The definition has been included recognising that there are often smaller buildings on a site that support the function or purpose of the principal building on the site. In some cases the bulk and location standards for accessory buildings can be more permissive than other buildings, such as permitted garages and small sheds to be exempt from yard setback requirements.</p> <p>Some feedback on this definition sought clarification about whether a garage built before a house could be considered an accessory building. This scenario has not been provided for in the definition (must be ancillary to a building or activity). It is considered that it is up to the rules to determine whether a garage can be permitted without a house. The 2017 amendments to the RMA also included the ability for marginal and temporary non compliances to be considered as permitted activities (section 87BB) which can be applied on a case-by-case basis by the consent authority. It was also considered that if only a garage was built on a site that it was not appropriate to pre-empt what else would be built on the site in the future (unless part of a single staged application).</p>
addition	means any works undertaken to an existing <a href="#">building</a> which has the effect of increasing the <a href="#">gross floor area</a> of that <a href="#">building</a>	Some definitions referred to height, floor area or number of stories or increasing the size and volume. It is considered that that an increase in gross floor area covers all of these aspects.

Term	Proposed definition	Explanation
allotment	<p>has the same meaning as in section 218 of the RMA (as set out in box below)</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>means—</p> <p>(a) any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not—</p> <p style="padding-left: 20px;">(i) the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or</p> <p style="padding-left: 20px;">(ii) a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or</p> <p>(b) any parcel of land or building or part of a building that is shown or identified separately—</p> <p style="padding-left: 20px;">(i) on a survey plan; or</p> <p style="padding-left: 20px;">(ii) on a licence within the meaning of <a href="#">Part 7A</a> of the Land Transfer Act 1952; or</p> <p>(c) any unit on a unit plan; or</p> <p>(d) any parcel of land not subject to the <a href="#">Land Transfer Act 1952</a></p> </div>	RMA definition from section 218
amenity values	has the same meaning as in section 2 of the RMA (as set out in the box below)	RMA definition

Term	Proposed definition	Explanation
	<p>means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes</p>	
ancillary activity	<p>means an activity that either provides support to, or is incidental and subsidiary to, the primary activity on the same <a href="#">site</a></p>	<p>There were not many definitions of ancillary activity in the plans we studied, however there were definitions such as ancillary office activity, ancillary retail activity, etc.</p> <p>The dictionary definition of ancillary is useful in this case:  “Providing necessary support to the primary activities or operation of an organisation, system etc”</p> <p>However, the dictionary definition cannot be relied on, as the word “necessary” narrows the activities that can be considered ancillary.</p> <p>This is also why we added “incidental to and subsidiary to”. This means that an activity such as selling hair product at a hairdresser can be considered an ancillary activity as it is incidental to the main activity of hairdressing, but it may or may not be considered to provide support to the activity. Another example is a home-based business; this activity does not support the residential activity on the site but it is incidental to it.</p> <p>Initially we used the words “in conjunction with” instead of “incidental and subsidiary to”, however a number of the pilot councils considered that this opened the definition up to debate.</p>
aquifer	<p>means a permeable geological formation, group of formations, or part of a formation capable of receiving, storing, transmitting and yielding water</p>	<p>Dictionary definitions of ‘aquifer’ provide a sense of its ordinarily understood meaning. These focus on a geological formation (typically a body or stratum of permeable rock that can bear/contain and transmit a significant body of water).</p> <p>Boffa Miskell’s research on regional plan terms considered seven existing definitions contained in the Waikato Regional Plan, the draft Wellington Natural Resources Plan, the Tasman Resource Management Plan, the Hawke’s Bay Coastal Environment Plan, the Hawke’s Bay Regional Resource Management Plan, the proposed Auckland Unitary Plan and the proposed Environment Canterbury Land and Water Plan. While expressed in different ways, common elements include the ability of an aquifer to store and yield/transmit a body of water. Like the dictionary</p>

Term	Proposed definition	Explanation
		<p>definitions, those contained in regional plans refer to the geological formation that houses the water or, alternatively, the water moves through. This is can be referred to as “a body of permeable rock” (Waikato Regional Plan), a “geological formation” (Auckland Unitary Plan (proposed)) or a “saturated permeable geologic unit” (Hawke’s Bay Coastal Environment Plan and Hawke’s Bay Regional Resource Management Plan).</p> <p>The draft definition proposed seeks to encompass the key elements and express them as clearly as possible. ‘Yield’ is the key word (eg, it’s not an aquifer if it stores water but can’t yield it, such as clay).</p>
bed	has the same meaning as in section 2 of the RMA (as set out in the box below)	RMA definition

Term	Proposed definition	Explanation
	<p>means—</p> <p>(a) in relation to any river—</p> <p>(i) for the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks:</p> <p>(ii) in all other cases, the space of land which the waters of the river cover at its fullest flow without overtopping its banks; and</p> <p>(b) in relation to any lake, except a lake controlled by artificial means,—</p> <p>(i) for the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the lake cover at its annual highest level without exceeding its margin:</p> <p>(ii) in all other cases, the space of land which the waters of the lake cover at its highest level without exceeding its margin; and</p> <p>(c) in relation to any lake controlled by artificial means, the space of land which the waters of the lake cover at its maximum permitted operating level; and</p> <p>(d) in relation to the sea, the submarine areas covered by the internal waters and the territorial sea</p>	

Term	Proposed definition	Explanation
best practicable option	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>in relation to a discharge of a contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to—</p> <p>(a) the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and</p> <p>(b) the financial implications, and the effects on the environment, of that option when compared with other options; and</p> <p>(c) the current state of technical knowledge and the likelihood that the option can be successfully applied</p> </div>	RMA definition
bore	<p>(a) means any hole constructed into the ground that is used to—</p> <ul style="list-style-type: none"> <li>(i) investigate or monitor conditions below the ground surface; or</li> <li>(ii) abstract liquid substances from the ground; or</li> <li>(iii) discharge liquid substances into the ground; but</li> </ul> <p>(b) it does not include test pits and soak holes</p>	<p>Of the plans included in the research only the definition contained in the Wellington Natural Resources Plan (draft) prescribes the size of the hole. It states that a bore is “a structure, well or hole in the ground less than one metre in diameter...” The other six definitions considered in Boffa Miskell’s research keep the size of the hole open. One of the drafting principles being applied is that definitions should not contain de facto rules, and it is considered that there is no reason for prescribing the dimensions of a bore in the definition. It is considered that rules could be specific enough to manage the size of bores if required.</p> <p>The definitions sampled describe the physical form of a bore in a number of ways. A bore is described as “a structure, well or hole in the ground”, “any pipe, cylinder or hole in the ground”</p>

Term	Proposed definition	Explanation
		<p>and “a structure or a hole in the ground”. Others simply describe a bore as “any hole”. It is worth noting that each of the definitions agree that a bore contemplates a hole in the ground. We acknowledge that this hole could take any number of forms and consider the approach taken in the definition to capture this variation.</p> <p>A bore, however, is not just a hole in the ground. It is a hole with a purpose. Four of the seven definitions considered express this purpose in the same manner – namely, that the hole, structure, pipe, well or cylinder should provide access under the surface of the land for the purposes of (a) investigating or monitoring conditions below the surface, (b) abstracting liquid substances from the ground or (c) discharging liquid substances into the ground.</p> <p>The substances accessed, abstracted and discharged are also described in different ways – the proposed Auckland Unitary Plan limits the substances to groundwater, while other definitions cast it more widely. The draft Wellington Natural Resources Plan and the proposed Environment Canterbury Land and Water Plan, for example, speak in terms of “any liquid substances”, while the two Hawke’s Bay Regional Council plans, Tasman and Horizons One Plan refer to “underground water, oil or gas”. We consider the broad-brush approach the most inclusive and have opted for a similar definition.</p> <p>Some definitions specifically include piezometers, but exclude those that are constructed into human-made structures such as dams or the refuse in landfills. As this is not an overly common feature of existing definitions, we question whether piezometers are an issue and, consequently, whether it is necessary for the standards definition to drill down to this level of detail (the rule framework could if required)</p>
boundary	means the legal perimeter of a <a href="#">site</a>	<p>The definition has been written to reflect the legal boundaries that are able to be identified, even if a survey is required to determine their exact location on the ground.</p> <p>Initially, we drafted the definition to specify that the boundary is:</p> <ul style="list-style-type: none"> <li>(a) the legal perimeter of a fee simple title</li> <li>(b) the legal perimeter of the exclusive covenant area of a cross-lease title</li> <li>(c) the legal perimeter of the accessory unit associated with a particular principal unit of a unit title.</li> </ul> <p>However, as a result of pilot council feedback and also the definition of “site”, it was considered that there is no need to be specific in this definition, and that the definition should not refer to</p>

Term	Proposed definition	Explanation
		<p>internal boundaries within a unit title or cross-lease as being included in this definition.</p> <p>The feedback also raised issues about the boundary definition, including areas such as point b above on the basis that these could change without council approval and these sites would trigger the bulk and location controls (amongst others) because the ‘boundary’ is shrink-wrapped around the building (rather than the site).</p> <p>The feedback also identified that there should be a clear relationship between this definition and the definition of a site.</p>
boundary adjustment	Means a <b>subdivision</b> that alters the existing <b>boundary</b> between adjoining <b>sites</b> , without altering the number of <b>sites</b>	<p>The proposed definition is intended to clearly capture that situation where only the boundary of sites are altered and there is no new site with additional development rights created. It is noted that some definitions included size limits around what is described as a boundary adjustment. Any scale of change has been excluded from the definition on the basis that it allows more flexibility at the plan level as any scale change or other limiting factors could be included in the rules around what is permitted and what requires a subdivision consent.</p> <p>Some feedback identified that the other forms of subdivision are not defined. It is considered that the planning standards do not need to define other forms of subdivision. Councils can define these if they wish.</p>
building	Means any <b>structure</b> , whether temporary or permanent, moveable or fixed, that is enclosed, with 2 or more walls and a roof, or any <b>structure</b> that is similarly enclosed	<p>The approach taken in the Definition standard is that a building definition captures a subset of structures and the accessory building definition captures a subset of buildings.</p> <p>The definition of ‘building’ is an extremely significant definition for many district plans, due to its linkages with other definitions. The definition of ‘building’ directly influences the practicable application of many common district plan rules. For example, if a structure doesn’t meet the definition of ‘building’, it will often be exempt from a district plan’s ‘bulk and location’ rules such as maximum height. As such, the definition of building could be considered the cornerstone of common ‘bulk and location’ rules.</p> <p>Sixteen out of the 25 district plans assessed in our research defined the term ‘building’. A common approach in the drafting of these definitions is to start with a “catch all” statement (“any structures”) and then refine its meaning through a list of exclusions. We did consider this option and the work carried out on this alternative is included in Table A2.2 Definitions removed/excluded during the drafting and testing phase.</p> <p>Writing a definition with a number of exclusions (many of them based on scale) was akin to</p>

Term	Proposed definition	Explanation
		<p>including pseudo standards or rules in the definition. It is still possible to achieve the same outcome with the re-drafting/drafting of bulk and location rules to capture both buildings and structures. This could be through rules that simply refer to structures (a building is a particular group of structures) or the rules could refer to buildings and include only certain structures such as fences. It is clearer and more transparent if the rule is written so that it clearly identifies what is and is not captured by it. While this will make the rules longer, this is not considered to be a significant issue for ePlans, and will make the plans easier to understand. For instance, some plans exclude fences up to 2m (or 2.5m) high from a building definition and then only apply to the bulk and location standards to a building. This is not as clear as it could be for the public that fences up to the height exclusion are permitted (as they are not captured by the bulk and location rules).</p> <p>A common theme among many of the existing definitions of ‘building’ is that they have general exclusions for structures with a small size, general measured by height or floor area. Some examples of exclusions include:</p> <ul style="list-style-type: none"> <li>• Tauranga City Plan – 10m<sup>2</sup> in area on the horizontal plane; and not exceeding 2m in height</li> <li>• New Plymouth District Plan – 5m<sup>2</sup> or less in area in plan view and 2m or less in height.</li> </ul> <p>While such exclusions are not included in the building definition, the same outcome can be achieved through permitted activity rules and the proposed definition of structure. For the Tauranga example above all structures not exceeding 10m<sup>2</sup> in area on the horizontal plan or 2m in height could be permitted. The proposed footprint definition could also be used rather than a reference to the horizontal plane.</p> <p>One reason for not including a size limitation was that it allowed greater flexibility in how councils developed provisions for the local context. Consideration around what is permitted/excluded from the bulk and location rules should also consider the whole rule framework and local environment.</p> <p>It is noted that some existing definitions of ‘building’ exclude the overhanging eaves of a building, such as the New Plymouth District Plan and the Tāupo District Plan. However, it is considered that such an exclusion should not be provided in the definition, as it is better dealt with through the particular metrics or rules to which the exclusion is pertinent (eg, height in relation to boundary or coverage).</p> <p>It is also noted that the Building Act 2004 defines ‘building’. Some of the district plans assessed in</p>

Term	Proposed definition	Explanation
		<p>our research used this definition verbatim or adopted the Building Act’s definition with some modifications.</p> <p>It is considered that the Building Act’s definition is not suitable for a planning context, as demonstrated by the number of district plans that have definitions that significantly differ from the Building Act. This conclusion was also researched by the independent hearings panels on the Auckland Unitary Plan and Christchurch District Plan.</p> <p>We have included the statement “whether temporary or permanent, moveable or fixed” as these type of buildings can often be left on a site for long periods of time and can generate adverse effects.</p> <p>Some feedback sought the exclusion of the phrase “or any structure that is similarly enclosed”. However, it is considered important that this phrase remains, to ensure that all buildings can be included in plan provisions. Some buildings, such as Nissen huts and circular houses with dome roofs, do not have clearly defined walls and roof sections but can have similar environmental effects to other buildings.</p>
building damage from vibration	means any permanent effect of vibration that reduces the serviceability of a <a href="#">structure</a> or one of its components	<p>This definition has been included to support the noise metric standard.</p> <p>The definition has been included to support the implementation and use of DIN 4150-3:1999, which is the German standard required to be followed when managing vibration in accordance with the noise metric planning standard. Given that the planning standards apply right across the RMA plans, we may need to consider renaming this to something like ‘building damage from noise vibration’ or ‘noise building damage’.</p> <p>The term was originally going to be “building damage” but the words “from vibration” were added to make it clear that the term is only relevant when managing effects from vibrations on buildings.</p>
cleanfill	means an area used for the disposal of exclusively inert, non-decomposing material	<p>A number of the definitions of cleanfill listed excluded materials; however we consider that the vast majority of these are covered by the term “inert materials”. The Oxford Dictionary meaning of inert is “chemically inactive” combustible, putrescible, degradable or leachable components. One definition was only relevant to natural material – this would exclude material such as concrete and brick that were included in many other definitions.</p>

Term	Proposed definition	Explanation
		<p>Any material that leach contaminants are not inert. It is important that materials in a cleanfill do not leach, as then they would discharge contaminants to land. The lack of decomposing material is important so that any cleanfill that is put in place is as stable as possible. Decomposing material takes up less space over time and could lead to slumping on a site.</p> <p>This definition is related to the cleanfill as an activity, not cleanfill material and what constitutes cleanfill material. Defining cleanfill material as ‘means exclusively inert, non-decomposing material’ was considered, but feedback received recommended that we limit it to the activity as this reflects the proposed landfill definition.</p>
commercial activity	means an activity with the primary purpose of trading in goods, equipment or services	<p>There were many different variations in the definition of commercial activity in the plans that we considered. Many included lists of the types of activities that were considered to be commercial. We have tried to create a definition that encompasses as many of the commonly mentioned activities as possible.</p> <p>The term “for the primary purposes of” is intended to allow for some ancillary activities.</p> <p>If a council wants to manage (permit or control) specific commercial activities, it can provide definitions that are a subset of the activities captured by this definition and/or through rules and performance standards.</p> <p>This high-level land use definition is intended support the zone structure standard.</p>
community facility	means a non-profit facility primarily for recreational, sporting, cultural, safety and welfare, religious or similar community purposes	<p>This definition is intended to include activities that provide for the social and cultural needs of the community. Again definitions of this kind were often a list of activities that were included and excluded. These are recognised as not being activities where one of the primary purposes is to create a profit or livelihood for the operator of the facility. The term ‘primarily’ has been used to recognise that there are often ancillary activities that are used to help fund the primary purpose of the facility, such as a bar attached to a club room.</p> <p>Umbrella terms have been used wherever possible to reduce the specificity of the terms used and the number of specific activities listed. It is considered that councils are likely to add further definitions or standards related to some of the activities listed, such as places of assembly. As a result of pilot council feedback, we have removed the term ‘place of assembly’ from planning standards because they were quite similar and they overlapped. ‘Place of assembly’ could be applied to both commercial activities and community facilities if required.</p> <p>A few of the pilot councils found the use of the words ‘non-profit’ problematic. The purpose of a</p>

