

Before the Hearing Panel
Appointed by the Timaru District Council

Under The Resource Management Act 1991 (**RMA**)
In the matter of submissions on the Proposed Timaru District Plan

**Legal submissions of Counsel on behalf of Timaru District Council -
Hearing G**

30 June 2025

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**anderson
lloyd.**

May it please the Hearing Panel:

Introduction

- 1 These legal submissions are made on behalf of the Timaru District Council (**TDC**) in relation to the Timaru Proposed District Plan (**PDP**). The purpose of these submissions is to assist the Hearing Panel (**Panel**) by setting out issues relevant to this topic hearing – Hearing G.
- 2 These submissions address:
 - (a) evidence filed by, and section 42A reports prepared on behalf of, TDC;
 - (b) key issues to be addressed in Hearing G; and
 - (c) specific issues arising in relation to in Hearing G topics, i.e., the relevant frameworks for considering rezoning requests and financial contributions provisions and TDC's approach to both.
- 3 The latest version of definitions incorporating recommendations from all previous hearings are attached at **Appendix A**.
- 4 The Panel are reminded that legal submissions and memoranda of counsel previously filed generally address matters relevant to the Panel's assessment of submissions.¹

Section 42A reports and evidence

- 5 TDC has prepared four section 42A reports in relation to the matters being heard in Hearing G. They are:
 - (a) **Preliminary s42A report: Hearing G – Rezoning to Accommodate Growth** ("preliminary Growth report") - prepared by Mr Matt Bonis. Mr Bonis is a planner with over 25 years' experience at Planz Consultants. While he did not author the Future Development Area (**FDA**) provisions of the PDP, he was the lead planner for the Growth Management Strategy (Timaru 2045).
 - (b) **Section 42A report: Future Development Areas** – also prepared by Mr Matt Bonis.

¹ For example, legal submissions for Hearing A (30 April 2024) set out in full the matters relevant to the Panel's assessment of submissions, including the statutory assessment to be undertaken by the Panel and general principles relating to scope.; memoranda of counsel (1 July 2024; 18 December 2024) also set out legal principles relating to the scope of permissible amendments to address submissions, including natural justice.

- (c) **Section 42A report: Financial Contributions** – prepared by Mr Andrew Willis. Mr Willis presented to the Panel in Hearings A, D, E and F. He is a consultant planner with significant experience in the preparation of district plans and as an independent hearing commissioner.
 - (d) **Section 42A report: Designations** - prepared by Ms Rachael Williams. Ms Williams presented to the Panel in Hearing E. She is a senior policy planner employed by TDC.
- 6 The section 42A officers will also file summaries of their reports on 3 July 2025, identifying resolved and outstanding matters on the basis of pre-circulated evidence, in accordance with the Panel's previous directions.²
- 7 Two of the section 42A reports attach evidence from TDC officers or relevant experts as follows:
- (a) **Future Development Areas report:**
 - (i) **Mr Tim Heath, property consultant** – Mr Heath is a property consultant, market analyst and urban demographer for Property Economics Limited. He has advised government ministries, councils and the private sector on a range of property issues and is experienced in undertaking research for strategic and district plan development, including residential and business land capacity modelling and implementation.
 - (ii) **Mr Mat Collins, transport planner** – Mr Collins is an Associate Transport Planner for Abley Limited and has assisted with numerous District Plan reviews and plan change and resource applications. Mr Collins provided evidence in relation to the Transport chapter (Hearing E).
 - (iii) **Ms Yvonne Pfluger, landscape planner** - Ms Pfluger is a Partner and landscape planner at Boffa Miskell. She has previously provided evidence in relation to Natural Character and Natural Features and Landscapes (Hearing D) and the Coastal Environment (Hearing E).
 - (iv) **Mr Bill Steans, parks and recreation manager** – Bill Steans is the Parks and Recreation Manager for TDC (in relation to 60 Landsborough Road only, submission number 30.1, only).

² See Minutes 7 and 8.

- (v) **Mr Kevin Kemp, stormwater team leader** – Mr Kemp is the Stormwater Team Leader at the Council and has previously provided evidence in relation to the Natural Hazards chapter (Hearing E).

(b) **Financial Contributions report:**

- (i) **Mr Andrew Dixon, TDC infrastructure group manager**– Mr Dixon is the infrastructure group manager for TDC and is also a chartered member of Engineering NZ. He has oversight of the financial contributions process in this role.

- 8 Section 42A authors will appear in person, other than Mr Willis who will appear via video link. All other experts will appear via video link. It is not proposed that expert witnesses attend the entire hearing, but that they be available to listen to any submissions or answer further questions from the Panel in relation to matters within their expertise. Mr Kemp will attend the hearing in person in order to respond to any questions from the Panel. Mr Steans is now retired and will not attend the hearing. Mr Dixon is unavailable for the hearing and can respond to any questions from the Panel in writing.

Key issues to be addressed in Hearing G

- 9 The key issues to be addressed in Hearing G relate to the following chapters of the PDP:

(a) Growth:

- (i) Future Development Area – FDA;
- (ii) SCHED-15; and
- (iii) Planning maps (rezoning requests/ amendments to FDAs).

(b) Financial Contributions:

- (i) Financial Contributions – FC;
- (ii) APP7 - Financial Contribution.

(c) Designations.

- 10 The section 42A summaries will contain a full list of issues raised in evidence pre-circulated to the Panel and will identify matters that have been resolved and those which remain outstanding based on the evidence

received. Further issues that have not been addressed in expert evidence may nevertheless be raised by submitters attending the hearing.

- 11 The specific issues addressed in these legal submissions are:
 - (a) The Growth topic, including TDC/ section 42A author's approach to addressing requests relating to rezoning land/ future development areas and the relevant framework for the Panel's consideration of those requests; and
 - (b) TDC's approach to financial contributions and the relevant legislative framework.
- 12 Given that submitter evidence was not due until Friday 27 June 2025, counsel has not had the opportunity to consider any issues raised in that evidence prior to filing these legal submissions.

Growth topic

Context

- 13 The Growth topic includes a range of submissions that either seek to rezone General Rural Zone land to Rural Lifestyle, General Residential or General Industrial Zones or to extend existing Future Development Areas (**FDAs**) and / or amend the timeframes for them. It also includes submissions seeking amendments to the FDA provisions.
- 14 FDAs have been identified in the PDP to signal that land is suitable for future urban or rural lifestyle development and establish a process and approximate timeframe for the consideration of rezoning. Land within FDAs will need to be rezoned before urban or rural lifestyle development could occur. Until then, land within an FDA remains in the General Rural Zone. The process established in the FDA Chapter of the district plan is for a Development Area Plan (DAP) to be prepared for an FDA prior to rezoning to ensure that the area can be developed sustainably, including integration with supporting infrastructure and the surrounding environment and that the effects of proposed development have been considered and appropriately managed through rezoning, including the ability to service newly developed areas.
- 15 The current zoning of residential and business land, and the identification of FDAs in the PDP, were informed by (although do not necessarily replicate) the Timaru District 2045 Growth Management Strategy, completed in 2018 (GMS 2018), and the Growth Management Strategy Review, completed in 2022 (GMS Review 2022).

- 16 Many submissions were received seeking either rezoning or amendments to FDA maps. In light of the level of information required to support a request to rezone land, the Panel established a specific process which provided submitters with the opportunity to provide the level and type of information that the section 42A author considered necessary for the purposes of assessment and making recommendations on those submissions.³
- 17 That process provided for:
- (a) the preparation of a preliminary section 42A report – this report was published on 29 October 2024 and set out the information required from submitters to enable the section 42A officer to undertake a full assessment for each request for rezoning;
 - (b) the opportunity for submitters to provide the package of information required for the section 42A author to assess the merits of the proposed rezoning/ FDA amendment (**submitter package**) – this was due on 20 February 2025; and
 - (c) the preparation of a section 42A report in light of the information provided in the submitter packages - this was published on 4 June 2025.
- 18 The preliminary s42A report addresses the key provisions of the National Policy Statement for Highly Productive Land (NPS-HPL) at a high level. It is explicit that information should be provided from submitters as to how rezoning of highly productive land complies with the relevant pathways in the NPS-HPL – as set out in clause 3.6 (for urban rezoning requests) and clauses 3.7 and 3.10 (for rural lifestyle rezoning requests).⁴
- 19 It became evident during the site visits that the NPS-HPL posed some complexity for submitters as to:
- (a) whether the NPS-HPL applies to their specific submission; and, if so
 - (b) which NPS-HPL pathway is relevant.
- 20 Whilst specified in the preliminary s42A Report that submitters are responsible for undertaking their own assessment of the application of the NPS-HPL to their submission, the section 42A officer agreed to provide his ‘without prejudice’ preliminary analysis of the application of the NPS-HPL

³ Minute 6, at [23].