Term	Proposed definition	Explanation
		community facility is for clubs/groups and even some businesses (such as yoga or dance teachers) to use them. The hiring out of the facility would be 'fundraising' for the non-profit facility and again this is why the primary use is what is captured by the definition. It is recognised that not-for-profit organisations need to fundraise to achieve their primary purpose.
coastal marine area	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>means the foreshore, seabed, and coastal water, and the air space above the water—</p> <p>(a) of which the seaward boundary is the outer limits of the territorial sea:</p> <p>(b) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of—</p> <p style="padding-left: 20px;">(i) 1 kilometre upstream from the mouth of the river; or</p> <p style="padding-left: 20px;">(ii) the point upstream that is calculated by multiplying the width of the river mouth by 5</p> </div>	RMA definition
coastal water	has the same meaning as in section 2 of the RMA (as set out in the box below)	RMA definition

Term	Proposed definition	Explanation
	<div style="border: 1px solid black; padding: 10px;"> <p>means seawater within the outer limits of the territorial sea and includes—</p> <p>(a) seawater with a substantial fresh water component; and</p> <p>(b) seawater in estuaries, fiords, inlets, harbours, or embayments</p> </div>	
contaminant	has the same meaning as in section 2 of the RMA (as set out in the box below)	RMA definition


Term	Proposed definition	Explanation
	<p>includes any substance (including gases, odorous compounds, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat—</p> <p>(a) when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or</p> <p>(b) when discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged</p>	
contaminated land	has the same meaning as in section 2 of the RMA (as set out in the box below)	RMA definition

Term	Proposed definition	Explanation
	<div style="border: 1px solid black; padding: 10px;"> <p>has the same meaning as in section 2 of the RMA which is</p> <p>means land that has a hazardous substance in or on it that—</p> <p>(a) has significant adverse effects on the environment;</p> <p>or</p> <p>(b) is reasonably likely to have significant adverse effects on the environment</p> </div>	
coverage	<p>Means the percentage of the <b>net site area</b> covered by the <b>footprint of structures</b> as identified in the relevant rule</p>	<p>‘Building coverage’ and ‘site coverage’ are common definitions used in district plans to establish the methodology/metric used for calculating the area of a site covered by buildings.</p> <p>Nine out of the 25 district plans assessed in the research defined the term ‘building coverage’ and 10 defined the term ‘site coverage’. The term ‘coverage’ was adopted on the basis that it provides an understanding of what it relates to (ie, the portion of a site covered by a structure) while still maintaining some flexibility for council to consider what their coverage rules need to capture; it could be limited to buildings or roofed structures.</p> <p>Many existing definitions of building coverage exclude overhanging eaves from the calculation of site coverage. The size of eaves excluded ranges from 0.5m to 1m. Some existing definitions also exclude bay windows from the calculation of building coverage. Rather than provide an exclusion for the overhang of bay windows and eaves, the definition is based on the footprint of a structure to better reflect the drafting principles. It is considered that the protruding bay windows and eaves do not significantly contribute to the overall perceived mass of a building, which is often the effect building coverage rules seek to control. It is considered that this approach will enable the rule framework to exclude bay windows and eaves if desired.</p> <p>Reference has been made in the definition to use the net site area rather than the total area of the site. This was done to manage the perceived bulk of development on the site. It is considered</p>

Term	Proposed definition	Explanation
		<p>this will usually be relevant where shared access is excluded from the definition. Feedback received identified that the dominance of buildings on a site is better managed through the net site area.</p> <p>Councils' specific rules or performance standards can be more specific in terms of what structures they want to include or exclude (eg, fences, decks, etc)</p> <p>Concern was raised in feedback around how onerous it would be for the coverage of fences to have to be calculated. It is considered that fences are not usually captured by coverage rules. As a result of this definition, the coverage rules will have to be clear around which structures they capture and which they don't. Depending on the context in which it is used it may be appropriate to capture buildings and structures with a roof in the coverage rules; this approach would exclude fences.</p>
discharge	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div data-bbox="340 858 958 954" style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <p>includes emit, deposit, and allow to escape</p> </div>	RMA definition
drain	Means any artificial watercourse, open or piped, that is designed and constructed or used for the purpose of the drainage of surface or subsurface water	<p>Only three regional plans in Boffa Miskell's research contained a definition of drain. Of these, each definition focused on a drain being an artificial watercourse/channel, designed and constructed for the specific purpose of draining surface or subsurface water.</p> <p>While the definitions vary in terms of what they include and exclude, we consider drains to have a commonly understood meaning and that it is therefore possible to keep the definition at a high level. Individual plan rules could be used to manage what is treated as a drain in more specific detail where this is necessary</p>
drinking water	means water intended to be used for human consumption; and includes water intended to be used for food preparation, utensil washing, and oral or other personal hygiene	This definition is consistent with both the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 and the Drinking Water Standards for New Zealand 2005 (revised 2008) published by the Ministry of Health.

Term	Proposed definition	Explanation
dry abrasive blasting	means <b>abrasive blasting</b> using materials to which no water has been added	It was considered that this is just a form of abrasive blasting that does not use water. We have provided a separate term so councils can control wet and dry abrasive blasting separately.
dust	means all non-combusted particulate matter that is suspended in the air, or has settled after being airborne. Dust may be derived from various materials including sand, cement, fertiliser, coal, soil, paint, ash, animal products or wood	<p>The definitions of dust that we found in our research had elements of similarity, however some have measurements of microns and velocity. As with all other definitions we have tried to avoid placing metrics in definitions and believe that these can be placed in rules or standards.</p> <p>There is a draft in the Ministry for the Environment’s <i>Good practice guide for assessing and managing dust</i>.<sup>8</sup> The good practice guide differentiates between particulate matter covered by the National Environmental Standard for Air Quality (PM10), and particles that are larger in size and come from different sources:</p> <p>“The focus of this guide is on non-combustion particulate, primarily generated from the following sources:</p> <ul style="list-style-type: none"> <li>• wind-blown dust from exposed surfaces such as bare land and construction sites</li> <li>• wind-blown dust from stockpiles of dusty materials such as sawdust, coal, fertiliser, sand and other minerals</li> <li>• dust caused by vehicle movements on sealed or unsealed roads and yards</li> <li>• agriculture and forestry activities</li> <li>• mines and quarries</li> <li>• road works and road construction</li> <li>• housing developments</li> <li>• municipal landfills and other waste handling facilities</li> <li>• dry abrasive blasting</li> <li>• industrial operations, including grain drying and storage, flour mills, timber mills,</li> <li>• stonemasons, mineral processing, cement handling and batching, and fertiliser storage and processing.”</li> </ul>

<sup>8</sup> Ministry for the Environment. 2016. *Good Practice Guide for Assessing and Managing Dust*. Wellington: Ministry for the Environment. Retrieved from [www.mfe.govt.nz/publications/air/good-practice-guide-assessing-and-managing-dust](http://www.mfe.govt.nz/publications/air/good-practice-guide-assessing-and-managing-dust)

Term	Proposed definition	Explanation				
		<p>The good practice guide is specific to the sources of dust, which is important in the context of what activities dust potentially should be controlled in (as above). Councils can further define the size of dust particles using a metric for ease of implementation and enforcement through performance standards/rules. In the planning standard we are focused on what the dust is rather than the sources that can generate or create the dust.</p>				
earthworks	means any <b>land disturbance</b> that changes the existing ground contour or ground level	<p>Earthworks are a common aspect of land development and almost all district and regional plans, and have provisions that seek to control its adverse effects. Earthworks are also a common trigger point for resource consent. Our research shows that 21 out of the 25 district plans assessed in our research contained definitions of earthworks.</p> <p>One of the principles being followed for drafting definitions is that definitions should align with terms already defined in a national direction instrument. However, this is particularly difficult for earthworks because both the NES for Telecommunication (NES-TF) and the NES for Electricity Transmission (NES-ETA) have definitions of earthworks. The following table shows the differences between the definition of earthworks contained in the NES-TF 2016 and NES-ETA.</p> <table border="1" data-bbox="1032 826 1995 1153"> <tbody> <tr> <td data-bbox="1032 826 1357 975"><b>NES Telecommunication</b></td> <td data-bbox="1357 826 1995 975">Earthworks means a disturbance of soil, earth, or substrate land surfaces (including by <b>blading, boring, contouring, cutting, drilling, excavating, filling, moving, piling, placing, removing, replacing, ripping, thrusting, or trenching</b>).</td> </tr> <tr> <td data-bbox="1032 975 1357 1153"><b>NES Electricity Transmission</b></td> <td data-bbox="1357 975 1995 1153">Earthworks means the disturbance of the surface of land by activities including <b>blading, tracking, boring, contouring, ripping, moving, removing, stockpiling, placing, replacing, recompact, excavating, cutting, and filling</b> earth (or any other matter constituting the land, such as soil, clay, sand, or rock).</td> </tr> </tbody> </table> <p><b>Key</b>   Common terminology</p> <p>A number of existing plans have specific exclusions in their definition of earthworks. Examples of exclusions include:</p>	<b>NES Telecommunication</b>	Earthworks means a disturbance of soil, earth, or substrate land surfaces (including by <b>blading, boring, contouring, cutting, drilling, excavating, filling, moving, piling, placing, removing, replacing, ripping, thrusting, or trenching</b> ).	<b>NES Electricity Transmission</b>	Earthworks means the disturbance of the surface of land by activities including <b>blading, tracking, boring, contouring, ripping, moving, removing, stockpiling, placing, replacing, recompact, excavating, cutting, and filling</b> earth (or any other matter constituting the land, such as soil, clay, sand, or rock).
<b>NES Telecommunication</b>	Earthworks means a disturbance of soil, earth, or substrate land surfaces (including by <b>blading, boring, contouring, cutting, drilling, excavating, filling, moving, piling, placing, removing, replacing, ripping, thrusting, or trenching</b> ).					
<b>NES Electricity Transmission</b>	Earthworks means the disturbance of the surface of land by activities including <b>blading, tracking, boring, contouring, ripping, moving, removing, stockpiling, placing, replacing, recompact, excavating, cutting, and filling</b> earth (or any other matter constituting the land, such as soil, clay, sand, or rock).					

Term	Proposed definition	Explanation
		<ul style="list-style-type: none"> <li>• tilling or cultivating of soil for land-based primary production</li> <li>• purposes (proposed Hastings District Plan)</li> <li>• cultivation of land (Grey District Plan)</li> <li>• digging of holes for the erection of posts, planting of trees or other vegetation, or the cultivation of farm land (proposed Invercargill District Plan)</li> <li>• turf farming, ground cultivation, gardening, grave digging, maintenance of sports fields, cleanfills, landfills, quarrying, archaeological excavations, piling and trenching (Wellington District Plan)</li> <li>• cultivation of land, the digging of holes for the erection of posts, the construction of fence lines, the planting of trees, landscaped area and gardens, and the stockpiling of coal (Waikato District Plan)</li> <li>• digging postholes, cultivation, tending or landscaping gardens, planting trees or removing dead or diseased trees (Selwyn District Plan)</li> <li>• (a) cropping and ploughing of the soil and drain clearance in association with existing farm practices (b) the removal of underground petroleum storage systems (c) disturbance associated with the movement of wheeled or tracked machines used in or around production forests that have been harvested (Otorohanga District Plan).</li> </ul> <p>Initial drafting considered a definition of earthworks as “means the disturbance of land including by moving, cutting, placing, filling or excavation of soil, <a href="#">cleanfill</a>, earth or substrate land.”</p> <p>Following the feedback received and the number of exclusions sought to the earthworks definition, it was decided to change the term to land disturbance, and link it to only those situations where there is a change in ground contour and ground level. It is considered that this would provide for a wider range of options to be adopted than the original drafting of the earthworks definition. Using this approach, earthworks would be a subset of the land disturbance definition.</p> <p>Feedback received on the initial drafting noted that to be considered as earthworks there needs to be a change in the land contour or existing ground level. As earthworks such as trenching, where services are laid when completed, will not lead to a change in ground level the feedback indicated that this inclusion was not considered appropriate. It is considered that significant trenching activities may lead to adverse effects and councils should have the ability to control</p>

Term	Proposed definition	Explanation
		<p>these if they consider it appropriate. It is thought that this can be achieved with the proposed land disturbance definition and the choice of whether land disturbance or earthworks is used.</p> <p>Exclusions to both earthworks and land disturbance may be dealt with in the rules and standards that apply to these two terms. Most plans have a level of earthworks that is allowable and many of the activities above would meet the requirements for a permitted activity. It is considered more desirable for each council to include exclusions in their rules and standards rather than in the national definitions, as this approach allows for the local environment to be carefully considered when developing the rule framework.</p>
educational facility	<p>means the use of land and/or s for the primary purpose of regular teaching or training in accordance with a pre-set syllabus by suitably qualified or experienced instructors. Excludes any.</p> <p>(a) means the use of land or <b>building</b> for the primary purpose of regular teaching or training in accordance with a pre-set syllabus by suitably qualified or experienced instructors; but</p> <p>(b) does not include any <b>industrial activity</b></p>	<p>We have aimed to keep the definition as simple as possible. The term “for the primary purposes of” is intended to allow for some ancillary activities, such as caretaker/groundkeeper facilities, office space or other staff facilities. It is thought that this would also exclude those facilities that are predominately a commercial facility.</p> <p>Some feedback received identified different types of educational facilities (eg, tertiary education facilities) have different effects and should be managed differently. The standard does enable subsets of the definition to be defined for this purpose.</p> <p>Many of the definitions we considered included lists of the types of activities that were considered to be educational facilities. We have tried to create a definition that encompasses as many of the commonly mentioned activities as possible, but instead of listing what is and isn’t included we have left the definition open and consider that councils can use rules and standards to include or exclude specific activities if they see fit. What councils consider appropriate to include and exclude is likely to depend on their rules for such activities. Some of the pilot councils asked if facilities like daycare centre would be included. We consider that a daycare centres are often a commercial activity rather than an educational facility. Separate definitions for a daycare centre can be provided in the specific plan.</p> <p>The proposed definition is intended to capture activities wider than just schools, colleges and universities by including the phrase ‘pre-set syllabus’, which is considered to be wider than just the school and college curriculums approved by the New Zealand Qualifications Authority. We considered using the term curriculum and would welcome any comments on which term is better in the definition – curriculum or syllabus.</p> <p>We have introduced the concept of suitably qualified or experienced instructors to the definition</p>

Term	Proposed definition	Explanation
		<p>on the basis that the instructor should be qualified in the area being taught but in some areas relevant experience may be sufficient to be an instructor without a formal qualification.</p> <p>We have specifically excluded industrial activity, as this definition is not intended to cover the training of industrial activities due to the different effects likely to be generated from training of industrial trade skills. These are covered in the definition of ‘industrial activities’.</p>
effect	<p>has the same meaning as in section 3 of the RMA (as set out in the box below)</p> <div data-bbox="331 679 943 1259" style="border: 1px solid black; padding: 10px;"> <p>includes—</p> <ul style="list-style-type: none"> <li>(a) any positive or adverse effect; and</li> <li>(b) any temporary or permanent effect; and</li> <li>(c) any past, present, or future effect; and</li> <li>(d) any cumulative effect which arises over time or in combination with other effects— regardless of the scale, intensity, duration, or frequency of the effect, and also includes—</li> <li>(e) any potential effect of high probability; and</li> <li>(f) any potential effect of low probability which has a high potential impact</li> </ul> </div>	RMA definition

Term	Proposed definition	Explanation
environment	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>includes—</p> <p>(a) ecosystems and their constituent parts, including people and communities; and</p> <p>(b) all natural and physical resources; and</p> <p>(c) amenity values; and</p> <p>(d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters</p> </div>	RMA definition
esplanade reserve	has the same meaning as in section 2 of the RMA (as set out in the box below)	RMA definition

Term	Proposed definition	Explanation
	<p>means a reserve within the meaning of the <a href="#">Reserves Act 1977</a>—</p> <p>(a) which is either—</p> <p>(i) a local purpose reserve within the meaning of <a href="#">section 23</a> of that Act, if vested in the territorial authority under <a href="#">section 239</a>; or</p> <p>(ii) a reserve vested in the Crown or a regional council under <a href="#">section 237D</a>; and</p> <p>(b) which is vested in the territorial authority, regional council, or the Crown for a purpose or purposes set out in <a href="#">section 229</a></p>	
esplanade strip	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <p>means a strip of land created by the registration of an instrument in accordance with <a href="#">section 232</a> for a purpose or purposes set out in <a href="#">section 229</a></p>	RMA definition

Term	Proposed definition	Explanation
fertiliser	<p>(a) means any substance or biological compound that is—</p> <p>(i) applied to plants or soils, whether in solid or liquid form; and</p> <p>(ii) supports or sustains the growth, productivity or quality of soils, plants or, indirectly, animals; but</p> <p>(b) does not include livestock and human effluent, or pathogens</p>	<p>The rural sector group expressed a preference for the national planning standards to use the definition of “fertiliser” contained in the current Agricultural Compounds and Veterinary Medicines (Exemptions and Prohibited Substances) Regulations 2011 (ACVM).<sup>9</sup> Section 3 contains the following definition.</p> <p>“Fertiliser –</p> <p>(a) means a substance or biological compound or mix of substances or biological compounds that is described as, or held out to be suitable for, sustaining or increasing the growth, productivity, or quality of plants or, indirectly, animals through the application to plants or soil of—</p> <p>(i) nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chlorine, and sodium as major nutrients; or</p> <p>(ii) manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, and selenium as minor nutrients; or</p> <p>(iii) fertiliser additives; and</p> <p>(b) includes non-nutrient attributes of the materials used in fertiliser; but</p> <p>(c) does not include substances that are plant growth regulators that modify the physiological functions of plants.”</p> <p>This definition is currently under review and it is hoped that this review addresses some of the issues surrounding lime and soil conditioners.</p> <p>Given the technical detail involved in this definition, it was considered better to insert the new definition of “fertiliser” once the review of the ACVM has been completed. This will ensure greater consistency across legislative instruments.</p> <p>The Auckland Unitary Plan defines fertiliser as “any substance or biological compound described as able to sustain or increase the growth, productivity or quality of plants or, indirectly, animals through the application of nutrients and additives to plants or soils in solid or fluid form.</p>

<sup>9</sup> Agricultural Compounds and Veterinary Medicines (Exemptions and Prohibited Substances) Regulations 2011, section 3 – available at [www.legislation.govt.nz/regulation/public/2011/0327/latest/DLM3982805.html](http://www.legislation.govt.nz/regulation/public/2011/0327/latest/DLM3982805.html) (accessed 25 October 2017)

Term	Proposed definition	Explanation
		<p>Excludes:</p> <ul style="list-style-type: none"> <li>• products discharged or applied as part of a waste treatment process</li> <li>• substances containing human faecal matter, biosolids, pathogens, or any other agent that could transmit disease or pests</li> <li>• plant growth regulators that modify the physiological functions of plants”.<sup>10</sup></li> </ul> <p>As a result of feedback, the definition excludes livestock and human effluent, and pathogens.</p>
footprint	means the total area of <b>structures</b> at ground floor level and the area of any section of <b>structure</b> that protrudes directly above the ground	<p>Some preliminary feedback on the definition of coverage suggested that there was a need to consider how cantilevered buildings and open spaces enclosed within buildings are considered in terms of coverage. It is considered that any cantilevered section of a building or any building on poles should be included in the coverage calculation. The definition of footprint has been included to achieve this.</p> <p>Consideration was also given to whether any open space areas enclosed by a building on all sides should also be included in the building coverage calculation, but this was excluded. While enclosed open spaces can contribute to the perceived bulk of the building from outside of the site, it is considered that the open space between residential units is valued overseas as a good outcome when part of intensive residential development. With the move to intensify residential development in many parts of the country it is considered that including open space areas in this definition could have the effect of deterring some types of private but shared open space that can occur with more intensive development options.</p> <p>Many of the pilot councils asked that specific types of structures are excluded or included, the definition has left this open on the basis that councils can use their rules and standards to include or exclude specific structures as they see fit.</p>

<sup>10</sup> <http://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20J%20Definitions/Chapter%20J%20-%20Definitions.pdf> (accessed 25 October 2017)

Term	Proposed definition	Explanation
fresh water	<p>has the same meaning as fresh water in section 2 of the RMA (as set out in the box below)</p> <div data-bbox="331 475 940 592" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>means all water except coastal water and geothermal water</p> </div>	RMA definition
functional need	means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment	<p>Some regional plans defined this to recognise some activities are required to be located in the coastal marine area.</p> <p>This definition is close to the definition from the Auckland Unitary Plan and is included to ensure that the concept is not limited to activities within particular locations like the coastal marine area. For example some infrastructure and activities have to locate and/or transverse particular locations. This is also recognised in Policy C of the National Policy Statement for Renewable Energy Generation.</p>
green infrastructure	means natural ecosystems and built products, technologies, and practices that primarily use natural elements, or engineered systems that mimic natural processes, to provide utility services. This includes built infrastructure, such as rain gardens, natural elements in modified environments, and natural waterbodies	<p>This definition has been included to help facilitate the development of new green infrastructure. It has been based on the 'Auckland Council Healthy Waterways Green Infrastructure Operational Policy'. The main difference from the Auckland Council definition is that the Auckland Council definition is limited to stormwater management while this definition has been expanded to include all forms of infrastructure.</p> <p>We have limited the definition of Green Infrastructure to the use of natural elements or systems that mimic natural systems. This would exclude other 'green practices' such as using recycled materials for infrastructure construction. While we see environmental benefits from use of recycled materials, this is considered, along with many other solutions, green or sustainable technology rather than Green Infrastructure.</p>
greywater	means untreated liquid waste from sources such as: household sinks, basins, baths, showers and similar appliances but does not include any sewage	Given that water-based infrastructure is commonly referred to as 'three waters' (meaning drinking water, wastewater and stormwater), it was considered to define these terms separately. The definition of wastewater is dependent on the definition of sewage and also greywater. It is

Term	Proposed definition	Explanation
		<p>also recognised that some plan provisions manage greywater separately to other wastewater, so this term has been provided.</p> <p>Existing plan definitions highlight the fact that greywater encompasses water from domestic sources, such as bathrooms, kitchens and laundries, but excludes sewage. The word domestic was excluded on the basis that feedback requested that it apply to all sources and not just domestic. The phrase ‘liquid waste’ is used due to the definition of water that is proposed which excludes water in pipes and cisterns.</p> <p>A number of dictionary and scientific definitions were also considered and taken into account as we drafted this definition of greywater. The draft definition conveys the term’s meaning clearly and simply.</p>
gross floor area	means the sum of the total area of all floors of all buildings on the site (including any void area in those floors, such as service shafts or lift or stairwells), measured from the exterior faces of exterior walls or from the centre lines of walls separating 2 buildings and, in the absence of a wall on any side it shall be measured to the exterior edge of the floor	<p>The research indicated that there was considerable variation in how this was defined across plans. There was consistency around the point from which the floor area was measured (exterior face of wall and centre point of wall between two buildings) and this has been reflected in the definition. Where the variation exists is around the areas that are excluded from the proposed definition. Some definitions exclude certain areas of a building, such as loading bays, stairwells and lift shafts. The approach taken in the planning standards is to include the complete floor area in this definition with any exclusions being part of the net floor area definition. Councils will be able to choose which term they use in each plan provision.</p> <p>The last sentence of the definition is not common among the definitions in the research that we undertook, but we consider it to be a useful addition for clarity. For example, mezzanine floors do not always have a wall. Also, the definition of building proposed in the planning standards can include a structure with only two (or more) walls; meaning that there may not be a wall on all sides.</p> <p>Some definitions excluded the areas used for car parking and vehicular access to car parking, and loading bays. If this is considered necessary it is thought that any rule could provide exclusions for this, ie, “xx number of car parks shall be provided for zz m<sup>2</sup> of gross floor areas. Any floor space being provided for car parking and vehicular access on the site shall be excluded from the car parking calculation”.</p>

Term	Proposed definition	Explanation
ground level	<p>means:</p> <ul style="list-style-type: none"> <li>(a) the actual finished surface level of the ground after the most recent subdivision that created at least one additional <b>allotment</b> was completed (at the issue of the section 224c Certificate or the previous legislative equivalent), but excludes any excavation or filling associated with the construction or alteration of a <b>building</b>; or</li> <li>(b) if the ground level cannot be identified under paragraph (a), the existing surface level of the ground, excluding areas of cut or fill associated with the construction or alteration of a <b>building</b>;</li> <li>(c) if, in any case under paragraph (a) or (b), a retaining wall or retaining structure is located on the boundary, the level on front of the retaining wall or retaining structure where it intersects the boundary</li> </ul>	<p>The term ground level was chosen over natural ground level reflecting that the definition allows some modification to natural ground level to be included in the definition. The proposed definition is aiming to reflect the approach that the existing ground level, whether modified or not, is considered to be the starting point for what development can be enabled on a vacant site created during the most recent subdivision of the land. The definition has been written for this approach while being aware that any earthworks may have been carried out independently of the subdivision consent process. The research showed that there are a number of councils that link ground level to what the level is once the subdivision is completed. There is at least one council that requires reduced level (RL) points to be provided as part of the section 224(c) subdivision process.</p> <p>While earthworks and subdivision are often separate activities, it is considered that the purchaser of a vacant site that has just been created should be able to base any future development on the ground level at the time it is purchased. This recognises that developers often have some flexibility on where the boundaries are located in relation to the ground level.</p> <p>Only one of the 18 ground level definitions assessed in the research did not provide for some modification of the natural ground level to have previously occurred before the ground level definition applied. This was often linked to the completion of earthworks at the time that the subdivision that created the allotment was created but was also sometimes just a fixed date such as when the proposed plan was notified.</p> <p>The research showed that some definitions used a specific date to determine the ground level, ie, 'It is the ground level as at day month year'. It is not considered appropriate to use a date method for the planning standards, as there are likely to be unintended consequences for any date chosen if this is applied at a national level. If it is a future date than it could legalise unauthorised earthworks and if it is a retrospective date then may exclude authorised earthworks. While it could be drafted to provide for lawfully authorised earthworks, it is considered clearer to link to the completion of the subdivision.</p> <p>One definition allowed for the natural ground level to be altered through a resource consent for flood hazard mitigation. This has not been included here on the basis that raising the site is not always the best form of management of a flood or inundation risk. Where this is carried out at the time of subdivision for the purposes of ensuring there is a safe building platform, then the definition will reflect the raised ground level. Also, maximum height rules could also permit</p>

Term	Proposed definition	Explanation
		<p>structures to a maximum height (eg, 8m) plus any raising of the ground to address flooding/inundation risks if this was desired in particular locations.</p> <p>The approach provides a ground level where the ground level at the time of the most recent subdivision (which could have been decades or more earlier) cannot be identified. The approach for this scenario was adopted from the Tauranga City Plan definition. It is considered that this would be a useful for those allotments that have not been subdivided in recent times, and is intended as an alternative approach to using the existing ground level at a specified date.</p> <p>The definition specifically refers to subdivisions that create new allotments to ensure that the likes of boundary adjustments or long-term leases (over 35 years) cannot be used as a loophole to redefine the ground level when no additional development potential is created through the subdivision.</p> <p>The recent High Court case <i>Wellington City Council v Aitchison</i> [2016] NZHC1264 was reviewed when assessing how the issue of retaining structures on the boundary should determine the ground level. We think that the definition is consistent with the findings of that case, but diagrams could be helpful to explain the different scenarios around a sloping and vertical retaining wall and its relation to the boundary, and therefore where the ground level should be taken from.</p>
groundwater	means water occupying openings, cavities, or spaces in soils or rocks under the surface of the land	Provided to enable the potential effects of activities and discharges on groundwater to be managed.
habitable room	means any room in a residential unit, visitor accommodation, educational facility, commercial activity or healthcare facility used for the purposes of teaching, respite care or used as a living room, dining room, sitting room, bedroom, or similarly occupied room	<p>It is considered that this definition accurately provides the ability to manage the effects on and from habitable rooms for those parts of a building that the occupants are most likely to frequent for extended periods of time or otherwise use to seek solace in. It is considered that the definition captures the main living spaces of dwellings and potential noise-sensitive activities (which is generally what this definition is generally related to).</p> <p>Habitable room has been chosen over a habitable building on the basis that it provides for a greater level of refinement in a rule. If a habitable building needs to be captured by the rules this can be achieved by a definition similar to ‘a building that contains one or more habitable rooms’.</p> <p>As a result of feedback, the definition specifies what the primary use of the room should be (living, dining, sitting, bedroom, teaching, respite) and so specified the relevant activities instead of using a list of excluded room/space types.</p>

Term	Proposed definition	Explanation
hazardous substance	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>includes, but is not limited to, any substance defined in <a href="#">section 2</a> of the Hazardous Substances and New Organisms Act 1996 as a hazardous substance</p> </div>	RMA definition
height [in relation to a district plan]	means the vertical distance between <a href="#">ground level</a> at any point and the highest part of the <a href="#">structure</a> immediately above that point	Of the 26 definitions accessed in our research, only three did not outline any exclusion in the definition. One of the drafting principles being applied is that the definitions should not be de facto rules. The definition proposed does not include any exclusions (such as for chimneys) on the basis that the drafting of any rules specifying the maximum height can include the exclusions to the maximum height permitted for any building or structure. This provides flexibility for the maximum height rules to be clear about what is and isn't captured.
height [in relation to a regional plan or regional policy statement or a combined plan that includes a regional plan or regional policy statement]	means is the vertical distance between the highest part of a <a href="#">structure</a> and a reference point. The reference point outside the <a href="#">coastal marine area</a> is <a href="#">ground level</a> unless otherwise stated in a rule. The reference point inside the <a href="#">coastal marine area</a> is mean sea level	<p>The definition has been specifically been written so that it can apply to any structure and not just buildings. It is recognised that maximum height limit rules may be used as a way of managing the effects of many large structures that may not be captured by the proposed definition of building.</p> <p>It is noted that some plans use a mean ground level approach to determine height on a sloping site. This was not included here on the basis that it was considered that better environmental outcomes are often achieved when the form of development reflects the contour of slope where it is located.</p> <p>The definition of height from the National Environmental Standard for Electricity Transmission Activities was considered inappropriate on the basis that it only relates to transmission line support structures.</p> <p>A different definition has been provided for regional plans and policy statements that can extend into the coastal marine area (CMA), recognising that the reference to ground level is not appropriate in the CMA, and that district plans do not apply in the CMA. The regional plan structure planning standard requires that all regional plans are combined in one document; which is why regional plan is used rather than regional coastal plan.</p>