⁴ See preliminary s42A report, at paragraphs 7.2.12 – 7.2.20.

to each property to assist submitters to understand his proposed approach to that assessment.

- 21 Twenty (20) submitter packages were received in accordance with the Panel's directions. Where submitter packages were provided, experts advisors were requested to consider that information. The section 42A report assesses all submissions, regardless of whether submitters provided an information package.
- 22 The section 42A officer's view is that the submitter packages generally do not provide sufficient information to support the requests made and justify a change. In particular, while several submitters criticise the economic analysis of residential and industrial land capacity by Property Economics, no expert evidence has been provided to support those criticisms. The report by Mr Patterson sets out "scenarios of an aspirational economic future" for Timaru and relies upon "ambitious industry transformation". It does not represent a residential and business sufficiency analysis based on current growth scenarios for Timaru over the next 30 years.
- 23 Submitters advocating for changes to the PDP have the evidential burden of establishing a case for those changes and are required to forward a proper evidential basis to support their submission.⁵ The draft DAP-related information for FDAs 1, 2 and 4 that has been prepared by the Council (and released to submitters) illustrates the type and level of information required to support rezoning an FDA.
- 24 TDC does not oppose changes that would achieve a consolidated, integrated settlement pattern that would be efficiently integrated with infrastructure as set out in the strategic directions of the PDP. However, for the most part, the section 42A officer has been unable to recommend changes that would achieve this direction due to the current growth forecast for the district in conjunction with the absence of sufficient evidence supporting the submission.
- 25 The general framework for the Panel's consideration of the rezoning/ FDA amendment requests is set out in the legal submissions of counsel for Hearing A. The National Policy Statement for Urban Development (NPS-UD) and the NPS-HPL are particularly relevant to the Panel's consideration of these requests. The provisions of those NPSs are complex and interrelated. These legal submissions therefore set out the relevant framework of those NPSs as they apply to the Timaru District and address specific issues for the Panel to consider in the context of the submissions.

⁵ *Kerr Trusts vs Whangarei (A060/2004)*

National Policy Statement for Urban Development (NPS-UD) - overview

- 26 The NPS-UD contains a range of objectives and policies designed to ensure that urban environments are "well-functioning", and there is sufficient development capacity over the short, medium and long-term.
- 27 In essence, those objectives and policies seek to:
- (a) improve housing affordability by supporting competitive development markets;
 - (b) enable people and businesses to locate in urban environments where they can access employment and use public transport;
 - (c) ensure that development decisions are integrated with infrastructure planning/ funding decisions;
 - (d) urban environments have a variety of homes that meet the needs of different households and enable a variety of sites suitable for different business sectors; and
 - (e) at least sufficient development capacity is provided to meet expected demand for housing and business over the short, medium and long term.
- 28 As a Tier 3 local authority, TDC's specific obligations⁶ are to:
- (a) assess the demand for housing and business land in urban environments and the development capacity that is sufficient to meet that demand in the short, medium, and long term⁷; and
 - (b) provide at least sufficient development capacity to meet expected housing demand in existing and new urban areas for standalone and attached dwellings, and land suitable for various businesses, over the short, medium, and long term that is plan-enabled and infrastructure-ready;⁸ and
 - (c) if RMA planning documents are causing an insufficiency in development capacity, change those rules to increase capacity for

⁶ Clause 1.5, NPS-UD strongly encourages Tier 3 local authorities to take the actions that Tier 1 or 2 local authorities are obliged to take.

⁷ Clause 3.10, NPS-UD.

⁸ Clauses 3.2 and 3.3, NPS-UD.

housing or business land as soon as possible and update other relevant plans or strategies.⁹

29 Development capacity is plan-enabled if:¹⁰

- (a) land is zoned in an operative district plan (short term);
- (b) land is zoned in a proposed district plan (medium term/ long term); and
- (c) land is identified for future urban use or intensification in a Future Development Strategy (FDS) or other relevant plan or strategy (long term).

30 Development capacity is infrastructure-ready if:¹¹

- (a) there is adequate existing infrastructure to support development (short term/ medium term);
- (b) funding for the necessary infrastructure is identified in a long term plan (medium term/ long term); and
- (c) infrastructure required to support development capacity is included in the local authority's infrastructure strategy, as part of its long term planning.

TDC approach to providing sufficient development capacity

31 Taking into account its specific obligations under the NPS-UD, TDC has assessed the demand and development capacity for housing and business land through the GMS 2018 and GMS Review 2022.¹² For the purposes of assessing submissions, TDC commissioned Property Economics to prepare an updated residential capacity report (Timaru District Residential Capacity Report 2024 – attached to the Preliminary Section 42A report) and industrial capacity report (Timaru District Industrial Capacity Report 2025) - attached to the Preliminary Section 42A report).

32 Key conclusions of the residential capacity report are that:

⁹ Clause 3.7, NPS-UD.

¹⁰ Clause 3.4, NPS-UD.

¹¹ Clause 3.4, NPS-UD.

¹² Timaru 2045 is not an FDS that has been prepared in accordance with the NPS-UD. TDC is not required to prepare an FDS as a Tier 3 local authority.

- (a) there is sufficient, plan-enabled and infrastructure-ready dwelling capacity in each of the District's urban areas¹³ to accommodate demand beyond 2053, without rezoning any land identified as an FDA, under the medium growth scenario; and
 - (b) there is sufficient, plan-enabled and infrastructure-ready dwelling capacity in each of the District's urban areas to accommodate demand for the next 20 years, without rezoning any land identified as an FDA, under the high growth scenario.
- 33 The key conclusion of the industrial land capacity report is that there is sufficient industrial land capacity, based on high growth projections, until well beyond the medium term (20-30 years) without rezoning any FDAs.
- 34 These reports approach the analysis as if the Tier 1 NPS-UD requirements apply (i.e., by applying a competitiveness margin), whereas Timaru is a Tier 3 authority (so the competitiveness margin is not required to be applied).
- 35 As noted above, no submitter provided expert evidence in their information packages in response to the Preliminary Section 42A report which specifically considered the findings of those reports.
- 36 Mr Heath's evidence outlines the costs and benefits of providing additional zoned land above what is required to meet demand. Benefits can include lower land prices, increased choice, increased certainty in future location of industrial/ housing land provision for the market, and the potential to disincentivise ad hoc/ out of zone activity where there are capacity constraints. Costs include possible inefficient infrastructure allocation and less efficient land development.¹⁴
- 37 Inefficient infrastructure allocation – or the cost of providing infrastructure (e.g., roading, three waters) to service growth - is a key consideration for TDC in considering whether to rezone land, or amend the timeframes for an FDA, in circumstances in which the land capacity reports illustrate substantial sufficient land to accommodate growth within the 'life' of this district plan. While the TDC Financial Contributions Policy (addressed further below) enables the Council to recover some of the cost of new infrastructure required to service growth from developers:

¹³ Noting Mr Heath's evidence that only the Timaru settlement would meet the definition of "urban environment" under the NPS-UD.

¹⁴ Section 42A report Appendix 6 - Economic Memorandum, prepared by Tim Heath (29 May 2025).

- (a) the Financial Contributions Chapter provides that TDC can only recover the cost of new infrastructure minus any benefit to the wider community; and
- (b) financial contributions will not cover ongoing maintenance of the infrastructure which, given limited population growth projections, means those costs will need to be recovered from the ratepayer base.

National Policy Statement for Highly Productive Land

- 38 The NPS-HPL seeks to preserve highly productive land (HPL) for land-based primary production.¹⁵ To achieve that objective, it imposed immediate restrictions on Land Use Classification (LUC) 1, 2 and 3 land zoned rural or rural production in an operative district plan, with some exceptions.¹⁶ This is a transitional arrangement, until regional councils have identified (by mapping in an operative regional policy statement) HPL.¹⁷
- 39 One of those restrictions is that HPL can only be rezoned for urban or rural lifestyle purposes if specific conditions in Policy 3.6 (for urban rezoning) or Policy 3.10 (for rural lifestyle rezoning) are met.
- 40 Urban rezoning is only allowed if:
 - (a) it is required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and
 - (b) there are no other reasonably practicable and feasible options for providing the required development capacity; and
 - (c) the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of HPL to land based primary production.
- 41 Where a proposed urban rezoning meets these criteria, the spatial extent of any urban zone covering HPL must be the "minimum necessary" to provide the required development capacity.
- 42 In light of the residential and industrial land capacity analyses referred to above, there is sufficient development capacity to meet expected demand in the district. Given that:

¹⁵ Objective 2.1, NPS-HPL.