Term	Proposed definition	Explanation
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>There are a number of synonyms for this term. While it is recognised that some of the other synonyms (eg, sunlight access angle) better explain the effect that is usually managed through the associated rules, the term chosen is considered to be the clearest to explain what the term is defining in clear and concise language.</p> <p>The drafting of the definition has sought to avoid going into any metric around how this term should be defined. Some definitions that were accessed in our research did include the height measurement and angle determination in the definition. Where this has occurred it can be moved into the rule drafting. We are not proposing that the definition apply any particular angle consistency across the country. Given that the angle of the sun varies across the country, it was considered that the definition would avoid including any metrics in the definition, allowing this to be established by local authorities.</p> <p>It is noted that there are often diagrams that accompany this term, and no diagram is being provided. It is considered that the diagrams are beneficial in understanding how this term works. All of the diagrams reviewed included the local metric, and this approach is supported. The planning standard definition has therefore been written to enable diagrams to be included and retain the details of the local metric.</p>
historic heritage	has the same meaning as in section 2 of the RMA (as set out in the box below)	RMA definition

Term	Proposed definition	Explanation
	<p>(a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities:</p> <ul style="list-style-type: none"> <li>(i) archaeological:</li> <li>(ii) architectural:</li> <li>(iii) cultural:</li> <li>(iv) historic:</li> <li>(v) scientific:</li> <li>(vi) technological; and</li> </ul> <p>(b) includes—</p> <ul style="list-style-type: none"> <li>(i) historic sites, structures, places, and areas; and</li> <li>(ii) archaeological sites; and</li> <li>(iii) sites of significance to Māori, including wāhi tapu; and</li> <li>(iv) surroundings associated with the natural and physical resources</li> </ul>	
home business	means an occupation, craft, service or profession that is secondary to the use of the site for a <a href="#">residential activity</a>	Many plans provide for these activities, but how they are defined varies considerably. Rather than setting parameters in the definition around what is appropriate on any site, it is proposed

Term	Proposed definition	Explanation
		<p>that this is better done through the rules and standards applied for each zone/area.</p> <p>The information and communications technology (ICT) environment has changed significantly over the last decade. A number of businesses and services now only require a presence on the web rather than a physical presence in a commercial centre, and can be based out of a person's home with minimal effort and investment. In many cases, the presence of these activities is very difficult to detect and can have less than minor environmental effects. Some of this work can occur at all hours of the day without disturbing neighbours. Even some retailing activities can be managed over the web without the products ever being present on the site (dispatched straight from a warehouse or manufacturer directly to the customer).</p> <p>The changing ICT environment also means that people who generally work in an office can easily spend the odd day, or a day a week, working from home. This is one of the reasons for not using the term "work from home".</p> <p>We are aware that some of the current definitions in plans inadvertently capture farming activities. We consider that the phrase "secondary to the use of the site for a <i>residential activity</i>" avoids this issue.</p> <p>Some feedback sought that the terms craft, service or profession be defined; however it is considered that these are plainly understood terms. Permitted activity standards can also manage the types of activities that can occur as a home business, for instance vehicle repairs could be excluded.</p>
industrial activity	<p>means an activity for the primary purpose of:</p> <ul style="list-style-type: none"> <li>(a) manufacturing, fabricating, processing, packing, storing, maintaining, or repairing goods; or</li> <li>(b) research laboratories used for scientific, industrial or medical research; or</li> <li>(c) yard based storage, distribution and logistics activities; or</li> <li>(d) any training facilities for any of the above activities</li> </ul>	<p>This definition is included to support the zoning framework of the planning standards.</p> <p>There were many different variations in the definition of industrial activity in the plans that we considered. Most of them were variations on listing the types of activities that were considered industrial. We have tried to create a definition that encompasses as many of the commonly mentioned activities as possible and we have tried to use umbrella terms.</p> <p>We have not included reference to retail, as some of the definitions specifically included retail and others specifically excluded it. The term "for the primary purposes of" is intended to allow for some ancillary activities such as offices and retail. If a council wishes to specifically exclude retail this can be done through standards and rules.</p> <p>We also considered the definitions of industrial or trade premises and processes in the RMA however considered that these were narrow and refer to "industrial purposes", which makes the</p>

Term	Proposed definition	Explanation
		<p>definitions somewhat circular.</p> <p>We have included yard-based storage and distribution as we consider that such activities often involve a large number of truck movements and can have adverse amenity effects.</p> <p>It is noted that some plans use terms such as heavy industrial and high tech industrial activities. By limiting this definition to the highest land use level these additional terms can still be included if required by plans.</p>
infrastructure	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px;"> <p>means—</p> <p>(a) pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy:</p> <p>(b) a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001:</p> <p>(c) a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989:</p> </div>	RMA definition

Term	Proposed definition	Explanation
	<p>(d) facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person—</p> <ul style="list-style-type: none"> <li>(i) uses them in connection with the generation of electricity for the person’s use; and</li> <li>(ii) does not use them to generate any electricity for supply to any other person:</li> </ul> <p>(e) a water supply distribution system, including a system for irrigation:</p> <p>(f) a drainage or sewerage system:</p> <p>(g) structures for transport on land by cycleways, rail, roads, walkways, or any other means:</p> <p>(h) facilities for the loading or unloading of cargo or passengers transported on land by any means:</p> <p>(i) an airport as defined in section 2 of the Airport Authorities Act 1966:</p> <p>(j) a navigation installation as defined in section 2 of the Civil Aviation Act 1990:</p> <p>(k) facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988:</p> <p>(l) anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166</p>	

Term	Proposed definition	Explanation
intensive primary production	means <b>primary production</b> activities that involve the production of fungi, livestock or poultry that principally occur within <b>buildings</b>	<p>A number of submissions, including the joint submission from the rural sector group, requested that “intensive farming” be used in lieu of “factory farming”. The latter is seen as an archaic and emotionally charged term.<sup>11</sup> It was decided to refer to primary production activities (given the planning standard definition of this) and make it clear that poultry and pig buildings also need to locate in the rural areas as a form of primary production.</p> <p>In developing this definition, it is important to consider the effects that the provisions surrounding intensive farming/primary production are trying to manage. The joint submission from the rural sector group suggested that the primary effect was odour and the management of reverse sensitivity effects.</p> <p>This draft definition is informed by existing definitions of “intensive farming”, many of which include common elements. For example, definitions typically include:</p> <ul style="list-style-type: none"> <li>• mushroom/fungi farming (Central Otago, Thames-Coromandel, Hamilton City, and Invercargill)</li> <li>• poultry (Thames-Coromandel, Auckland Unitary, Hamilton City)</li> <li>• piggeries/intensive pig farming (Central Otago District Council, Thames-Coromandel, Auckland Unitary, Hamilton City).</li> </ul> <p>Less common were activities such as:</p> <ul style="list-style-type: none"> <li>• animal boarding</li> <li>• aquaculture</li> <li>• seaweed gathering.</li> </ul> <p>While many of the definitions that are currently contained in district plans specifically list the activities that fall within the definition of “intensive farming” (such as the above), we believe that this will be location specific. Local authorities will retain the ability to manage other activities through the use of rules and additional definitions.</p>

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<sup>11</sup> Rural sector submission

Term	Proposed definition	Explanation
iwi authority	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div data-bbox="338 616 987 743" style="border: 1px solid black; padding: 5px;"> <p>Means the authority which represents an iwi and which is recognised by that iwi as having authority to do so</p> </div>	RMA definition
kaitiakitanga	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div data-bbox="338 839 987 1007" style="border: 1px solid black; padding: 5px;"> <p>the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship</p> </div> <p>”</p>	RMA definition
lake	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div data-bbox="338 1193 999 1321" style="border: 1px solid black; padding: 5px;"> <p>means a body of fresh water which is entirely or nearly surrounded by land</p> </div>	RMA definition

Term	Proposed definition	Explanation
land	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>(a) includes land covered by water and the airspace above land; and</p> <p>(b) in a national environmental standard dealing with a regional council function under section 30 or a regional rule, does not include the bed of a lake or river; and</p> <p>(c) in a national environmental standard dealing with a territorial authority function under section 31 or a district rule, includes the surface of water in a lake or river</p> </div>	RMA definition
landfill	means the use, or the previous use, of <a href="#">land</a> for the primary purpose of the disposal of waste	<p>The definitions for landfill we considered were generally quite simple. Some were more specific about the waste to be included than others. We have chosen to use the umbrella term of waste instead of being more specific.</p> <p>The phrase ‘use of the land for the primary purpose’ was specifically included to recognise that there are a number of auxiliary activities that can be part of landfill operation, such as forestry, earthworks, recycling facilities, or electricity generation.</p> <p>As a result of feedback received, the definition also includes land where waste disposal has previously occurred, recognising that these land areas can also have particular plan provisions around the uses that can occur on former landfill sites.</p>
land disturbance	means the alteration to land including by moving, cutting, placing, filling or excavation of soil, <a href="#">cleanfill</a> , earth or substrate land	This was originally proposed as a definition of earthworks, but feedback received suggested that there should be a way to manage effects where the land contour has not been changed. The revised definition of earthworks has been included to enable this. Land disturbance has been included to enable provisions to capture activities (such as trenching) to be managed when the contour or ground level is not changed. For instance, trenching could be permitted through rules

Term	Proposed definition	Explanation
		<p>if the local authority seeks this outcome.</p> <p>As with other definitions we have used the umbrella terms of soil, earth and substrate. We consider that these terms include all likely substances necessary. The issue of beach grooming was considered in particular, and it is considered that the term soil includes sand.</p>
$L_{aeq}$	has the same meaning as ‘time-average A-weighted sound pressure level’ in New Zealand Standard 6801:2008 Measurement of Environmental Sound	<p>This definition has been included to support the noise metric planning standard.</p> <p>It is simply adopting the New Zealand Standard (NZS) 6801:2008 Acoustics – Measurement of Sound definition, while at the same time clarifying what the abbreviation means. The intention is to explain what this term is without going into the technical details around how it is calculated, and rely on the NZS without the technical details being repeated in plans across the country.</p>
$L_{af(max)}$	has the same meaning as the ‘maximum A-frequency weighted, F-time weighted sound pressure level’ in New Zealand Standard 6801:2008 Measurement of Environmental Sound	<p>This definition has been included to support the noise metric planning standard.</p> <p>It is simply adopting the New Zealand Standard (NZS) 6801:2008 Acoustics – Measurement of Sound definition, while at the same time clarifying what the abbreviation means. The intention is to explain what this term is without going into the technical details around how it is calculated, and rely on the NZS without the technical details being repeated in plans across the country.</p>
$L_{a90}$	Has the same meaning as the ‘Background ground level’ in New Zealand Standard 6801:2008 Measurement of Environmental Sound	<p>This definition has been included to support the noise metric planning standard.</p> <p>It is simply adopting the New Zealand Standard (NZS) 6801:2008 Acoustics – Measurement of Sound definition while at the same time clarifying what the abbreviation means. The intention is to explain what this term is without going into the technical details around how it is calculated, and rely on the NZS without the technical details being repeated in plans across the country.</p>
$L_{peak}$	has the same meaning as ‘Peak sound pressure level’ in New Zealand Standard 6801:2008 Measurement of Environmental Sound	<p>This definition has been included to support the noise metric planning standard.</p> <p>It is simply adopting the New Zealand Standard (NZS) 6801:2008 Acoustics – Measurement of Sound definition while at the same time clarifying what the abbreviation means. The intention is to explain what this term is without going into the technical details around how it is calculated, and rely on the NZS and without the technical details being repeated in plans across the country.</p>
$L_{dn}$	has the same meaning as the ‘Day night level, or day-night average sound level’ in New Zealand Standard 6801:2008 Measurement of	<p>This definition has been included to support the noise metric planning standard.</p> <p>It is simply adopting the New Zealand Standard (NZS) 6801:2008 Acoustics – Measurement of</p>

Term	Proposed definition	Explanation
	Environmental Sound NZS6801:2008	Sound definition while at the same time clarifying what the abbreviation means. The intention is to explain what this term is without going into the technical details around how it is calculated, and rely on the NZS without the technical details being repeated in plans across the country.
mana whenua	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div data-bbox="331 549 994 679" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>customary authority exercised by an iwi or hapu in an identified area</p> </div>	RMA definition
mining	has the same meaning as in section 2 of the RMA and Crown Minerals Act 1991 (as set out in the box below):	RMA and Crown Minerals Act 1991 definition

Term	Proposed definition	Explanation
	<p>(a) means to take, win, or extract, by whatever means,—</p> <p>(i) a mineral existing in its natural state in land; or</p> <p>(ii) a chemical substance from a mineral existing in its natural state in land; and</p> <p>(b) includes—</p> <p>(i) the injection of petroleum into an underground gas storage facility; and</p> <p>(ii) the extraction of petroleum from an underground gas storage facility; but</p> <p>(c) does not include prospecting or exploration for a mineral or chemical substance referred to in paragraph (a)</p>	
<p>minor residential unit</p>	<p>means a self-contained residential unit that is ancillary to the principal residential unit and is held in common ownership with the principal residential unit on the same site. A minor residential unit can be attached to the principal building, or a detached stand-alone building</p>	<p>The research shows that district plans use various terms to describe independent/self-contained residential buildings that are an accessory to a main residential unit. Examples include:</p> <ul style="list-style-type: none"> <li>• ancillary residential unit</li> <li>• family flat</li> <li>• granny flat</li> <li>• minor dwelling</li> <li>• supplementary unit</li> <li>• dependent persons dwelling.</li> </ul> <p>All these activities have similar environmental effects, character, intensity and scale. It is therefore considered that the planning standards should define one term to capture all variations</p>

Term	Proposed definition	Explanation
		<p>of these activities.</p> <p>It is acknowledged that the definitions of some existing terms such as ‘family flat’ only apply if the building is occupied by people with family links to the people occupying the primary residential unit. Our proposed definition of ‘minor residential unit’ doesn’t require such a condition because it is considered that there are no sound resource management reasons to limit the development of such buildings based on demographic or family linkages. Such conditions also create a significant monitoring and enforcement burden for councils. This was historically included to limit the frequency of when family flats could be provided. Furthermore, the environmental effects arising from a building occupied by a ‘family member’ are considered to be no different to those of a building occupied by a person with no family links to the principal residential unit. It also discourages community unity; the community cannot look out for each other where there is no formal ‘family’ connection. It is considered to be regulatory overreach if an established minor residential unit becomes unlawful when a dependent family member moves out and is replaced by a non-family member.</p> <p>Many district plans establish maximum floor area limits in the definition of a minor unit (or whatever term they use). These floor area limits generally range from to 50–75m<sup>2</sup>. The principles for drafting definitions being followed sought to avoid de facto rules or metrics being included in a definition. The same effect can be achieved through permitted activity standards, ie, one minor residential unit of up to 75m<sup>2</sup> is permitted on a site.</p> <p>“Sleepouts” are not proposed to be included (unless they have bathroom and cooking facilities) because they are considered to be an accessory building rather than a self-contained independent unit. A definition of habitable room has been included, if councils want to apply specific provisions to sleepouts.</p> <p>The term ‘minor residential unit’ has been chosen over other terms because it simply and accurately conveys its defined meaning and aligns with our definition of ‘residential unit’.</p> <p>A definition such as “means that a self contained residential unit that is smaller and secondary to the principal residential unit on the same site” was also considered. However it was thought that without some linkage back to the principal building on the site this would just be a second residential unit (dwelling) on the site.</p> <p>Many of the pilot councils requested that things like tiny houses and motorhomes be included in this definition. It is considered that due to the definition of building and structure that tiny</p>

Term	Proposed definition	Explanation
		houses would only be captured where there is another principal building on the site. Motorhomes are not captured on the basis that they are motor vehicles and therefore excluded from the structure definition.
natural and physical resources	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div data-bbox="331 619 992 783" style="border: 1px solid black; padding: 5px;"> <p>Includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures</p> </div>	RMA definition
natural hazard	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div data-bbox="331 943 1003 1222" style="border: 1px solid black; padding: 5px;"> <p>means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment</p> </div>	RMA definition