¹⁶ See NPS-HPL, clause 1.3 for definition of "highly productive land", and clause 3.5(7) for what is treated as "highly productive land" before maps are included in an operative regional policy statement.

¹⁷ NPS-HPL, clause 3.5(7).

- (a) the district plan is required to give effect to the NPS; and
- (b) the direction in Policy 3.6 that HPL may "only" be rezoned if specific circumstances are met -

it is submitted that the Panel is not able to accept submissions seeking the rezoning of any HPL to residential or industrial unless it finds that there is insufficient development capacity to meet demand. In the event it does, the other two limbs of the test must also be met.

43 Rural lifestyle rezoning is only allowed where:

- (a) there are permanent or long term constraints on land that mean it is not economically viable to use it for primary production for at least 30 years; and
- (b) the proposed use avoids any significant loss of productive capacity of HPL in the district, fragmentation of large and geographically cohesive areas of HPL and potential reverse sensitivity effects on surrounding primary production (which can be mitigated if it is not possible to avoid such reverse sensitivity effects); and
- (c) the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of HPL to land based primary production.

44 Whether the NPS-HPL applies depends on a whether the land is HPL under the transitional definition. This is set out in some detail in the Preliminary Section 42A report, but in summary:

- (a) the transitional definition requires land to be treated as HPL if it is:
 - (i) zoned general rural or rural production¹⁸ and is LUC 1, 2, or 3 land; and
 - (ii) not land identified for future urban development, or subject to a Council initiated (or an adopted) notified plan change to rezone it from general rural or rural production to urban or rural lifestyle;
- (b) Land "identified for future urban development" means land identified either in:

¹⁸ The Timaru Operative District Plan does not contain a rural productive zone.

- (i) a published FDS as land suitable for commencing urban development over the next 10 years (as noted above, TDC does not have an FDS); or
 - (ii) a strategic planning document as an area suitable for commencing urban development over the next 10 years and at a level of detail that makes the boundaries of the area identifiable in practice.
- (c) "Urban development" is not defined in the NPS-UD or NPS-HPL, however "urban" in relation to a zone is defined in the NPS-HPL as including residential, commercial, industrial, certain special purpose, some open space and sport and recreation zones. In the Timaru context, the relevant urban zones are residential zones and industrial zones. (The Rural Lifestyle Zone is not considered urban.)
- (d) "Strategic planning document" means any non-statutory growth plan or strategy adopted by local authority resolution. In the Timaru context, the GMS 2018 and GMS Review 2022 are strategic planning documents. However, GMS 2018 does not enable identification of specific land parcels suitable for urban development – rather, it identifies broad areas suitable for growth. The GMS Review 2022 recommends certain areas to be 'live zoned' and identifies other areas as 'other zoning opportunities'. The section 42A officer has taken the view that those areas recommended to be 'live zoned' fulfills the requirement in the NPS-HPL for an area to have been identified as suitable for growth within 10 years, but areas identified as 'other zoning opportunities' do not.

45 In other words:

- (a) clauses 3.7 and 3.10 apply to a rezoning request if the land is zoned rural in the ODP and is LUC 1, 2, or 3 land and a Rural Lifestyle Zone is now being sought;
- (b) clause 3.6 may apply to requests to rezone land to residential or industrial if land that is zoned rural in the ODP and is LUC 1, 2, or 3 land. However, it does not apply to that land if it was identified in the GMS Review 2022 as suitable for 'live zoning'.

46 Requests to rezone FDAs will need to be assessed on this basis. The identification of land as an FDA is not necessarily "land identified as suitable for development" unless it was identified as suitable for 'live zoning' in the GMS Review 2022.

- 47 An analysis of the applicability of the NPS-HPL and the relevant pathways that apply to each rezoning request is contained in the Preliminary Section 42A report.
- 48 TDC notes the Government's recent announcement of its intention to remove LUC 3 land from the definition of HPL. The section 42A report identifies where the author's recommendation would be altered if LUC 3 land is removed from the definition of HPL before the Panel issues its decision.

Precedence of Future Development Area Chapter over General Rural Zone

- 49 Minute 24 requested that counsel provide an analysis of which chapters "prevail" or "take precedence" over others and why.¹⁹ The Memorandum of Counsel dated 17 April 2025 provided that analysis following consultation with Council officers and section 42A authors.²⁰
- 50 That analysis incorrectly omitted to mention the FDA chapter, which provides that:

Relationships with other Chapters

The General Rural Zone underlies the Future Development Area Overlay. Accordingly, the General Rural Zone provisions apply to activities within the Future Development Area Overlay but are modified by the provisions of this chapter. In the instance of any conflict between the two chapters, the provisions of this chapter takes precedence. When assessing any activity located in the Future Development Area Overlay that is not subject to a rule in this chapter and is classified as discretionary or non-complying activity in the General Rural Zone, the objectives and policies of the Future Development Area chapter also apply.

- 51 Council officers have advised that the intention is that the FDA objectives, policies and rules operate to ensure that land within the overlay remains available for future urban or rural lifestyle development. Mr Bonis has also addressed this in his section 42A report, which recommends that the term "provisions" is replaced by the phrase "objectives, policies and rules" to make it clear that all provisions of the FDA "take precedence" over the General Rural Zone (**GRUZ**) provisions.²¹

¹⁹ Minute 24, at [17](c).

²⁰ Memorandum of Counsel (17 April 2025), at [28] – [37].

²¹ Section 42A report – Future Development Area, at 8.4.8 – 8.4.9.

52 For clarity, Council officers advise that the intention is that:

- (a) the FDA rules apply instead of the GRUZ rules where there is an inconsistency between the two; and
- (b) the FDA objectives and policies apply to activities not addressed in the FDA Chapter, but are either discretionary or non-complying in the GRUZ, in addition to the GRUZ objectives and policies; but
- (c) where the FDA objectives and policies apply, they have more weight than the GRUZ rules.

53 The table set out at paragraph 34 of the April memorandum is replicated below, incorporating the FDA, in order to assist the Panel.

Table: Relationship between chapters (rules)

Chapter	Status of rules
EI	<ul style="list-style-type: none"> Rules in sections A – F: <ul style="list-style-type: none"> a. prevails over zone rules. b. applies in addition to rules in other chapters. Rules in sections G: <ul style="list-style-type: none"> a. Applies in addition to rules in other chapters.
TRAN	<ul style="list-style-type: none"> Prevails over zone rules; and Applies in addition of rules in other chapters.
ASW	
CE	
TEMP	<ul style="list-style-type: none"> Prevail zone rules where the TEMP has a lower activity status; and Applies in addition of rules in other chapters.
FDA	<ul style="list-style-type: none"> Applies in addition to GRUZ rules, but Prevails over GRUZ rules where there is an inconsistency
Other chapters not listed	<ul style="list-style-type: none"> Applies in addition to rules in other chapters.
Zones	<ul style="list-style-type: none"> As specified above; and Applies in addition to rules in other chapters.

Financial contributions

Context

- 54 The Timaru District Council relies upon financial contributions rather than development contributions to recover costs associated with development. This requires rules to be included in the PDP that set out:²²
- (a) the purpose of the contribution (such as offsetting environmental harm);
 - (b) how the level of the financial contribution will be determined; and
 - (c) when the financial contribution will be required.
- 55 A financial contribution can be recovered - by payment in money, land or a combination of both – by imposing a condition on a resource consent.²³ Financial contribution conditions must be in accordance with the purposes specified in the plan (including for the purpose of ensuring positive effects on the environment to offset any adverse effect) and the level of contribution needs to be determined as set out in the plan.²⁴ They are subject to the ordinary principles relevant to conditions, which is that they must be for a resource management purpose and sufficiently related to the proposal.²⁵

Certainty of financial contributions

- 56 Some submissions have sought increased certainty as to how financial contributions will be calculated and apportioned. The section 42A author has made some recommendations in order to address those submissions.
- 57 However, it is worth noting that the PDP is only required to establish the method for deciding the level of contribution, and is not required to specify the level of contribution required.²⁶
- 58 For financial contributions related to planned growth, the specific level of contribution to be paid will be determined by the method set out in the PDP, using the financial contribution policy in the TDC Long Term Plan, which will identify capital expenditure for growth and the proportion of that

²² Section 77E, RMA.

²³ Section 108(9), RMA.

²⁴ Section 108 (10), RMA.

²⁵ *Wood v West Coast Regional Council* [2000] NZRMA 193 (EnvC).