Term	Proposed definition	Explanation
net floor area	<p>(a) means the sum of any gross floor area designed for tenant occupancy and exclusive use; and</p> <p>(b) Includes—</p> <ul style="list-style-type: none"> <li>(i) both freehold and leased areas; and</li> <li>(ii) any stock storage or preparation areas, whether exclusive or not; but</li> </ul> <p>(c) does not include--</p> <ul style="list-style-type: none"> <li>(i) liftwells and stair wells including landing areas:</li> <li>(ii) corridors and mall common spaces:</li> <li>(iii) building service rooms:</li> </ul>	<p>It is recognised that in some instances rules exclude areas and spaces within buildings that only support the primary uses of the buildings. Car parking is one example, where the car parking requirements are based only the activities or space in the building that generate the need for parking to be provided.</p> <p>The phrase ‘not for sole occupancy, tenancy or use’ was considered for being included ie, ‘It excludes the following areas where they are not for sole occupancy, tenancy or use’. However, it is considered that these are not the areas that create the additional demand or usage and therefore this is not necessary. For instance, with a supermarket it is the number of employees and retailing area that is usually the key determinant rather than the areas used for staff training and management. It was also considered that the phrase ‘designed for tenant occupancy and exclusive use’ capture the concept that this excludes the shared spaces in a building.</p> <p>As a result of feedback from pilot councils, we removed the toilets and seating areas exclusion that was proposed in an earlier draft.</p> <p>There was a request that the acronym NFA be included for this term. The standard is enabling the use of acronyms and abbreviations providing these are included in the abbreviations section of the plan.</p>
net site area	<p>means the total area of the <a href="#">site</a>, but does not include:</p> <ul style="list-style-type: none"> <li>a) any area of <a href="#">land</a> that legally provides access to another <a href="#">site</a>:</li> <li>b) any area of <a href="#">land</a> used primarily for legal access to a rear <a href="#">site</a>:</li> <li>c) any area of <a href="#">land</a> subject to a designation that is intended to be taken or acquired under the Public Works Act 1981</li> </ul>	<p>It is recognised that many plans provide provisions based on the area of land that is available for building development and recognise that some parts of a site only provide access between the legal road and another site. As a result of feedback from pilot councils, we amended the definition to ensure that it does not capture driveways (unless they are legal instruments providing access to another site).</p> <p>Consideration was given to limiting the width of the access to something like 6m, on the basis that is considered to be a generous width to enable access to a rear site down an access leg that also provides for emergency vehicles and other heavy vehicles. It is thought that there could be instances where the width could exceed 6m, especially if shared manoeuvring areas are provided. This would also be departing from the drafting principle being followed of not including de facto rules.</p> <p>Many plans provided for the net site area to exclude areas set aside for road widening. It is intended that the point c that excludes an area under a designation which may be taken or acquired under the Public Works Act achieves the same purpose, while recognising that other</p>

Term	Proposed definition	Explanation
		<p>public works may also acquire the land. This exclusion recognises the long-term effects that may occur when the designed work or project proceeds.</p> <p>Some sites have a designated front yard that may not be intended to be used for a long period of time. However, it is considered that the lapse date of the designation and designations processes (notices of requirement and plan reviews) can manage this. Where a designation exists with easement agreements in place, the easement provides evidence that the land is not intended to be taken for the designated public work.</p>
network utility operator/operation	has the same meaning as in s166 of the RMA (as set out in the box below)	<p>RMA definition.</p> <p>It is recognised some plans manage the different types of infrastructure separately. The standards allow for terms that contain a subset of the infrastructure and network utility definitions to be defined separately.</p>

Term	Proposed definition	Explanation
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means a person who—

- (a) undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel, or geothermal energy; or
- (b) operates or proposes to operate a network for the purpose of—
  - (i) telecommunication as defined in section 5 of the Telecommunications Act 2001; or
  - (ii) radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989; or
- (c) is an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for the purpose of line function services as defined in that section; or
- (d) undertakes or proposes to undertake the distribution of water for supply (including irrigation); or
- (e) undertakes or proposes to undertake a drainage or sewerage system; or
- (f) constructs, operates, or proposes to construct or operate, a road or railway line; or
- (g) is an airport authority as defined by the Airport Authorities Act 1966 for the purposes of operating an airport as defined by that Act; or
- (h) is a provider of any approach control service within the meaning of the Civil Aviation Act 1990; or
- (i) undertakes or proposes to undertake a project or work prescribed as a network utility operation for the purposes of this definition by regulations made under this Act,—

and the words **network utility operation** have a corresponding meaning

to undertake a drainage or sewerage system; or

- (f) constructs, operates, or proposes to construct or operate, a road or railway line; or
- (g) is an airport authority as defined by the Airport Authorities Act 1966 for the purposes of operating an airport as defined by that Act;

Term	Proposed definition	Explanation
noise	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div data-bbox="434 435 763 517" style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;">Includes vibration</div>	RMA definition
notional boundary	means a line 20 metres from any side of a <b>building</b> that contains an activity sensitive to noise, or the legal <b>boundary</b> , if it is closer to that <b>building</b>	This is based on the notional boundary definition in New Zealand Standard (NZS) 6801:2008 Acoustics – Measurement of Sound, but has been amended to link with the other definitions in the planning standard and extend beyond dwellings as in the NZS. Instead of just referring to buildings that contain residential activities, we have amended the definition to apply to a building that contains an activity sensitive to noise (which can include residential activities, but can also include other sensitive activities like schools and hospitals).
official sign	means all <b>signs</b> required or provided for under any statute or regulation, or are otherwise related to aspects of public safety	<p>It is recognised that there are some signs that are necessary or managed under various pieces of legislation and regulation. The purpose of this definition is to enable an exemption to some of the standard sign rules that must be provided for using, or are already appropriately managed by, some legal mechanism. This is intended to capture the traffic signs, health and safety signs and similar signs. This would also capture electioneering signs, which are already covered by regulations and often managed outside of district plans. Some proposed plans were drafted in such a way that they would have inadvertently required resource consent requirements for signs that have to be provided by law. For example, some proposed provisions only permitted one sign per site, and this creates issues in some situations where chemicals and hazardous substances are stored. It is thought that enabling provisions could be provided for official signs, even when other signage is more restrictively controlled.</p> <p>Feedback on this definition raised the issue that Automobile Association (AA) and other directional signs do not meet this definition, but can be considered differently to other signage. It was considered that just including directional signage would extend this definition too wide, but local authorities could define this (a subset of the sign definition) if they choose to. Careful consideration would have to be given to the context in which directional signage is used. For instance, is a sign that includes “XYZ café turn left 200m”, or an arrow pointing to a direction, considered to be directional or advertising signage? An alternative approach could also be to make AA signage permitted even if subject to permitted activity standards. It was considered that the local context is important when determining specific provisions or definition around</p>

Term	Proposed definition	Explanation
		directional signage.
outdoor living space	means an area of open space for the use of the occupants of the residential unit or units to which the space is allocated	<p>Many plans require a level of outdoor living space to manage on-site amenity effects and ensure that some space is available outdoors on each property.</p> <p>An umbrella term is used wherever possible to reduce the specificity of the terms used; it is considered that councils can add inclusions or exclusions that they deem necessary in their performance standards and rules. Initially this definition included what this space must be clear of (ie, parking and manoeuvring areas and structures). However, as a result of pilot council feedback, we have removed such exclusions so that councils can do so in their performance standards/rules.</p> <p>Feedback also sought that the outdoor living space be provided at ground floor level. This is not considered appropriate for apartment buildings. Local authorities can require through rules that the outdoor living space be provided at ground level, if they consider that this is necessary.</p>
peak particle velocity	means the measure of the vibration amplitude, zero to maximum that is used for building structural damage assessment	<p>This definition has been included to support the noise metric planning standard.</p> <p>Peak Particle Velocity (PPV) is the measure of the vibration amplitude, zero to maximum, used for building structural damage assessment. The definition has been included to support the implementation and use of DIN 4150-3:2199, which is the German standard required to be followed when managing vibration, in accordance with the noise metric planning standard.</p>
primary production	<ul style="list-style-type: none"> <li>(a) means any agricultural, pastoral, horticultural, forestry or aquaculture activities for the purpose of commercial gain or exchange; and</li> <li>(b) includes any land and auxiliary buildings used for the production of the products that result from the listed activities; but</li> <li>(c) does not include processing of those products</li> </ul>	<p>Primary production is a parental land use category that should provide guidance on the range of activities to be categorised in this way. This definition is focused on the activities, rather than the products produced as a result of primary production.</p> <p>The rural sector submission urged the national planning standards to provide an inclusive definition, which would enable users to move between types of primary production activities permitted in the rural zone. This would allow a sheep farmer to diversify by planting an orchard, for example. The submission also suggested including ancillary activities in this definition (ie,</p>

Term	Proposed definition	Explanation
		<p>fences, earthworks, land disturbance, buildings and structures), so that when objectives and policies refer to primary production activities in the rural zone, these elements are also included.</p> <p>The proposed definition also attempts to link to the definition of “production land” provided under the RMA. That definition (a) means any land and auxiliary buildings used for the production (but not processing) of primary products (including agricultural, pastoral, horticultural, and forestry products) and (b) does not include land or auxiliary buildings used or associated with prospecting, exploration, or mining for minerals.</p> <p>As a result of the RMA definition, the definition includes the phrase “auxiliary buildings and activities” rather than “ancillary”, to promote greater consistency while acknowledging the submission by the rural sector group.</p> <p>As a result of feedback from pilot councils and industry groups, the following list was removed from the draft definition on the basis that it didn’t change the definition and removed the controversy around what should or shouldn’t be included in the non-exhaustive list:</p> <p>“including the following land-based activities and any auxiliary buildings and activities –</p> <ul style="list-style-type: none"> <li>• the cultivation of land</li> <li>• the keeping, maintenance and farming of animals and birds for the production of meat, fibre, or other animal-derived produce (including offspring)</li> <li>• aquaculture (fish farming and hatcheries, shellfish farming, seaweed gathering and processing)</li> <li>• horticulture (including all forms of plant farming, and greenhouses)</li> <li>• beekeeping</li> <li>• fungi cultivation</li> <li>• forestry</li> <li>• stables”.</li> </ul>
quarry	means an area of <b>land</b> where the excavation, with or without the processing, of minerals and other solid natural substances occurs	There were a number of definitions of quarry. These definitions often include lists of what was included or excluded. We have tried to create a definition that encompasses as many of the commonly mentioned activities as possible, where there is a more umbrella term we have tried to use the umbrella term as opposed to several specific terms hence the use of the terms “minerals” and “other solid natural substances”.

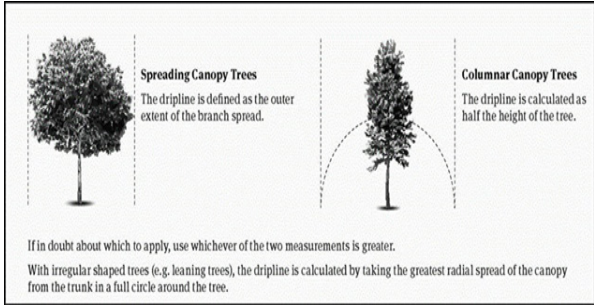
Term	Proposed definition	Explanation
		<p>It is recognised that there are instances where the material extracted is processed on site, and have accommodated for this in the definition while recognising processing on site is not always required.</p> <p>Inclusion of the proviso that the goods are sold and/or removed from the site was considered, so that small-scale quarrying on farms that is used within the same farm (eg, for track building) is not included. However, from an effects-based perspective it was determined that it is better to keep the definition wide and encompassing. It was thought that a definition of something like farm quarry or small-scale quarry could be included in plans if the councils wanted to enable or permit these to occur, and the desired outcome could not be achieved through performance standards. For example, 'farm quarries' could be defined (or permitted in certain performance standards) by councils as a subset of this definition.</p> <p>The word 'solid' has specifically been included so as to exclude water, oil and gases from this definition.</p> <p>As a result of feedback from pilot councils, the draft definition was slightly amended to refer to the land where the activity is occurring.</p>
raft	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div data-bbox="338 970 999 1326" style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>means any moored floating platform which is not self-propelled; and includes platforms that provide buoyancy support for the surfaces on which fish or marine vegetation are cultivated or for any cage or other device used to contain or restrain fish or marine vegetation; but does not include booms situated on lakes subject to artificial control which have been installed to ensure the safe operation of electricity generating facilities</p> </div>	RMA definition

Term	Proposed definition	Explanation
rating level	means a derived noise level used for comparison with a noise limit	<p>This definition has been included to support the noise metric planning standard.</p> <p>This is from the New Zealand Standard (NZS) 6802:2008 Acoustics – Environmental Noise. This recognises that the New Zealand acoustic standards provide methodologies to calculate a noise level through measurements that can be compared to the noise limits set in rules under the RMA. The noise rating level is the level determined by specialised input from representative noise measurements to be able to determine if the maximum noise limit rules in plans are exceeded.</p>
reclamation	means the infilling of any part of a <a href="#">waterbody</a> , <a href="#">bed</a> of lake or <a href="#">river</a> or part of a <a href="#">waterbody</a> or <a href="#">coastal marine area</a> , to create permanent <a href="#">land</a> , 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>The intent of the definition is that to clearly include where land is created along the coast or in any waterbody while not capturing standard activities such as beach grooming.</p> <p>As a result of feedback, we have amended the wording to include reclamations in the coastal marine area, which had been inadvertently excluded.</p>
residential activity	means the use of <a href="#">land</a> and <a href="#">buildings</a> by people for the primary purpose of living accommodation	<p>We have aimed to keep the definition as simple as possible. The term “for the primary purposes of” is intended to allow for some ancillary activities, such as home businesses.</p> <p>Some definitions of residential activity state the number of visitors that are allowed on site to be considered a residential activity. Again, we have left out references to visitor accommodation, as these should be dealt with in the relevant standards and rules, or a separate definition of visitor accommodation. It is also considered that AirBnB, homestay and bed and breakfast operations are often a good use of rooms and space that are no longer required by the household. These activities at a small scale can have similar environmental effects to a flat where all of the bedrooms are rented individually.</p> <p>Feedback on the proposed definition sought to ensure that the definition was clear that care facilities where a care supervisor will call in and may stay at night are clearly included in the definition. We consider that the phrase “primary purpose of living accommodation” enables associated support to be provided to the people who are living on the site. Councils can enable other appropriate activities in the drafting of their rules/performance standards.</p> <p>Feedback also questioned whether prisons and drug rehabilitation centres are captured by the definition. It is considered that the primary purpose of these facilities would not be for living accommodation (ie, retention/containment or rehabilitation would be the primary purpose) and</p>

Term	Proposed definition	Explanation
residential unit	<p>means a <b>building</b> or part of a <b>building</b> that is used for a <b>residential activity</b> exclusively by one household.</p> <p>To be considered a residential unit, a <b>building</b> or part of a <b>building</b> must include sleeping, cooking, bathing and toilet facilities</p>	<p>it is considered that they would not be captured by this definition. Prisons and drug rehabilitation centres could be defined by plans if required.</p> <p>Sixteen out of the 25 district plans assessed in our research defined the terms ‘dwelling’, ‘dwelling house’, or ‘dwelling unit’; 11 plans also defined the term ‘residential unit’.</p> <p>All of these terms have a similar purpose – ie, to classify the building or part of a building that is used exclusively by a group of people to reside in. ‘Residential unit’ was selected over the other terms because it clearly conveys the definition’s purpose and (unlike dwelling) doesn’t evoke connotations of a stand-alone house.</p> <p>Consideration was given to using the term ‘dwellinghouse’ from section 2 of the RMA. However, it was not considered suitable for district plans. For example, the RMA’s definition does not include any reference to bathrooms, toilets or kitchens. Such references are considered important details in the context of district plans, to provide a tangible criteria for determining what is a ‘dwellinghouse’ compared to other types of accommodation. In addition, the RMA definition does not clearly separate apartments or residential units that are part of larger building complexes such as apartment buildings or terraced housing. The RMA dwelling house definition also includes any outdoor living area and structure that is accessory to the purposes of the residence. It is considered that many plans seek to manage the different areas and buildings separately, and have developed the definitions to enable this.</p> <p>The residential unit definitions are extremely important to the practical operation of a district plan’s policy framework about residential development. These definitions are directly linked to “density rules” that control how many residential units can be established on a site. Such rules fundamentally influence the economic, social and environmental outcomes of residential zones and mixed use areas.</p> <p>It is considered that the definition of a ‘residential unit’ should not be linked to the typology of housing (eg, detached, semi-detached or apartment). This is because building typologies can be adequately controlled through other district plan mechanisms, such as ‘building bulk and location’ and density rules.</p> <p>The proposed definition of ‘residential unit’ refers to a ‘household’ (which we have not defined), as do a number of existing definitions. The purpose of this link to is establish a clear distinction between a ‘residential unit’ and other types of accommodation such as boarding houses,</p>