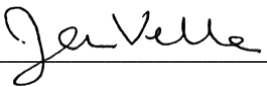
²⁶ *Remarkables Park Ltd v Queenstown Lakes DC* [2004] NZRMA 433 (EnvC) at [17]; *South Port New Zealand Ltd v Southland Regional Council* C91/2002 (EnvC) at [19] and [20].

expenditure to be funded by financial contributions or other sources and why.²⁷

59 For financial contributions related to unplanned growth, contributions will be determined by the rules in the PDP.

60 The Council is grateful to the Panel for the time it has dedicated to this hearing.

Dated this 30th of June 2025

A handwritten signature in black ink, appearing to read 'Jen Vella', is written over a horizontal line.

Jen Vella
Counsel for Timaru District Council

²⁷ Section 106(2), Local Government Act 2002.

Appendix A

Definitions

DEFINITIONS	
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.
ACCESS WAY / ACCESSWAY	Means that area of land over which vehicular, pedestrian and/or livestock access to a legal road is obtained and extends to include, as the context requires: an access leg; access lot; private way; land shown on a cross lease or company lease definition plan as being available for use for that purpose; and land shown as common land on a unit plan under the Unit Titles Act 1972 ²⁸ which is used for that purpose.
ACCESSIBLE PARKING SPACE	means a parking space designed and reserved for the exclusive use of people whose mobility is restricted and who have a mobility permit issued. It also means 'mobility park/parking' and 'disabled/disability park/parking' as referred to in various external standards and guidance documents.
ACCESSORY BUILDING	means a detached building, the use of which is ancillary to the use of any building, buildings or activity that is or could be lawfully established on the same site, but does not include any minor residential unit.
ACTIVE TRANSPORT	Means transport modes that rely predominantly on human power, primarily walking and cycling, and including micro mobility devices.
AFFORESTATION	has the same meaning as in section 3 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017: <ol style="list-style-type: none"> means planting and growing plantation forestry trees on land where there is no plantation forestry and where plantation forestry harvesting has not occurred within the last 5 years; but does not include vegetation clearance from the land before planting
<u>AIRCRAFT</u>	<u>has the same meaning as in section 2 of the Resource Management Act 1991:</u> <u>means –</u> <u>any machine that can derive support in the atmosphere from the reactions of the air otherwise than by reactions of the air against the surface of the earth.</u> ²⁹

²⁸ MFL [60.1]

²⁹ Helicopters Sth Cant. [53.3] and NZAAA [132.2]

<u>AIRCRAFT AND HELICOPTER MOVEMENT</u>	<u>Means a single aircraft flight operation (landing or departure). Maintenance procedures are excluded.</u> ³⁰
ALLOTMENT	<p>has the same meaning as in section 218 of the RMA (as set out in the box below)</p> <p>2. In this Act, the term allotment means—</p> <ul style="list-style-type: none"> a. any parcel of land under the Land Transfer Act 2017 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not— <ul style="list-style-type: none"> i. the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or ii. a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or b. any parcel of land or building or part of a building that is shown or identified separately— <ul style="list-style-type: none"> i. on a survey plan; or ii. on a licence within the meaning of subpart 6 of Part 3 of the Land Transfer Act 2017; or c. any unit on a unit plan; or d. any parcel of land not subject to the Land Transfer Act 2017. <p>3. For the purposes of subsection (2), an allotment that is—</p> <ul style="list-style-type: none"> a. subject to the Land Transfer Act 2017 and is comprised in 1 record of title or for which 1 record of title could be issued under that Act; or b. not subject to that Act and was acquired by its owner under 1 instrument of conveyance— <p>shall be deemed to be a continuous area of land notwithstanding that part of it is physically separated from any other part by a road or in any other manner whatsoever, unless the division of the allotment into such parts has been allowed by a subdivision consent granted under this Act or by a subdivisional approval under any former enactment relating to the subdivision of land.</p> <p>4. For the purposes of subsection (2), the balance of any land from which any allotment is being or has been subdivided is deemed to be an allotment.</p>
AMATEUR RADIO CONFIGURATION	means the antennae, aerials (including rods, wires and tubes) and associated supporting structures which are owned and used by licensed amateur radio operators.
AMENITY PLANTING	means any vegetation and/or trees planted in the immediate vicinity of a residential unit, primarily to provide aesthetic appeal, shelter or domestic food supply. Amenity planting includes any

³⁰ Evans, J [45.1], McAuley, S [57.1], Aubrey, L [59.1], Station Air [61.1], Pemberton, S [64.1], Cessna 180/185 Group et al [201.1], Coldicott, J. M. [118.1], Coldicott, G [254.1]

	woodlot, orchard or vineyard (to a maximum combined area of 1ha) planted within 100m of a residential unit.
AMENITY VALUES	has the same meaning as in section 2 of the RMA (as set out in the box below) 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.
ANCILLARY ACTIVITY	means an activity that supports and is subsidiary to a primary activity.
ANCILLARY RURAL EARTHWORKS	means any earthworks associated with the maintenance and construction of facilities typically associated with farming activities, including, but not limited to, farm tracks/roads (up to 6m wide), landings, stock races, silage pits, farm drains, farm effluent ponds, feeding pads, fencing and erosion and sediment control measures, and burying of material infected by unwanted organisms (as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993).
ANNUAL EXCEEDANCE PROBABILITY	means the probability that a flood event of a certain scale will occur at a specified location in any year. For example: a. 5% AEP event has a 5% chance of occurring in any one year (or is a 1 in 20 year flood event); b. 0.5% AEP event has a 0.5% chance of occurring in any one year (or is a 1 in 200 year flood event); and c. 0.2% AEP event has a 0.2% chance of occurring in any one year (or is a 1 in 500 year flood event).
ANTENNA	has the same meaning as in Regulation 4 of the National Environmental Standards for Telecommunications Facilities 2016, which means: a device that receives or transmits radiocommunication or telecommunication signals, but not a small cell unit.
AQUIFER	means a permeable geological formation, group of formations, or part of a formation, beneath the ground, capable of receiving, storing, transmitting and yielding water.
<u>ARCHAEOLOGICAL SITE</u>	<u>has the same meaning as in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014:</u> <u>means –</u> a. <u>any place in New Zealand, including any building or structure (or part of a building or structure), that:</u> i. <u>was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and</u> ii. <u>provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and</u>

		b. <u>includes a site for which a declaration is made under section 43(1) of the Heritage New Zealand Pouhere Taonga Act 2014.</u> ³¹
ARTIFICIAL PROTECTION STRUCTURE	CROP	means structures with material used to protect crops and/or enhance growth (excluding greenhouses).
AVAILABLE RETICULATED STORMWATER NETWORK		means a reticulated stormwater network where: <ul style="list-style-type: none"> a. a conveyance structure that forms part of the reticulated stormwater network passes within 50m of the property boundary; and b. stormwater is able to be conveyed into the reticulated network under gravity; and c. the network operator will accept the stormwater from the property; and d. the distance between the conveyance structure and the source of the stormwater is less than 100m.
AVAILABLE SEWERAGE NETWORK		means a community or territorial authority reticulated sewerage network where: <ul style="list-style-type: none"> 1. a pipeline passes within 50 m of the property boundary; 2. the network operator will accept the wastewater from the property; and 3. the distance from the network to the building from which wastewater is generated is less than 100 m.
BANK [IN RELATION TO ANY RIVER, LAKE AND WATERWAYS]		in relation to any river, lake and waterbody, means the outermost part of the <i>bed</i> of the river that comprises an acclivity or elevation of land above the level of the adjacent land or water and creates a boundary sufficient to prevent the water in the river from flowing into the neighbouring land at its fullest flow.
BED		has the same meaning as in section 2 of the RMA (as set out in the box below) means— <ul style="list-style-type: none"> a. in relation to any river— <ul style="list-style-type: none"> 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; 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 b. in relation to any lake, except a lake controlled by artificial means,— <ul style="list-style-type: none"> 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:

³¹ Heritage NZ [114.3]

	<ul style="list-style-type: none"> 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 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 d. in relation to the sea, the submarine areas covered by the internal waters and the territorial sea.
BEST PRACTICABLE OPTION	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <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> <ul style="list-style-type: none"> a. the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and b. the financial implications, and the effects on the environment, of that option when compared with other options; and c. the current state of technical knowledge and the likelihood that the option can be successfully applied.
BIODIVERSITY / BIOLOGICAL DIVERSITY	<p>has the same meaning as in section 2 of the RMA (as set out in box below) means the variability of of <u>among</u> living organisms, and the ecological complexes of which they are a part, including diversity within species, between species and of ecosystems.³²</p>
BIODIVERSITY MANAGEMENT PLAN	<p>means a document prepared to direct development within one or more properties for the purpose of maintenance and protection of indigenous biodiversity</p>
BIRD SCARING DEVICE	<p>It means a device used for the purpose of disturbing or scaring birds including gas guns <u>and</u>³³ avian distress alarms when being used specifically for bird scaring.</p>
BLASTING	<p>means the detonation of a single explosive charge within a formed blast-hole or a series of connected explosive charges within an array of blast-holes.</p>
BORE	<p>means any hole drilled or constructed in the ground that is used to—</p> <ul style="list-style-type: none"> a. investigate or monitor conditions below the ground surface; or b. abstract gaseous or liquid substances from the ground; or c. discharge gaseous or liquid substances into the ground; <p>but it excludes test pits, trenches, soak holes and soakage pits.</p>
BOUNDARY ADJUSTMENT	<p>means a subdivision that alters the existing boundaries between adjoining allotments, without altering the number of allotments.</p>

³² Forest and Bird [156.9]

³³ Hort NZ [245.7]

BUILDING	means a temporary or permanent movable or immovable physical construction that is: <ul style="list-style-type: none"> a. partially or fully roofed; and b. is fixed or located on or in land; but excludes any motorised vehicle or other mode of transport that could be moved under its own power.
BUILDING COVERAGE	means the percentage of the net site area covered by the building footprint.
BUILDING FOOTPRINT	means, in relation to building coverage, the total area of buildings at ground floor level together with the area of any section of any of those buildings that extends out beyond the ground floor level limits of the building and overhangs the ground.
CABINET	has the same meaning as in clause 2 of the National Environmental Standards for Telecommunications Facilities 2016, which means: <ul style="list-style-type: none"> a casing around equipment that is necessary to operate a telecommunication network, but not any of the following: <ul style="list-style-type: none"> a. A casing around an antenna, a small cell unit, ancillary equipment, or any part of a telecommunication line. b. A casing that is wholly underground. c. A casing that is inside a building. d. A building.
CAFE	means a small food and beverage outlet that primarily provides breakfast, lunch, light meals, snack foods and drinks for sale.
CAR PARKING FACILITY OR PARKING FACILITY	means land and buildings where the principal activity is the parking of vehicles.
CEMETERY	[has the same meaning as s2 of the Burial and Cremation Act 1964] means any land held, taken, purchased, acquired, set apart, dedicated, or reserved, under the provisions of any Act or before the commencement of this Act, exclusively for the burial of the dead generally, and, where the context so permits, includes a closed cemetery.
CHILD CARE SERVICES	<i>means the care or education of children and includes:</i> <ul style="list-style-type: none"> a. <i>creches;</i> b. <i>early childhood centres;</i> c. <i>day care centres;</i> d. <i>kindergartens;</i> e. <i>Kohanga Reo;</i> f. <i>playgroups;</i> g. <i>day nurseries; and</i> h. <i>home-based childcare and education activities.</i>
CLEANFILL AREA	means an area used exclusively for the disposal of cleanfill material.
CLEANFILL MATERIAL	means virgin excavated natural materials including clay, gravel, sand, soil and rock that are free of:

		<ul style="list-style-type: none"> a. combustible, putrescible, degradable or leachable components; b. hazardous substances and materials; c. products and materials derived from hazardous waste treatment, stabilisation or disposal practices; d. medical and veterinary wastes, asbestos, and radioactive substances; e. contaminated soil and other contaminated materials; and f. liquid wastes.
CLEARANCE INDIGENOUS VEGETATION	OF	means the <u>destruction</u> ³⁴ , clearing or removal of ' <i>indigenous vegetation</i> ' by any means, including grazing, cutting, crushing, cultivation, spraying, irrigation, chemical application, artificial drainage, overplanting, over sowing, or burning.
COASTAL WATER		<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <p>means seawater within the outer limits of the territorial sea and includes—</p> <ul style="list-style-type: none"> a. seawater with a substantial fresh water component; and b. seawater in estuaries, fiords, inlets, harbours, or embayments.
COMMERCIAL ACTIVITY		means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices).
<u>COMMERCIAL FOREST</u>	OR	<u>has the same meaning as in section 3 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017:</u>
<u>COMMERCIAL FORESTRY</u>		<u>means exotic continuous-cover forestry or plantation forestry.</u> ³⁵
<u>COMMERCIAL RECREATIONAL ACTIVITIES</u>		<u>Means the commercial guiding, training, instructing, transportation or provision of recreation facilities to clients for recreational purposes.</u> ³⁶
COMMUNITY ACTIVITY		means recreational, sporting, cultural, safety, health, welfare, or worship activities undertaken by members of the community.
COMMUNITY CORRECTIONS ACTIVITY		means the use of land and buildings for non-custodial services for safety, welfare and community purposes, including probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes, administration, and a meeting point for community works groups.

³⁴ Dir. General Conservation [166.5]

³⁵ TRoNT [185.105] - Evidence of Rachel Pull, paras 112-117.

³⁶ Rooney Holdings [174.84], Rooney, G.J.H. [191.84], Rooney Group [249.84], Rooney Farms [250.84], Rooney Earthmoving [251.84], TDL [252.84]

COMMUNITY DRINKING SUPPLY	WATER	means a drinking water supply that provides no fewer than 25 people with drinking water for not less than 60 days each calendar year and is: <ol style="list-style-type: none"> 1. recorded in the drinking water register maintained by the Chief Executive of the Ministry of Health (the Director-General) under section 69J of the Health Act 1956; or 2. registered under section 23 of the Water Services Act 2021; or 3. is classified as a drinking water supply under the methodology set out in Schedule 1 of the Canterbury Land and Water Regional Plan.
COMMUNITY FACILITY		means land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility.
COMMUNITY GARDEN		means land used as a garden operated by a group or collective for the purpose of growing plants, vegetables or fruit on a not for profit basis and excludes any retail activity.
COMMUNITY WASTEWATER TREATMENT SYSTEM		means a wastewater treatment system owned and operated by a group, institution, territorial authority or company that primarily treats domestic effluent and serves more than one site, but does not include the pipework and sewers running from individual sites to the collection and treatment system.
CONDUCTOR		Has the same meaning as conductor in the National Environmental Standard for Electricity Transmission Activities 2009 (as set out below): <ol style="list-style-type: none"> a. Means a wire or cable used for carrying electric current along a transmission line; and b. Includes any hardware and insulation associated with the wire or cable.
CONTAMINANT		has the same meaning as in section 2 of the RMA (as set out in the box below) 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— <ol style="list-style-type: none"> a. when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or 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.
CONTAMINATED LAND		has the same meaning as in section 2 of the RMA (as set out in the box below) means land that has a hazardous substance in or on it that— <ol style="list-style-type: none"> a. has significant adverse effects on the environment; or b. is reasonably likely to have significant adverse effects on the environment.
CONVENIENCE ACTIVITY		means the use of land and/or buildings to provide retail activities and commercial services required on a day to day basis.

CONVENIENCE STORE		Means a dairy/superette, newsagent/stationer, post office, hairdresser, drycleaner or pharmacy, or a store engaged in specialised foot retailing, liquor retailing, takeaway food retailing, video hire, shoe repair or key cutting.
CORRELATED COLOUR TEMPERATURE		Correlated colour temperature (CCT) defines the colour appearance of a light source in degrees Kelvin; a warm white light is around 2700K-3000K, moving to neutral white at around 4000K, and to cool white, at 5000K or more.
CROP SUPPORT STRUCTURE		means an open structure on which plants are grown.
CULTIVATION		means the alteration or disturbance of land (or any matter constituting the land including soil, clay, sand and rock) for the purpose of sowing, growing or harvesting of pasture or crops.
CULTURAL ACTIVITY		means the use of land and/or existing buildings for public performances, demonstrations or displays/exhibitions of cultural, historic, scientific or artistic significance, whether a charge is made for admission or not, but does not include the construction of any new buildings or structures.”
CUSTOMER CONNECTION		means part or all of any structure, pipe, equipment or cable that relates to <ul style="list-style-type: none"> • radio communication or telecommunication lines; • wastewater or stormwater treatment or disposal; • or water, • gas or electricity; that connects a network utility to a premises for the purpose to provide services to a customer(s).
DEMOLITION RELATION TO HERITAGE ITEM]	[IN A]	in relation to a heritage item, means permanent destruction ,in whole or a substantial part, which results in complete or significant loss of the heritage fabric and/or form of the item.
DEPARTMENT OF CONSERVATION ACTIVITY	OF	is an activity listed in APP1 – Work or activities of the Department of Conservation. The list includes activities specifically provided for in the Canterbury (Waitaha) Conservation Management Strategy 2016 which it considers meets the requirements of Section 4(3) of the Resource Management Act 1991 for exemptions from land use consents.³⁷
DEPARTMENT STORE		<u>means a business primarily engaged in selling a wide range of nongrocery and non-food merchandise including worn and carried apparel, household appliances, furnishings and equipment, personal goods and giftware as otherwise described and classified as ANZSIC category 5210, in individual retail premises of no less than 2,000 sqm of gross floor area.</u> ³⁸