Term	Proposed definition	Explanation
		<p>retirement villages, etc.</p> <p>The draft definition has been amended as a result of feedback from pilot councils to include sleeping facilities. It was not considered that laundry facilities are necessary, as people can use laundrettes for this purpose. It is recognised that what constitutes cooking facilities can be difficult and may require consideration on a case-by-case basis.</p> <p>The definitions in the standard do not define what constitutes cooking facilities on the basis that any definition was considered likely to have unintended consequences if applied nationally. It was considered better to leave it to a plain and ordinary meaning.</p>
retirement village premises	<p>has the same meaning as in section 226A of the RMA (as set out in the box below)</p> <div data-bbox="338 727 1003 940" style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>means premises (including any land and associated buildings) within a complex of premises for occupation as residences predominantly by persons who are retired and any spouses or partners of such persons</p> </div>	RMA definition from section 226A
reverse sensitivity	<p>means the potential for the operation of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental <a href="#">effects</a> generated by an existing activity</p>	<p>The meaning of the term “reverse sensitivity” has been debated in a number of cases and it is considered that this definition accurately captures what is intended by the use of the term. Some definitions have referred to new activities complaining about the effects of new activities. The concept of limiting it to complaints was not included here on the understanding that reverse sensitive effects can be wider than just complaints, and some activities can mean that the pre-existing activity has to change to adapt to the new activity. For instance, pre-existing electricity lines have been raised in the past as a result of new development coming too close to live lines.</p> <p>Feedback suggested that the draft definition did not consider consented but not yet implemented activities. However, such activities form part of the existing environment, and therefore are caught by the term “existing activity”.</p> <p>As a result of feedback the definition recognises that the more recent activity could be sensitive</p>

Term	Proposed definition	Explanation
		to the “actual, potential or perceived adverse environmental effects” of the existing activity, rather than just the actual adverse environmental effects.
river	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div data-bbox="333 533 981 804" style="border: 1px solid black; padding: 5px;"> <p>means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal)</p> </div>	RMA definition
road	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div data-bbox="333 963 1010 1126" style="border: 1px solid black; padding: 5px;"> <p>has the same meaning as in <a href="#">section 315</a> of the Local Government Act 1974; and includes a motorway as defined in <a href="#">section 2(1)</a> of the Government Roding Powers Act 1989</p> </div>	RMA definition
root area protection	<p>means the circular area surrounding a tree, which is the greater of the radius, measured from the base of the trunk to:</p> <ul style="list-style-type: none"> <li>(a) the outer extent of the branch spread; or</li> <li>(b) half the height of the tree.</li> </ul> <p>If this definition is included in the final standard, a diagram similar to</p>	<p>The Boffa Miskell research suggests that there is unnecessary variation in both the term used for this purpose, and the way it is defined. It is thought that the all of the synonyms are simply applying to rules and other provisions that manage the type of activities that can occur around protected trees.</p> <p>Many of the definitions are based on the canopy of the protected tree, but some are more sophisticated and recognise that this doesn’t work to protect the roots on columnar crown</p>

Term	Proposed definition	Explanation
	<p>the CCC Replacement District Plan dripline definition will be included, e.g.:</p> 	<p>species.</p> <p>When reviewing the existing definitions, the dripline definition in the Christchurch replacement plan was considered to be a good definition that could be applied though the planning standard. It is thought that the term ‘root protection area’ reflects how the term is used in plan provisions; the rules are around not disturbing the earth and damaging the roots of protected trees. While some plans use the term root protection zone, it was decided to stay away from the word zone (on the basis zone has other meanings in the planning standards).</p>
rural industry	<p>means an <b>industrial activity</b> where the principal function supports <b>primary production</b> or aquaculture activities</p>	<p>Feedback from pilot councils generally requested that the definition be more specific, with clear inclusions and exclusions. Writing a definition with a number of inclusions and exclusions is akin to including pseudo standards or rules in the definition. It is considered that councils can be more specific if they need through the drafting of their rules/performance standards.</p>
setback	<p>means the distance between a <b>structure</b> or activity and the <b>boundary</b> of its <b>site</b>, or other feature specified in the Plan</p>	<p>This definition considers that setback and yard have been used across the country to achieve the same thing. The term setback has been used on the basis that this more clearly enables a wider use of the term, ie, it could be a setback from a water body rather than the boundary.</p> <p>As a result of feedback from pilot councils and sector groups on the draft definition, it was amended so that it refers to the distance between not only a structure and a boundary or feature, but also an activity and the boundary or feature. For example, there may be controls on earthworks so that they are a certain distance from a water body.</p>
sewage	<p>means any water that contains any toilet or urinal waste, or any waste in water from industrial or commercial processes</p>	<p>This term is commonly used in district plans, and meets the criteria for inclusion in the planning standards as it relates to infrastructure. Given that water-based infrastructure is commonly referred to as ‘three waters’ (meaning fresh water, wastewater and stormwater), it was considered to define these terms separately. The definition of wastewater is dependent on the definition of sewage and also greywater.</p> <p>A number of dictionary and scientific definitions were considered and taken into account as we</p>

Term	Proposed definition	Explanation
sign	<p>(a) means any device, character, graphic or electronic display, whether temporary or permanent, that is visible from beyond the site boundary, for the purposes of—</p> <ul style="list-style-type: none"> <li>(i) identification of and provision of information about any activity, site or structure:</li> <li>(ii) providing directions:</li> <li>(iii) promoting goods, services or forthcoming events; and</li> </ul> <p>(b) includes the frame, supporting device and any associated ancillary equipment whose principal function is to support the message or notice; and</p> <p>(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</p> <p>(d) may be illuminated by an internal or external light source</p>	<p>drafted this definition of sewage. The draft definition conveys the term’s meaning clearly and simply.</p> <p>The definition is attempting to capture all forms of signs other than sign-written vehicles. It is attempting to capture both electronic and non-electronic forms of signage. A definition of official sign is also being provided to acknowledge that there are some signs that should be enabled through provisions. Any signage that is required by other legislation or regulations is picked up by the definition of “official sign”.</p> <p>The definition is linked to the structure definition that also includes building; in the proposed definitions, building is a subset of structure. It is also considered that the use of the term ‘structure or natural object’ captures any possible thing that a sign could be attached to. Natural object has been used to reflect the fact that the definition of structure excludes vehicles and being limited to human-made devices doesn’t include rocks, trees or similar objects that a sign could be attached to.</p> <p>Some definitions used a reference to the sign being visible ‘from any public place’. The term used here is ‘beyond the site boundary’. This was used in case there are any situations where signage would be visible to neighbouring properties but not necessarily a public place.</p> <p>Consideration was given to excluding signs in buildings from the definition. However, signs in buildings could also potentially have the same or similar adverse environmental effects (eg, when placed on the inside of large windows facing outwards), as those attached to the outside of buildings. Therefore interior signs are captured by the definition if they are visible beyond the site.</p> <p>Pilot council feedback suggested we should not be capturing things like murals on walls, or signs in buildings. If councils do not want to capture specific types of signage, they can do so through their rules/performance standards. A mural would only be captured in this definition if they meet one of the bullet pointed purposes, rather than simply being artwork.</p> <p>As a result of pilot council feedback, it is specified in the definition that “sign” includes the support structure. It is thought that this would enable plan provisions to manage structures like billboards, even when they are blank. It would also capture a parked trailer on which signage is located.</p>

Term	Proposed definition	Explanation
site	<p>means:</p> <ul style="list-style-type: none"> <li>(a) an area of <b>land</b> comprised in a single computer freehold register (record of title as per the Land Transfer Act 2017); or</li> <li>(b) an area of <b>land</b> which is comprised of two or more adjoining legally defined <b>allotments</b> in such a way that the <b>allotments</b> cannot be administered separately without the prior consent of the council; or</li> <li>(c) the <b>land</b> comprised in a single <b>allotment</b> or balance area on an approved survey plan of <b>subdivision</b> for which a separate computer freehold register could be issued without further consent of the Council; or</li> <li>(d) in the case of <b>land</b> subdivided under the Unit Title Act 1972 or the cross lease system, site shall be deemed to be the whole of the land subject to the unit development or cross lease; or</li> <li>(e) an area of adjacent land comprised in two or more computer freehold registers where an activity is occurring or proposed</li> </ul>	<p>The research showed that many definitions refer to certificates of title, and that the single allotments are commonly representative of a site but there are variations to this approach that need to be accounted for in the definition. Many definitions list the different legal mechanisms included and reflect the different ways that allotments can be held together, such as sections 75 and 77 of Building Act 2004, and section 643 of the Local Government Act 1974. Point (b) of the proposed definition is intended capture all of the possible legal configurations.</p> <p>Point (c) is intended to provide for those situations where development is approved or proceeding prior to the new certificate of title being issued as part of a subdivision. It recognises that once the section 224(c) certificate is issued, then the issuing of titles is largely an administrative exercise and the future development of the new allotment created is sometimes approved on the basis of the subdivision rather than waiting for the new title to be issued.</p> <p>Point (e) has been provided on the basis that there may need to be instances where recognising that a single activity occurs over more than one title is not captured by point (b). For example, farms that purchase neighbouring properties and run as a single entity, or urban development with parking and access provided on a different property to the buildings. As a result of pilot council feedback, the wording of point (e) was amended to ensure that the area of land referred to must be adjacent.</p> <p>Feedback also suggested that perhaps rather than the proposed point (e), that titles should be forced to amalgamate to ensure that when activities are established over multiple sites the sites can't be separated. We have not gone with this approach, on the basis that the plan provisions would still apply. If all titles were required then this would become a compliance issue should it eventuate that one title is sold off and the land use changed. It is considered that under this scenario that existing use rights would not apply, due to the change in character or scale.</p>
small scale renewable electricity generation	<p>means renewable electricity generation which does not exceed a power rating of 20kW</p>	<p>It is noted that the NPS for renewable Electricity Generation provides a definition for small- and community-scale distributed electricity generation. From an effects basis it can be difficult to distinguish a community-scale electricity generation scheme that connects to a local distribution network from a larger generation scheme that connects into the national grid.</p> <p>Photovoltaics and other renewable electricity sources are becoming increasingly common and affordable at smaller scales. This definition has been provided so that these can be provided for in plans going forward.</p>

Term	Proposed definition	Explanation
		<p>It is recognised that some small-scale generation can be connected back into the local distribution network and sold when the site’s usage is low. The phrase ‘primarily for the purpose of using the electricity on the site’ was considered, to limit the scale, but excluded for this reason.</p> <p>The 2010 EECA ‘Domestic-scale distributed generation Guidance for local government’ publication has been referred to in setting the power rating limit to below the level that generally provides for the power to be on-sold to another user on a commercial basis. The intention is to provide a clear mechanism through which small on-site renewable electricity generation can be provided for in council plans. Feedback suggested that the 20kW limit may be too low, but no alternative was provided.</p> <p>Performance standards and rules can be used manage any bulk and location issues.</p>
special audible characteristic	means sound that has a distinctive characteristic such as tonality or impulsiveness which affects its subjective acceptability	<p>This definition has been included to support the noise metric planning standard.</p> <p>This is a term used in New Zealand Standard (NZS) 6802:2008 Acoustics – Environmental noise, which recognises that some people are more sensitive to particular types of sounds. The standard provides a methodology noise limits to be adjusted for types of sounds to which people can be more sensitive, due to their character.</p>
stormwater	means water from natural precipitation (including any contaminants it contains) that flows over <a href="#">land</a> or <a href="#">structures</a> (including in a network), to a <a href="#">waterbody</a> or the <a href="#">coastal marine area</a>	<p>Given that water-based infrastructure is commonly referred to as ‘three waters’ (meaning fresh water, wastewater and stormwater), defining these separately was considered.</p> <p>A number of dictionary and scientific definitions were considered and taken into account as we drafted this definition of stormwater. It is considered that the draft definition conveys the term’s meaning clearly and simply.</p>
structure	means any <a href="#">building</a> , equipment, device or other facility made by people and which is fixed or located on or to land; and includes any <a href="#">raft</a> , but excludes motorised vehicles that can be moved under their own power	<p>The starting point for this definition was the definition in section 2 of the RMA.</p> <p>However, due to the proposed definition of building, the bulk and location rules should also apply to some structures. It was considered necessary to include the words “or located on land” to capture structures that may be located on land but not fixed to it. Many buildings and structures that are currently covered by rules in council plans are not necessarily captured by the term ‘fixed to land’. It is considered that structures such as shipping containers, which are portable, are not ‘fixed to land’ it is their own weight that keeps them in place.</p> <p>While this could then capture a number of structures to which rules in council plans do not apply, this can be covered off through permitted activity rules if required; ie, any structure under x area</p>

Term	Proposed definition	Explanation
		<p>and y height could be permitted. It is considered that this type of approach makes the rules more transparent and easier to use. This approach provides for local variation to be applied through the rules as required at the local level, and could be different in different zones.</p> <p>The disadvantage is that the rules will be longer but this is not considered to be a significant issue in electronic plans.</p> <p>The reference to “raft” in the RMA definition has been retained, as this is going to apply to areas in the coastal marine environment and on the surface of waterbodies. The definition of raft in section 2 of the RMA is considered to be appropriate in these situations.</p> <p>The definition of structure would capture the structures to be included such as scaffolding. It is thought that this could also be managed through permitted activity rules. While it could be managed under the new section 87BB in the 2017 RMA amendments around temporary and marginal activities, it is considered that this would create an administrative burden on councils and not meet the desired objectives of workplace safety legislation.</p> <p>We have tried to use umbrella terms wherever possible to reduce the specificity of the terms used and the number of specific activities listed. We consider that councils are likely to add further details including exclusions and inclusions in their rules/performance standards as they see fit. We have, however, excluded motorised vehicles that can be moved under their own power and these therefore are not captured under the definition of building.</p>
subdivision	has the same meaning as “subdivision of land” in section 218 of the RMA (as set out in the box below)	RMA definition from section 218

Term	Proposed definition	Explanation
	<p>means—</p> <p>(a) the division of an allotment—</p> <p>(i) by an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of the allotment; or</p> <p>(ii) by the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or</p> <p>(iii) by a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years; or</p> <p>(iv) by the grant of a company lease or cross lease in respect of any part of the allotment; or</p> <p>(v) by the deposit of a unit plan, or an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of a unit on a unit plan; or</p> <p>(b) an application to the Registrar-General of Land for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by section 226</p>	

Term	Proposed definition	Explanation
sustainable management	<p>has the same meaning as in section 5 of the RMA (as set out in the box below)</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—</p> <p>(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and</p> <p>(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and</p> <p>(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.</p> </div>	RMA definition from section 5
swale	means an area of <b>land</b> that has been shaped to allow a watercourse to form during <b>stormwater</b> collection	This definition is included to help facilitate an alternative water-sensitive urban design and green infrastructure solution that is becoming more commonly used.
tangata whenua	has the same meaning as in section 2 of the RMA (as set out in the box below)	RMA definition