³⁷ Dir. General Conservation [166.6]

³⁸ Clause 10(2)(b) relating to Redwood Group [228.1]

DEVELOPMENT CAPACITY	has the same meaning as in clause 1.4 of the National Policy Statement on Urban Development 2020: development capacity means the capacity of land to be developed for housing or for business use, based on: <ul style="list-style-type: none"> a. the zoning, objectives, policies, rules, and overlays that apply in the relevant proposed and operative RMA planning documents; and b. the provision of adequate development infrastructure to support the development of land for housing or business use.
DISCHARGE	has the same meaning as in section 2 of the RMA (as set out in the box below) includes emit, deposit, and allow to escape.
DRAIN	means any artificial watercourse designed, constructed, or used for the drainage of surface or subsurface water, but excludes artificial watercourses used for the conveyance of water for electricity generation, irrigation, or water supply purposes.
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.
DRINKING WATER PROTECTION AREA	means identified protection areas around community drinking water supplies and private drinking water supplies, as shown on the Drinking Water Protection Area overlay of the Planning Maps.
DRY ABRASIVE BLASTING	means abrasive blasting using materials to which no water has been added.
DTR, 2M, NT, W + CTR	means the Weighted Standard Level Difference of the external building envelope (including windows, walls, roof / ceilings and floors where appropriate) and is a measure of the reduction in sound level from outside to inside a building, assessed in accordance with ISO 140-5: 1998 Acoustics - Measurement of sound insulation in buildings, and of building elements - Part 5 and ISO 717-1: 2013 Acoustics - Rating of sound insulation in buildings and building elements - Part 1. $D_{tr,2m,nT,w} + C_{tr}$ is also known as the external sound insulation level.
DUST	means all non-combusted solid particulate matter that is suspended in the air, or has settled after being airborne. Dust may be derived from materials including rock, sand, cement, fertiliser, coal, soil, paint, animal products and wood.
EARTHQUAKE FAULT AWARENESS AREA	means land located on either side of an identified active fault line that is mapped to ensure that land owners and service providers are aware of the presence of a fault line before they decide to build.
EARTHWORKS	means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.

EDUCATIONAL FACILITY	means land or buildings used for teaching or training by child care services, schools, or tertiary education services, including any ancillary activities.
EFFECT	has the same meaning as in section 3 of the RMA (as set out in the box below) includes— a. any positive or adverse effect; and b. any temporary or permanent effect; and c. any past, present, or future effect; and 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— e. any potential effect of high probability; and f. any potential effect of low probability which has a high potential impact.
EMERGENCY SERVICES FACILITY	means fire stations, ambulance stations, police stations and associated ancillary facilities. Note: this definition is an subset of 'Community Facility'.
ENVIRONMENT	has the same meaning as in section 2 of the RMA (as set out in the box below) includes— a. ecosystems and their constituent parts, including people and communities; and b. all natural and physical resources; and c. amenity values; and 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.
ESPLANADE RESERVE	has the same meaning as in section 2 of the RMA (as set out in the box below) means a reserve within the meaning of the Reserves Act 1977— a. which is either— i. a local purpose reserve within the meaning of section 23 of that Act, if vested in the territorial authority under section 239; or ii. a reserve vested in the Crown or a regional council under section 237D; and b. which is vested in the territorial authority, regional council, or the Crown for a purpose or purposes set out in section 229.
ESPLANADE STRIP	has the same meaning as in section 2 of the RMA (as set out in the box below) means a strip of land created by the registration of an instrument in accordance with section 232 for a purpose or purposes set out in section 229.
<u>EXOTIC CONTINUOUS-COVER FOREST OR EXOTIC</u>	<u>has the same meaning as in section 3 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017:</u>

<p><u>CONTINUOUS-COVER FORESTRY</u></p>	<p>a. <u>means a forest that is deliberately established for commercial purposes, being at least 1 ha of continuous forest cover of exotic forest species that has been planted and—</u></p> <ul style="list-style-type: none"> i. <u>will not be harvested or replanted; or</u> ii. <u>is intended to be used for low-intensity harvesting or replanted; and</u> <p>b. <u>includes all associated forestry infrastructure; but</u></p> <p>c. <u>does not include—</u></p> <ul style="list-style-type: none"> i. <u>a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or</u> ii. <u>forest species in urban areas; or</u> iii. <u>nurseries and seed orchards; or</u> iv. <u>trees grown for fruit or nuts; or</u> v. <u>long-term ecological restoration planting of indigenous forest species; or</u> <p><u>willows and poplars space planted for soil conservation purposes.</u>³⁹</p>
<p>EXTENSIVE PIG FARMING</p>	<p>means the keeping of pigs outdoors on land at a stock density which ensures permanent vegetation cover is maintained and in accordance with any relevant industry codes of practice, and where no fixed buildings are used for the continuous housing of animals.</p>
<p>FARM EFFLUENT DISPOSAL AREA</p>	<p>means an area used for the collection, storage, treatment and the permanent application of liquid and slurry animal effluent or solid effluent onto production land.</p>
<p>FARM QUARRY</p>	<p>Means the extraction of aggregates which are:</p> <ul style="list-style-type: none"> a. taken for use ancillary to farming and horticulture, including for farm and forestry tracks, access ways and hardstand areas and b. only used within the property of extraction, and c. not sold, exported or removed from the property of origin. <p>Note: This definition is a subset of quarrying activities.</p>
<p>FENCE</p>	<p>Means a largely free standing structure, including walls, intended to prevent escape or intrusion, mark a boundary or provide shelter or privacy.</p>
<p>FERTILISER</p>	<p>means a substance or biological compound or mix of substances or biological compounds in solid or liquid form, that is described as, or held out to be suitable for, sustaining or increasing the growth, productivity or quality of soils, plants or, indirectly, animals through the application to plants or soil of any of the following:</p> <ul style="list-style-type: none"> a. nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chlorine, and sodium as major nutrients; or

³⁹TRoNT [185.105] - Evidence of Rachel Pull, paras 112-117.

	<ul style="list-style-type: none"> b. manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, and selenium as minor nutrients; or c. fertiliser additives to facilitate the uptake and use of nutrients; or d. non-nutrient attributes of the materials used in fertiliser. <p>It does not include livestock effluent, human effluent, substances containing pathogens, or substances that are plant growth regulators that modify the physiological functions of plants.</p>
FLOOD ASSESSMENT AREA	means areas that are highly likely to be subject to flooding and inundation but which require site specific assessment to determine the level of risk to people and property.
FLOOD PROTECTION WORKS	<p>means works, structures and plantings for the protection of property and people from floods and includes:</p> <ul style="list-style-type: none"> a. areas of vegetation maintained or planted in beds and margins of rivers, b. the clearance of vegetation and debris from river fairways, c. works to prevent or minimise river bed or bank erosion, d. the construction, use, maintenance and removal of defences against water, and e. any access tracks required to undertake these works and activities.
FLOOD RISK CERTIFICATE	<p>means a certificate issued by Timaru District Council which specifies:</p> <ul style="list-style-type: none"> a. the flood event risk level for specific land (being either land not subject to flooding in a 0.5% AEP flood event, or land subject to flooding in a 0.5% AEP flood event, or land within a High Hazard area); and b. where a. above identifies that the specific land is subject to flooding in a 0.5% AEP flood event, the minimum finished floor level for any new building or structure (or part thereof) on the specific land to provide at least 300mm freeboard above the flood level in a 0.5% AEP flood event; and c. if the specific land is within 150m of a stopbank, the minimum finished floor level for any new building or structure (or part thereof) on the specific land to avoid risk from a stopbank failure; and d. whether the specific land is located within an overland flow path.
FOOD AND BEVERAGE	means a commercial activity involving the sale of food and, or beverages prepared for immediate consumption on or off the premises including restaurants, taverns, cafes and takeaway bars but does not include supermarkets, dairies or bottle stores.
FREE RANGE POULTRY FARMING	<p>means the primary production of poultry for commercial purposes, where:</p> <ul style="list-style-type: none"> a. all of the birds farmed have access to open air runs; and b. permanent vegetated ground cover exists on the land where birds are permitted to range; and c. the stocking rate of the runs and weatherproof shelter to which the birds have access does not exceed the industry standard for the relevant bird type.

FRESHWATER	has the same meaning as fresh water in section 2 of the RMA (as set out in the box below) means all water except coastal water and geothermal water.
FULLY SHIELDED [IN RELATION TO A LIGHT SOURCE]	in relation to a light source, means fully shielded means the light source is screened and its light directed in such a way that no light is emitted above the horizontal plane passing through the lowest light-emitting portion of a fixture.
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.
GENERAL RETAIL	means the use of land and/or buildings for displaying or offering goods for sale or hire to the public. It excludes individual tenancies with a GFA over 450m ² (see large format retail), trade suppliers and service stations. Note: This definition is a subset of retail activity.
GLARE	Condition of vision in which there is discomfort or a reduction in ability to see, or both, caused by an unsuitable distribution of luminance, or to extreme contrasts in the field of vision.
GREEN INFRASTRUCTURE	means a natural or semi-natural area, feature or process, including engineered systems that mimic natural processes, which are planned or managed to: <ul style="list-style-type: none"> a. provide for aspects of ecosystem health or resilience, such as maintaining or improving the quality of water, air or soil, and habitats to promote biodiversity; and b. provide services to people and communities, such as stormwater or flood management or climate change adaptation.
GREYWATER	means liquid waste from domestic sources including sinks, basins, baths, showers and similar fixtures, but does not include sewage, or industrial and trade waste.
GROSS FLOOR AREA	means the sum of the total area of all floors of a building or buildings (including any void area in each of those floors, such as service shafts, liftwells or stairwells), measured: <ul style="list-style-type: none"> a. where there are exterior walls, from the exterior faces of those exterior walls b. where there are walls separating two buildings, from the centre lines of the walls separating the two buildings c. where a wall or walls are lacking (for example, a mezzanine floor) and the edge of the floor is discernible, from the edge of the floor.
GROUND LEVEL	means: <ul style="list-style-type: none"> a. the actual finished surface level of the ground after the most recent subdivision that created at least one additional allotment was completed (when the record of title is created); b. if the ground level cannot be identified under paragraph (a), the existing surface level of the ground; c. if, in any case under paragraph (a) or (b), a retaining wall or retaining structure is located on the boundary, the level on the

	exterior surface of the retaining wall or retaining structure where it intersects the boundary.
GROUNDWATER	means water occupying openings, cavities, or spaces in soils or rocks beneath the surface of the ground.
GYMNASIUMS	means a building or room/s used for organised or instructed indoor exercise, including aerobics or weight/circuit training, and ancillary facilities such as health care services, spa/sauna, a small apparel sales area and cafeteria for patrons.
HABITABLE ROOM	means any room used for the purposes of teaching or used as a living room, dining room, sitting room, bedroom, office or other room specified in the Plan to be a similarly occupied room.
HARD ENGINEERING [IN RELATION TO NATURAL HAZARD MITIGATION WORKS]	in relation to natural hazard mitigation works, means the construction of, usually artificial, physical structures or resistant barriers, to avoid flood damage or slow down or prevent erosion or inundation of the coastline. Such structures include stopbanks, seawalls, gabions, breakwaters and groynes
HAZARD OVERLAY	means an area subject to a natural hazard related overlay including: <ul style="list-style-type: none"> a. Earthquake Fault (Infrastructure or Facilities) Awareness Areas b. Earthquake Fault (Subdivision) Awareness Areas c. Flood Assessment Area d. High Hazard Area e. Liquefaction Awareness Area; and
HAZARDOUS FACILITY	means a facility or activity that involves the use, storage or disposal of any hazardous substance, but excludes: <ol style="list-style-type: none"> 1. the incidental use and storage of hazardous substances in minimal domestic scale quantities; 2. retail outlets for hazardous substances intended for domestic usage (e.g. supermarkets, hardware stores and pharmacies); 3. the incidental storage and use of agrichemicals, fertilisers and fuel for land based primary production activities and the incidental storage of agrichemicals, fertilisers and fuel for land based primary production activities which are not located in a drinking water; 4. pipelines used for the transfer of hazardous substances such gas, oil, trade waste and sewage; 5. fuel in motor vehicles, boats, airplanes and small engines; 6. the use, transportation, or storage of any hazardous substance for any temporary military training activity; 7. the transportation of hazardous substances (e.g. in trucks or trains); or 8. mixing and application of hazardous substances solely for the purpose of controlling plant and animal pests on site.
HAZARDOUS SUBSTANCE	has the same meaning as in section 2 of the RMA (as set out in the box below) includes, but is not limited to, any substance defined in section 2 of the Hazardous Substances and New Organisms Act 1996 as a hazardous substance. The Hazardous Substances and New

		<p>Organisms Act 1996 defines hazardous substances as meaning, unless expressly provided otherwise by regulations or an EPA notice, any substance—</p> <ul style="list-style-type: none"> a. with 1 or more of the following intrinsic properties: <ul style="list-style-type: none"> i. explosiveness; ii. flammability; iii. a capacity to oxidise; iv. corrosiveness; v. toxicity (including chronic toxicity); vi. ecotoxicity, with or without bioaccumulation; or b. which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any 1 or more of the properties specified in paragraph (a).
HEALTH FACILITY	CARE	<p>means land and/or buildings used for the provision of physical and mental health services, or health-related welfare services, for people by registered health practitioners (approved under the Health Practitioners Competence Assurance Act 2003) or its successors. These include:</p> <ul style="list-style-type: none"> a. medical practitioners; b. dentists and dental services; c. opticians; d. physiotherapists; e. medical social workers and counsellors; f. midwives; g. paramedical practitioners h. pharmacists; and <p>include the following facilities:</p> <ul style="list-style-type: none"> i. diagnostic laboratories; ii. day care facilities for the elderly and disabled; iii. accessory offices and retail activity to the above; but <p>exclude facilities used for:</p> <ul style="list-style-type: none"> i. the promotion of physical fitness, such as gymnasiums and/or pools (except where ancillary to a hospital service or treatment programme); ii. beauty clinics; and iii. health care within retirement villages.
HEIGHT		<p>means the vertical distance between a specified reference point and the highest part of any feature, structure or building above that point.</p>
HEIGHT FOR NETWORK UTILITY STRUCTURE		<p>Means, the height of the structure (to the highest point, including conductors, but excluding ancillary utility equipment, omni directional 'whip' antennas, GPS antennas, earth peaks and lightning rods) when measured from ground level or the top of a plinth or foundation, if there is one.</p>
HEIGHT IN RELATION TO BOUNDARY		<p>means the height of a structure, building or feature, relative to its distance from either the boundary of:</p> <ul style="list-style-type: none"> a. a site; or b. another specified reference point.

HERITAGE FABRIC	means any physical aspect of a heritage item or heritage setting which contributes to its heritage values. Heritage fabric includes: <ul style="list-style-type: none"> a. material and detailing that forms part of, or is attached to, the interior or exterior of a building, structure or feature; b. the patina of age resulting from the weathering and wear of construction material over time; c. fixtures and fittings that form part of the design or significance of a heritage item, but excludes inbuilt museum and artwork exhibitions and displays; and d. for open space heritage items, built or non-built elements independent of buildings, structures or features, such as historic paths, paving and garden layout.
HERITAGE SETTING	means: an area of land around and adjacent to a heritage item that is identified spatially <u>as the Heritage Item Extent</u> in the District Plan maps. ⁴⁰
HIGH HAZARD AREA	means flood hazard areas subject to inundation events where the water depth (metres) x velocity (metres per second) is greater than or equal to 1 or where depths are greater than 1 metre, in a 0.2% annual exceedance probability flood event.
HIGH NATURALNESS WATER BODIES (HNWB)	means the surface water bodies which are identified: <ol style="list-style-type: none"> 1. As a High Naturalness Water Body in the Canterbury Land and Water Regional Plan; and 2. In Schedule 1 and items 1 and 2 in Schedule 2 of the Water Conservation (Rangitata River) Order 2006 as having outstanding characteristics or features including wild, scenic and other natural characteristics and amenity and intrinsic values. being: <ul style="list-style-type: none"> a. Clyde River and all tributaries; b. Havelock Rivers and all tributaries; c. Ōrāri River and tributaries From the mouth of the gorge (at or about BY19:553-335 5133500N 1455300E) to the headwaters; and d. Milford Lagoon and Ōrakupaoa Creek From the mouth of the lagoon (at or about 5095987N 1468610E) to the confluence of Burkes Creek and Ōrakupaoa Creek (at or about 5097932N 1467093E). e. Rangitata River main stem from confluence with Clyde and Havelock Rivers to the top of the gorge (at or about J36:636174) “upper Rangitata”; f. Rangitata River main stem from the top of the gorge (at or about J36:636174) to the water level recorder at Klondyke (at or about J36:666149) “the gorge”.
<u>HIGHLY PRODUCTIVE LAND</u>	<u>has the same as in section 1.3 of the National Policy Statement for Highly Productive Land 2022 (as set out in the box below):</u>