Term	Proposed definition	Explanation
	<div style="border: 1px solid black; padding: 5px; margin: 5px;"> <p>in relation to a particular area, means the iwi, or hapu, that holds mana whenua over that area</p> </div>	
Territorial Authority	<p>has the same meaning as in section 5 of the <a href="#">Local Government Act 2002</a> (as set out in the box below)</p> <div style="border: 1px solid black; padding: 5px; margin: 5px;"> <p>means a city council or a district council named in Part 2 of Schedule 2</p> </div>	Local Government Act 2002 definition
visitor accommodation	<p>means the use of <b>land</b> and/or <b>buildings</b> primarily for accommodating non-residents, where a tariff is paid</p>	<p>It is acknowledged that there are emerging issues in the visitor accommodation space that complicate the traditional definition of visitor accommodation. The definition proposed is intended to exclude small-scale temporary residential rental accommodation such as AirBnB and Bookabach where this is secondary to the use of the site for residential purposes. It is noted the definition of home business can include small-scale visitor accommodation where it is ancillary to the residential activity on the site. We consider that linking the definition to ‘primarily for accommodating non-residents’ allows for the scale and frequency of the activity to be considered. The inclusion of ‘where a tariff is paid’ is aimed at not capturing any renting situation or where people are just visiting and staying with friends and family.</p> <p>We consider that this approach leaves options available to each council to determine how they want to manage the issue and different scales of visitor accommodation through the performance standards and rules in the local plan.</p> <p>We considered including a definition like:</p> <p>“Means the use of <b>land</b> and/or <b>buildings</b> primarily for accommodating non-residents, <b>within units designed for, or primarily used for this purpose</b> where a tariff is paid”. (bold added). This was on the basis that motel or hotel units are often designed for the purpose but recognised that some</p>

Term	Proposed definition	Explanation
		residential units and baches are regularly rented out and not necessarily designed for the purpose. It was considered better to rely on the phrase 'primarily for accommodating non-residents', with the bold text above not adding anything useful.
wastewater	includes <a href="#">sewage</a> , and <a href="#">greywater</a> .	<p>Given that water-based infrastructure is commonly referred to as 'three waters' (meaning fresh water, wastewater and stormwater), keeping these as three separate terms was considered. Some definitions stated that wastewater and sewage were the same thing. Some definitions included stormwater, and others referred just to the pipe network.</p> <p>A number of dictionary and scientific definitions were considered and taken into account as we drafted this definition of wastewater. The draft definition conveys the term's meaning clearly and simply by simply capturing the two defined terms.</p>
water	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div data-bbox="331 901 992 1179" style="border: 1px solid black; padding: 5px;"> <p>(a) means water in all its physical forms whether flowing or not and whether over or under the ground:</p> <p>(b) includes fresh water, coastal water, and geothermal water:</p> <p>(c) does not include water in any form while in any pipe, tank, or cistern</p> </div>	RMA definition

Term	Proposed definition	Explanation
water sensitive design	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 systems and coastal environments, particularly from stormwater runoff	This definition has been included to help facilitate development that is more responsive to the potential effects that development can have on freshwater and coastal environments. It is the definition from the 'Auckland Council Healthy Waterways Green Infrastructure Operational Policy'.
waterbody	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div data-bbox="342 657 992 826" style="border: 1px solid black; padding: 5px;"> <p>means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area</p> </div>	RMA definition
wetland	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <div data-bbox="342 995 1010 1161" style="border: 1px solid black; padding: 5px;"> <p>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</p> </div>	RMA definition
wet abrasive blasting	means <b>abrasive blasting</b> to which water has been added	It was considered that this is just a form of abrasive blasting that uses water. We have kept it as a separate term so councils can control wet and dry abrasive blasting separately.

**Table A2.2: Definitions removed/excluded during the drafting and testing phase**

Key:

Black text shows some of the initial work and thinking before it was decided not to proceed with the term

**Green** Text explains the rationale for why the term was not included in the planning standards.

Term	Proposed definition	Explanation
Access	means the area of land over which lawful vehicular or pedestrian access is obtained to a legal road.	<b>Policy decision to not include.</b> Leave to council to define for the specific use, due to feedback received on the vastly different contexts in which it is used.
Access way		<b>Policy decision to remove.</b> Access and access way are related terms and are used in vastly different ways. The decision was made to leave it to councils to define for their particular purpose if they require it. Some of the feedback received also identified that there was no need to define this term.
Adjoining	means any land that is separated from other land only by a boundary, road, railway, or watercourse.	<b>Policy decision not to include.</b> Mainly used for consent notification tests and not appropriate for this. Feedback said commonly understood.
Aerial		<b>Policy decision to not include.</b> Agreed with the utilities group that specific utility provisions like support structure and minor utility structure should be removed from the planning standards. This is on the basis that the group is continuing to work on model provisions. The definitions in the planning standards should support and reflect the approach that they develop.
Agrichemical	Means any substance, whether organic or inorganic, human-made or naturally occurring, modified or in its original state, used in any <b>primary production</b> activity to eradicate, modify or control flora and fauna. Excludes <b>fertiliser</b> .	<b>Feedback received indicated that the proposed definition was too narrow by limiting it to primary production, and there were differing opinions around whether fertilisers, lime, phosphate and other soil conditioners should be included.</b> <b>The use of agrichemicals is managed through the Agricultural Compounds and Veterinary Medicines Act 1997 the Hazardous Substances and New Organisms Act 1996 and WorkSafe New Zealand, and should be excluded from the standard.</b>

Term	Proposed definition	Explanation
		The feedback recommended that this term be removed from the standard.
Alteration		Remove on basis that context is important as to what this relates to.
Antenna		<p>Policy decision to not include.</p> <p>Agreed with the utilities group that specific utility provisions like support structure and minor utility structure should be removed from the planning standards. This is on the basis that the group is continuing to work on model provisions. The definitions in the planning standards should support and reflect the approach that they develop.</p>
Archaeological site		The definition from the Heritage New Zealand Pouhere Taonga Act 2014 is commonly understood and applies where required.
Biosolid		It was considered that this was not required as it did not appear to be widely used.
Building	<p>means any structure, whether temporary or permanent, moveable or fixed, 5m<sup>2</sup> or greater in gross floor area or greater than 2m in height, but does not include:</p> <ul style="list-style-type: none"> <li>• Any scaffolding or falsework erected temporarily for maintenance or construction purposes <ul style="list-style-type: none"> <li>– underground pipes or and underground utilities;</li> </ul> </li> <li>• any fence or wall (other than a retaining wall) not exceeding 2m in height</li> <li>• any retaining wall not exceeding than 1.5m in height</li> <li>• swimming pools, spa pools, or tanks not exceeding 1.5 in height <ul style="list-style-type: none"> <li>– any temporary tent or marquee</li> </ul> </li> <li>• any road</li> <li>• any uncovered platform, deck, or paving, hard landscaping not exceeding 1.5m in height .</li> </ul>	<p><b>A number of building definitions were considered due to the amount of feedback received that didn't like the proposed definition of building. Most of the feedback sought the more common approach that is often used of starting with an exclusive definition and then listing a number of exclusions. Consideration was given to this option and the exclusions that were sought; it was developed as an option (without all of the exclusions requested) as a comparison.</b></p> <p><b>Other potential definitions were also considered before making the decision to use the proposed building definition.</b></p> <p>means an enclosed structure built with a roof and walls.</p> <p>means any equipment, device, or other facility made by people and which is fixed to the land; and includes fences and walls. This definition excludes any building or any utility structure from Heritage New Zealand Pouhere Taonga Act 2014:</p> <p>building means a structure that is temporary or permanent, whether movable or not, and which is fixed to land and intended for occupation by any person, animal, machinery, or chattel</p>

Term	Proposed definition	Explanation
	<ul style="list-style-type: none"> <li>– official signs and signs not exceeding 1.5m in height</li> <li>• flagpoles, masts or lighting poles not exceeding 8m in height with a cross-sectional dimension not exceeding 0.2m</li> <li>• flood and erosion control structures; or</li> <li>• any vehicle, trailer, caravan or boat unless it is being predominantly located on a single site with the primary purpose being as a place of accommodation, commercial activity or storage</li> <li>• Masts, poles, utility aerials/antennae</li> <li>• radio and television aerials excluding dish antennae for receiving television</li> </ul>	
Confined aquifer	means an <b>aquifer</b> which is confined between aquitards	<b>Consideration was given to defining this term as a term related to aquifer. Given that only one of the plans considered in the Boffa Miskell research provides a definition of “confined aquifer” and the other two simply refer the plan user to the definition of aquifer, the decision was made that this is not required in the first set of standards.</b>
Construction work	<p>Means any work in connection with the construction, erection, installation, carrying out, repair, maintenance, cleaning, painting, renewal, removal, alteration, dismantling, or demolition of:</p> <p>a) Any building, erection, edifice, structure, wall, fence or chimney, whether constructed wholly or partly above or below ground level.</p> <p>b) Any road, motorway, harbour or foreshore works, railway, cableway, tramway, canal, or aerodrome.</p> <p>c) Any drainage, irrigation, or river control work.</p> <p>d) Any electricity, water, gas, or telecommunications reticulation.</p>	<b>Remove, as context is important. Also, not considered necessary with the noise metric applying the construction noise standard.</b>

Term	Proposed definition	Explanation
	<p>e) Any bridge, viaduct, dam, reservoir, earthworks, pipeline, aqueduct, culvert, drive, shaft, tunnel, or reclamation.</p> <p>f) Any scaffolding.</p> <p>Construction work includes:</p> <ul style="list-style-type: none"> <li>• Any work in connection with any excavation, site preparation, or preparatory work, carried out for the purpose of any construction work.</li> <li>• The use of any plant, tools, gear or materials for the purpose of any construction work.</li> <li>• Any construction work carried out underwater, including work on ships, wrecks, buoys, rafts, and obstructions to navigation.</li> </ul> <p>Any inspection or other work carried out for the purpose of ascertaining whether construction work should be carried out.</p>	
Demolition	<p>The removal or destruction of any building or structure, either in whole or in part</p> <p>excludes <i>'repair or maintenance'</i></p>	<p><b>Proposed term looked to apply in all situations, but it was found that the context is important and therefore should be removed from the standard. Was removed during the drafting process. Initial thinking is in black below.</b></p> <p>Our proposed definition only applies to structures and buildings, it does not apply to other items such as burial grounds, archaeological features or vegetation that are not captured by the definition of 'building' or 'structure'. It is considered that such items are not encompassed by the ordinarily understood definition of demolition. It is envisioned that plans could use the term 'destruction' or 'damage', but these may face challenges if these are considered a synonym or similar term for demolition.</p> <p>One issue facing the proposed definition of 'demolition' is how plans will clearly delineate between what constitutes 'demolition', 'alterations' or 'repairs and maintenance'. For example, if a window frame of a building was removed and replaced with a materially different window frame, this should not be considered both 'demolition' and 'alterations'. Some plans such as the Auckland Unitary Plan avoid this issue by having metrics that accompany their demolition rules. For example, table D17.4.1 of the Auckland Unitary Plan provides that "demolition or destruction of 70% or more by volume or footprint (whichever is the greater) of any feature... is a Prohibited Activity". This approach provides a</p>

Term	Proposed definition	Explanation
		<p>clear trigger point for what constitutes demolition. We do not consider it appropriate to include metrics in a definition and consider that these metrics are more appropriate in a standard or a rule.</p> <p>It is likely that a number of plans will need to create metrics relating to demolition (similar to the Auckland Unitary plan) to clearly differentiate between ‘repairs and maintenance’, ‘alterations’ and ‘demolition’.</p>
Domestic wastewater		<p><b>It was considered that the definition of wastewater was sufficient. This can be defined by councils if required.</b></p>
Dwelling		<p><b>We have defined the term “Residential unit” and this would just be a synonym of that term.</b></p>
Ecosystem		<p><b>Remove - scientifically recognised term.</b></p>
Ephemeral waterway/flow path	<p>a water body, which has the physical characteristics of the bed of a river, that dries up periodically, typically holding water for only a few days to months.</p> <p>A river that:</p> <ul style="list-style-type: none"> <li>(a) does not have a defined bed, or</li> <li>(b) has a bed that is predominantly vegetated, and</li> <li>(c) only conveys water during heavy rainfall events, and</li> <li>(d) does not convey or retain water at other times</li> </ul>	<p><b>It was realised during the drafting phase that this is included in definition of river in the RMA and is used in a variety of different ways. It was therefore decided to remove it and allow for councils to define it for the local context if required.</b></p> <p>The regional plans considered by Boffa Miskell use a number of terms that are related to ephemeral waterbodies – ie, ephemeral flow path (draft Wellington Natural Resources Plan), ephemeral reaches (proposed Auckland Unitary Plan), ephemeral streams (Waikato Regional Plan) and ephemeral water body (West Coast Land and Water Plan).</p>
External alteration (heritage)	<p>Means any change or <i>addition</i> to the fabric or features of an existing <i>building or structure</i> which results in an external appearance different to its existing appearance. Excludes repainting and demolition.</p>	<p><b>Decision was made that councils can define for purpose they need it for. Our initial thinking is below:</b></p> <p>Although “external alterations” was not defined in any district plans assessed as part of our research, there are a number of other similar terms that are widely used, such as:</p> <ul style="list-style-type: none"> <li>• alteration (8 out of 25 plans)</li> <li>• alterations and additions (1 out of 25 plans)</li> <li>• addition (3 out of 25 plans)</li> <li>• addition and alteration (1 out of 25 plans)</li> <li>• internal alteration of building (1 out of 25 plans)</li> </ul>

Term	Proposed definition	Explanation
		<ul style="list-style-type: none"> <li>• modifications (3 out of 25 plans).</li> </ul> <p>We have chosen the term ‘alteration’ to capture and supersede all of these related terms apart from addition. However, it is also considered that any standardised definition that relates to the alteration of a building needs to clearly differentiate between external and internal changes to a building. This is important because some Category 1 listed heritage buildings have their interior protected as well as their exterior. Therefore, we are proposing separate definitions for ‘external alterations’ and ‘internal alterations’.</p> <p>The proposed definition of ‘external alteration’ has been drafted to work in combination with the definitions ‘repairs and maintenance’ and ‘demolition’. These three definitions delineate the different degrees of modification that can occur to a structure or building.</p> <p>It is noted that a number of plans have definitions of ‘alteration’ that only apply to specific items or types of structures. For example, the Rangitikei District Plan’s definition of alteration only applies to historic heritage items. Another example is the Gisborne Combined Regional &amp; District Plan, which has a definition of ‘alteration’ that only applies to network utilities.</p> <p>Our proposed definition of ‘alteration’ applies to any building or structure. It is considered that this approach will allow for the most widespread and flexible use of the term. Under this approach, if a council wants to control external alterations only for specific types of structures, then the council will need to create a new definition for that specific kind of alteration.</p> <p>Our proposed definition of ‘external alteration’ could be used for various purposes, such as:</p> <ul style="list-style-type: none"> <li>• protection of ‘character’ buildings</li> <li>• protection of ‘heritage’ buildings</li> <li>• maintenance and enhancement of amenity values/urban design</li> <li>• acting as a trigger point for natural hazard rules (eg, minimum floor level)</li> <li>• acting as a trigger point for noise insulation rules addressing reverse sensitivity.</li> </ul> <p>It is proposed that this definition includes additions and extensions. If required rules can manage additions/extensions by including rules around external alterations that increase the building coverage (which is defined) or building footprint; eg, any external alteration that increases a building’s footprint by more than 10m<sup>2</sup> in a floodplain must have a minimum floor level of XXX.</p> <p>It is noted that our proposed definition captures <b>any</b> alteration to a building regardless of the</p>

Term	Proposed definition	Explanation
		<p>environmental effects or extent of physical modification (eg, installing an external security light on a building would be captured by our proposed definition). It is considered preferable for this definition to be a “catch all”, as it would be extremely challenging to create an exhaustive list of all possible alterations that would universally have such a low level of environmental effects to warrant exclusion from the definition. Furthermore, the definition of ‘external alteration’ is often used to protect listed heritage items that are a matter of national importance under section 6 of the RMA. Therefore it is better to take a precautionary approach to capture all possible alterations under this definition to ensure historic heritage is adequately protected. It is also noted that the new marginal and temporary consent exemption process established under the 2017 amendments to the RMA could act as an appropriate mechanism to deal with extremely small external alterations that don’t warrant the need for resource consent (if triggered due to the definition of ‘external alteration’).</p> <p>A number of plans currently define alterations by referring to changing the “characteristics” of a building. This phrase was not considered necessary, as any change to a building’s characteristics are captured by a change to its “fabric” or “features”. A number of plans also refer to “obscuring, defacing or damaging”. These activities are also considered to be captured by any changes to a building’s “fabric” or “features”.</p> <p>Repainting has been explicitly excluded from the proposed definition of external alterations because it is not an activity that is captured by any existing definitions of ‘alteration’, except for the Hastings District Plan. If councils want specific rules to cover repainting, there is nothing stopping them from creating specific rules to address the issue.</p>
Factory farming	See definition of <a href="#">intensive farming</a> .	<p><b>Policy decision to define intensive farming instead.</b></p> <p><b>In their submission on the proposed Invercargill City District Plan, Federated Farmers petitioned for the phrase “factory farming” to be replaced with “intensive farming”. In their view, the phrase “factory farming” is emotionally charged and inflammatory. They also consider it to be synonymous with intensive farming. It is accepted that this is the case and have accordingly defined ‘intensive farming’. This will supersede existing definitions of ‘factory farming’.</b></p>
Farming	See definition of <a href="#">primary production</a>	<p><b>Policy decision to define “primary production” instead.</b></p> <p><b>Consultation with members of our rural sector group highlighted the similarities between the terms “farming” and “primary production”, which they considered to be largely synonymous. Of the two, there was a preference for the planning standards to define “primary production”. We agreed, and</b></p>

Term	Proposed definition	Explanation
		believe that “primary production” provides greater scope for non-traditional forms of rural land use activities.
Hazardous facility	Means land or buildings where hazardous substances are used, stored, manufactured, handled or disposed of. This activity does not include the use and storage of hazardous substances for domestic uses. <del>as defined in the Health and Safety at Work Act.</del>	<p><b>Removed following feedback that this is covered through Hazardous Substances and New Organisms Act 1996 (HSNO) and WorkSafe legislation and regulation.</b></p> <p><b>Also recognise that the hazardous substances function was removed from the RMA in the 2017 amendments to the RMA. A hazardous substances definition has been included for those councils that want to manage land use integration issues around hazardous substances and hazardous facilities.</b></p> <p><b>Our research could not identify any easy reference to levels that could be used to determine appropriate limits for domestic use. There were also concerns around what it does capture; this definition would capture any store that sells chemicals and paint products.</b></p>
Hazardous waste		<p><b>Removed.</b></p> <p><b>Defined in other legislation (HSNO) and not considered to be required. Councils can define if required using the hazardous substances definition</b></p>
Household	Means a person or groups of persons <del>related or unrelated</del> who reside together <del>and interact on a regular daily domestic basis.</del> <del>to maintain a self-contained housekeeping unit.</del>	<p><b>Remove.</b></p> <p><b>Term has an ordinary understood meaning. This was looked at being defined to assist with the residential unit definition but attempting to define opened up the definition to varied interpretations in the feedback, and decision was made to rely an ordinary understood meaning rather than define it. Initial thinking with some of the tracked changes is shown in black below.</b></p> <p>The interpretation of our proposed definition of ‘residential unit’ is dependent on a definition of ‘household’. The purpose of this link is to provide a distinction between a house/dwelling and other types of accommodation such as hostels and boarding houses.</p> <p>It is noted that the Building Act 2004 contains a definition of ‘household unit’, but this definition is not considered suitable for a planning purpose. The intention here is that in addition to a family dwelling it should capture flatting situations other than where it is more like a boarding facility. We attempted to exclude situations where a building contains large communal bathrooms and kitchens and a room is</p>

Term	Proposed definition	Explanation
		leased out individually in situations like university hostels.
Internal alteration (heritage)	Means any change to the fabric or features of an existing <i>building or structure</i> which results in a change to its internal appearance.	<b>Consideration was given to defining internal and external alteration separately but decision was made that councils can define this if they need to do so, on the basis that this is not commonly required.</b>
Maintenance		<b>Removed – context important.</b>
Maintenance of Infrastructure		<b>Policy decision to not include.</b> <b>Met with the utilities group and we agreed that specific utility provisions like support structure and minor utility structure should be removed from the planning standards. This is on the basis that they want to continue to work on model provisions and want any definitions to reflect the approach that they develop.</b>
Mean sea level		<b>Consideration was given to defining this to support the height definition. Policy view and feedback received was not to include this, as it is a commonly understood term.</b>
Minor dwelling		<b>Used term minor residential unit instead to link with the residential unit definition.</b>
Minor upgrading		<b>Policy decision to not include.</b> <b>Agreed with the utilities group that specific utility provisions like support structure and minor utility structure and minor upgrading should be removed from the planning standards. This is on the basis that the group is continuing to work on model provisions. The definitions in the planning standards should support and reflect the approach that they develop.</b>
Minor utility structure	Removed 'Minor'...so refer to Utility Structure	<b>Policy decision to not include.</b> <b>Agreed with the utilities group that specific utility provisions like support structure and minor utility structure should be removed from the planning standards. This is on the basis that the group is continuing to work on model provisions. The definitions in the planning standards should support and reflect the approach that they develop.</b>

Term	Proposed definition	Explanation
Noise sensitive activities		<p>When drafting this it was considered that noise is not the only effect that an activity or land use can be sensitive to. Consideration was given to defining sensitive activity but when this was tested the activities and potential effects it then included made the definition too broad to be useful. Decision was made to allow councils to define it in relation to the local context.</p>
Operational need	<p>means the need for a proposal or activity to traverse locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.</p>	<p><b>Policy decision to not include.</b></p> <p><b>Agreed with the utilities group that specific utility provisions like support structure and minor utility structure should be removed from the planning standards. This is on the basis that the group is continuing to work on model provisions. The definitions in the planning standards should support and reflect the approach that they develop. Initial thinking in this term is included below in black.</b></p> <p>The research only found this in the Auckland Unitary Plan (AUP) (although Dunedin uses the term ‘critical operational need’), and the definition is based on the AUP definition. The word logistical was added to reflect the wording in policy C1 of the National Policy Statement for Renewable Energy Generation (NPS-REG). While this appears to be very similar to functional need they are two different concepts. Operational need recognises it can be important for some activities and infrastructure to recognise that there are instances where the activity or infrastructure must be located in or traverse particular locations.</p> <p>The functional need relates to the fact that the activity must be located in that location and cannot be placed elsewhere; for example a port must be located in the coastal marine area (CMA). Operational need recognises that the activity could operate elsewhere but there is some reason why it must be located in that particular location. For instance, an electricity transmission line can operate anywhere but must connect the point of electricity generation with the electricity distribution network.</p> <p>Consideration was given to combining operational need and functional need. However, it is recognised that functional need is often used in coastal plans and on this basis it was decided to keep them as separate terms.</p>
Outdoor burning	<p>Means burning materials in the open. This includes burning materials in a single chamber or backyard incinerator.</p>	<p><b>Remove – leave to councils to define.</b></p> <p><b>The feedback we received suggested that the broad nature of the definition could have some unexpected consequences. Given the similarities in the definitions that were in the research, the decision was made to remove this from the standard.</b></p> <p>The definitions of ‘outdoor burning’ captured in the Boffa Miskell research are inclusive and do not</p>

Term	Proposed definition	Explanation
		limit it in any way. We consider the definition contained in the Auckland Unitary Plan to be the clearest and simplest way of communicating this and have therefore based our definition on this.
Place of assembly	Means a place used for the primary purpose of people gathering for cultural, recreational, social, and/or religious activities.	<b>Removed on the basis that it is very similar to the proposed community facility and both were not considered to be useful. In the feedback on this there were mixed views around whether (and how) entertainment facilities and conference centres should be included. The decision was made to allow councils to define, if required, to reflect their local circumstances and environment.</b>
Pole		<b>Policy decision to not include.</b> <b>Agreed with the utilities group that specific utility provisions like support structure and minor utility structure should be removed from the planning standards. This is on the basis that the group is continuing to work on model provisions. The definitions in the planning standards should support and reflect the approach that they develop..</b>
Property		<b>Consideration was given to defining to reflect situations where a single property is contained in multiple titles (computer freehold registers). It was considered that this was not required due to the way site is proposed to be defined. Feedback received supported this being excluded from the planning standard.</b>
Repair and Maintenance	Means making good or preventing any damage or decay to a <i>building or structure</i> by repairing, replacing or otherwise preserving its structural integrity..  Repair and maintenance does not include <i>external alterations</i> or demolition of any structural element.	<b>Removed – context is important.</b>  Councils need to consider relationship with alterations. A number of existing definitions of ‘repair and maintenance’ relate exclusively to heritage buildings. For example, the definition in the Wellington City District Plan specifically relates to pre-1930 buildings. Similar definitions are included in the proposed Hastings District Plan, which includes definitions that specifically relate to (a) pre-1950s dwellings and (b) the Flaxmere Village Centre.  We consider that the definition of ‘repair and maintenance’ needs to be broader than heritage buildings so that the term can be used for different purposes without needing separate definitions for an almost identical activity. Specific standards that apply to heritage buildings and/or precincts can be provided in the substance of plans (ie, rules and development standards) and tailored to the unique local circumstances. This approach will allow the definition of repairs and maintenance to be used flexibly and allow councils to use the definition for different purposes.

Term	Proposed definition	Explanation
		<p>This definition is cast quite widely to allow for a range of remedial and maintenance activities. These are limited to enhancing the existing structure and do not extend to any additions, alterations or permanent demolition of a structure (whether in full or in part). The definition seeks to highlight this by using plain English and providing this exception in the definition itself.</p> <p>This definition also applies solely to the exterior of a building or buildings. Plans may include rules that apply specifically to work carried out in the interior of heritage buildings (for example).</p>
Rural services	Means <del>small-scale</del> activities that support and service the needs of rural industry and primary production activities.	<p><b>Feedback received from stakeholders in the rural sector told us that rural services should be distinct from industrial activities and should cover activities that service rural industry and primary production (eg, tractor repairs, contractor depots, etc). When feedback was received on the proposed definition from pilot councils, it was considered that the definition is not required and could create significant issues.</b></p> <p><b>Policy decision not to define and just define rural industry. This was not considered necessary at a national level in addition to the proposed rural industry definition. Where it is wanted and useful councils will be able to develop their own definition.</b></p> <p>Existing definitions include the following:</p> <p>The Hutt City District Plan defines rural service industry as “small scale activities servicing rural needs such as: fencing contractors, topdressing contractors and machinery maintenance contractors”.</p> <p>The proposed Invercargill City District Plan defines it as “the use of land and/or buildings for the primary purpose of providing goods and services to agriculture but excluding the use of the site for any activity defined as:</p> <ul style="list-style-type: none"> <li>• animal boarding</li> <li>• factory farming</li> <li>• heavy industry</li> <li>• noise sensitive activity</li> <li>• professional or personal service</li> <li>• restaurant, bar or tavern</li> <li>• shopping mall</li> <li>• supermarket”</li> </ul>

Term	Proposed definition	Explanation
Rural production activities		<p><b>Policy decision to remove.</b></p> <p>Considered this to be covered by the proposed definition of primary production.</p>
Sensitive activities	<p>mean activities which are sensitive to noise, dust, odour or visual effects of activities on adjacent land.</p> <p>This includes <i>residential activities, education facilities, visitor accommodation</i> and medical facilities.</p>	<p><b>Policy decision to remove.</b></p> <p><b>Too broad once included everything asked for in feedback. The context is important. Feedback on this term was requesting that additional activities and land uses be added. It was also suggested that vibration effects should be considered as well. It was determined once all the inclusions were added that would make it too broad to be useful and without all of the possible activities captured it could restrict the activities that could be considered sensitive in particular circumstances.</b></p> <p>The definition of sensitive land use in the National Environmental Standard for Electricity Transmission Activities was considered, however it was too narrow as the standard is particularly concerned with activities that are sensitive to the effect of electricity transmission and this definition is intended to be used for other activities as well.</p> <p>The definition is intended to capture those activities that are particularly sensitive to dust, odour, visual or vibration effects.</p> <p>The term ‘residential activities’ captures activities such as retirement homes and papakāinga.</p> <p>We considered only including hospitals rather than medical facilities, on the basis that the effects of such activities are felt by people staying on a site for a long period of time. We recognise that medical facilities would be very wide and include things like a physiotherapist or dentist. We came to the conclusion that some medical equipment is very sensitive to vibrations (and maybe electrical interference) and on this basis could be considered sensitive to some activities.</p> <p>As the definition is for all reverse sensitivity issues, the definition has had to be quite wide. We consider that keeping this definition very high level enables more specific definitions to be developed for the local context in which it will be used. For instance, noise-sensitive activities could be defined as a subset of this definition.</p>

Term	Proposed definition	Explanation
Support structure, telecommunication Utility/utility service Utility structure		<p><b>Policy decision to not include.</b></p> <p>Agreed with the utilities group that specific utility provisions like support structure and minor utility structure should be removed from the planning standards. This is on the basis that the group is continuing to work on model provisions. The definitions in the planning standards should support and reflect the approach that they develop.</p>
Vegetation clearance	<p>means any activity that results in the cutting, disturbance, removal or destruction of vegetation that is not a routine <b>primary production</b> activity.</p> <p>Should we exclude clearance required by regulation?</p>	<p><b>Remove, as context in which it is used is important.</b></p> <p><b>Definition goes beyond just clearance and therefore is misleading as well.</b></p> <p>It is recognised that there are occasions when even protected vegetation needs to be trimmed or removed, and this term is proposed to capture all of the activities around the trimming or removal of any protected trees or other vegetation. For instance both the Electricity (Hazards from Trees) Regulations 2003 and the Telecommunications Act 2001 provide for situations where vegetation can be removed from where it could damage or interfere with the safe operation of the infrastructure.</p> <p>The definitions exclude normal forestry, agriculture and horticulture activities from the definition.</p> <p>It is considered that permitted activity standards could enable this to occur where it is required in regulation. However, the carve out for primary production activities would not be appropriate in all circumstances such as when required by a regulation.</p>
Vehicle access		<p><b>Remove – unnecessary. This decision was supported by feedback when tested.</b></p>
Versatile lands		<p><b>Policy decision not to include.</b></p> <p>There was a request made that the national planning standards look at providing a definition for versatile land or productive soil. However, we consider that there is considerable local variation that is important to consider when defining this. It cannot be solely based on the New Zealand Land Use Capability System. The normal soil classes under this system considered highly productive are classes i, ii, and iii. However, there local exceptions to this. For instance, in some climates gravel soils are good for grapes and avocados, and sandy soils (class vi) can be good for growing asparagus. Due to the importance of considering the local conditions the decision was made not to include this in the first set of planning standards.</p>

Term	Proposed definition	Explanation
		<p>In addition, Horticulture New Zealand’s submission on the National Policy Statement for Urban Development Capacity described versatile lands as “rural land with high production potential”.<sup>12</sup> It is considered that this type of definition would not be very beneficial to include in the planning standards, as it provides no assistance at the local level to understand how this should be applied. Feedback received supported the decision to exclude this term.</p>
Yard	Refer to definition of ‘set back’	<p>Policy decision made not to define it and simply treat it as a synonym of setback. Feedback supported the use of the term setback instead of yard.</p>

<sup>12</sup> [www.mfe.govt.nz/sites/default/files/media/NPS\\_UD%20-%20Horticulture%20New%20Zealand%2014924.pdf](http://www.mfe.govt.nz/sites/default/files/media/NPS_UD%20-%20Horticulture%20New%20Zealand%2014924.pdf) (accessed 24 October 2017)