⁴⁰ TDC [42.2]

	<p><u>means land that has been mapped in accordance with clause 3.4 and is</u></p> <p><u>included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore</u></p> <p><u>ceases to be highly productive land</u>⁴¹</p>
HISTORIC HERITAGE	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> i. archaeological: ii. architectural: iii. cultural: iv. historic: v. scientific: vi. technological; and b. includes— <ul style="list-style-type: none"> i. historic sites, structures, places, and areas; and ii. archaeological sites; and iii. sites of significance to Māori, including wāhi tapu; and iv. surroundings associated with the natural and physical resources.
HISTORIC HERITAGE AREA	<p>means an area of land that is identified in SCHED4 — Schedule of Historic Heritage Areas and which comprises an inter-related group of historic places, buildings, structures and/or sites that make a significant contribution to an understanding and appreciation of Timaru District's history, identity and cultures.</p>
HISTORIC HERITAGE ITEM	<p>means an entry in SCHED3 — Schedule of Historic Heritage Items which has met the assessment criteria and significance threshold for scheduling in the District Plan. Historic heritage items can be:</p> <ul style="list-style-type: none"> a. a building, buildings or group of interrelated buildings; b. a structure or feature, such as a bridge, monument, gun emplacement, whale pot or lamp stand; and c. an open space, such as a square, park, garden or cemetery. <p>Historic heritage items only include scheduled interior elements where these elements are specifically listed in an addendum to the assessment report for that heritage item.</p>
HOLIDAY HUT	<p>Means a building within the holiday hut precinct that has habitable rooms including kitchens and bathrooms that is used as living accommodation on a temporary basis.</p>

⁴¹ Hort NZ [245.29], Forest and Bird [156.34], Speirs, B [66.12 and 66.13], ECan [183.12]

	Note: This definition is a subset of 'residential unit'
HOME BUSINESS	means a commercial activity that is: <ol style="list-style-type: none"> undertaken or operated by at least one resident of the site; and incidental to the use of the site for a residential activity.
HOUSING RECOVERY TEMPORARY ACCOMMODATION	Means buildings and facilities that provide temporary accommodation for displaced residents following a emergency event that either: <ol style="list-style-type: none"> been declared as a state of emergency; or has entered into the transitional period in accordance with the Civil Defence Emergency Act 2002.
IMPERVIOUS SURFACE	Means an area with a <u>man-made surfaces, such as compacted gravel, chip seal or asphalt</u> , ⁴² which prevents or significantly reduces the soakage or filtration of water into the ground. It includes: <ul style="list-style-type: none"> - Roofs; - Paved areas including driveways and sealed or compacted metal parking areas and patios; - Sealed outdoor sports surfaces - Sealed and compacted-metal roads, <u>carparks, and yards and other trafficked hardstand areas</u>;⁴³ - Engineered layers such as compacted clay. <p>61 It excludes:</p> <p>62 - Grass or bush areas;</p> <p>63 - Gardens and other landscaped areas;</p> <p>64 - Permeable paving and green roofs;</p> <p>65 - Permeable artificial surfaces, fields or lawns, including permeable crop protection cloth;</p> <p>66 - Slatted decks;</p> <p>67 - Swimming pools, ponds and dammed water; and</p> <p>68 - Rain tanks.</p>
IMPROVED PASTURE	means an area of land where exotic pasture species have been deliberately sown or maintained for the purpose of pasture

⁴² Kainga Ora [229.24]. Also, see the evidence of Ms Seaton for Hearing E dated 23 January 2025

⁴³ This change has been proposed to the JWS agreed definition after the JWS was signed in order to link the definition back to the SW Policies and matters of discretion which refer to "trafficked hardstand areas"

	production, and species composition and growth has been modified and is being managed, for livestock grazing.
INDIGENOUS VEGETATION	means vascular and non-vascular plants that, in relation to a particular area, are native to the ecological district in which that area is located.
INDUSTRIAL ACTIVITY	means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the industrial activity.
INDUSTRIAL AND TRADE WASTE	means liquid waste, with or without matter in suspension, from the receipt, manufacture or processing of materials as part of a commercial, industrial or trade process, but excludes sewage and greywater.
<u>INFRASTRUCTURE</u>	<p><u>has the same meaning as in section 2 of the Resource Management Act 1991:</u></p> <p><u>means —</u></p> <ul style="list-style-type: none"> (a) <u>pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy:</u> (b) <u>a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001:</u> (c) <u>a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989:</u> (d) <u>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—</u> <ul style="list-style-type: none"> (i) <u>uses them in connection with the generation of electricity for the person's use; and</u> (ii) <u>does not use them to generate any electricity for supply to any other person:</u> (e) <u>a water supply distribution system, including a system for irrigation:</u> (f) <u>a drainage or sewerage system:</u> (g) <u>structures for transport on land by cycleways, rail, roads, walkways, or any other means:</u> (h) <u>facilities for the loading or unloading of cargo or passengers transported on land by any means:</u> (i) <u>an airport as defined in section 2 of the Airport Authorities Act 1966:</u> (j) <u>a navigation installation as defined in section 2 of the Civil Aviation Act 1990:</u> (k) <u>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:</u>

	(l) <u>anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166.</u> ⁴⁴
INSTRUCTIONAL SIGN	<u>Means any static sign on a site which primarily provides information or direction relating to wayfinding, instructions or warnings relevant to the site's operation, including signs that identify business entrances, exits and carparks and signs for security purposes.</u> ⁴⁵
INTENSIVE INDOOR PRIMARY PRODUCTION	means primary production activities that principally occur within buildings and involve growing fungi, or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry.
INTENSIVE OUTDOOR PRIMARY PRODUCTION	means primary production activities involving the keeping or rearing of livestock that principally occurs outdoors, where the regular feed source for the livestock is substantially provided from off-site sources, but excludes: <ol style="list-style-type: none"> calf-rearing for three months in any calendar year; pig production for domestic self-subsistence home use; extensive pig farming; free range poultry farming; and the feeding of supplementary feed during adverse weather events such as drought or snow.⁴⁶
INTENSIVE PRIMARY PRODUCTION	<u>means primary production activities that:</u> <ol style="list-style-type: none"> <u>involve the keeping or rearing of livestock that principally occurs outdoors, where the regular feed source for the livestock is substantially provided from off-site sources, but excludes:</u> <ol style="list-style-type: none"> <u>calf-rearing for three months in any calendar year;</u> <u>pig production for domestic self-subsistence home use;</u> <u>extensive pig farming;</u> <u>free range poultry farming; and</u> <u>the feeding of supplementary feed during adverse weather events such as drought or snow or while stock are temporarily held prior to processing</u> <u>are defined as intensive indoor primary production.</u> <p>means any activity defined as intensive indoor primary production or intensive outdoor primary production.⁴⁷</p>
INTENSIVELY FARMED STOCK	Delete definition INTENSIVELY FARMED STOCK

⁴⁴ Radio NZ [152.24]

⁴⁵ Evidence of PrimePort and NZTA [Hearing F, Interim Reply]

⁴⁶ Clause 10(2)(b) relating to Te Rūnanga o Ngāi Tahu [185.11], Federated Farmers [182.15]

⁴⁷ Te Rūnanga o Ngāi Tahu [185.11], Federated Farmers [182.15]

	<p>means:</p> <p>a. cattle or deer grazed on irrigated land or contained for break-feeding of winter feed crops; and</p> <p>b. dairy cattle, including cows, whether dry or milking, and whether on irrigated land or not; and</p> <p>c. Pig farming (except pig farming for domestic self-subsistence home use);</p> <p>any stock that is associated with an intensive primary production.⁴⁸</p>
INTENSIVELY FARMED STOCK	<p>Delete definition</p> <p>INTENSIVELY FARMED STOCK</p> <p>means:</p> <p>d. cattle or deer grazed on irrigated land or contained for break-feeding of winter feed crops; and</p> <p>e. dairy cattle, including cows, whether dry or milking, and whether on irrigated land or not; and</p> <p>f. Pig farming (except pig farming for domestic self-subsistence home use);</p> <p>any stock that is associated with an intensive primary production.⁴⁹</p>
INTRINSICALLY DARK LANDSCAPE	Intrinsically dark landscapes are those entirely, or largely, uninterrupted by artificial light.
KEEPING OF ANIMALS	<p>Means the keeping of animals for domestic purposes as part of a residential activity.'</p> <p>Note: this definition is a subset of residential activity.</p>
LA90	has the same meaning as the 'Background sound level' in New Zealand Standard 6801:2008 Acoustics – Measurement of Environmental Sound.
LAEQ	has the same meaning as 'time-average A-weighted sound pressure level' in New Zealand Standard 6801:2008 Acoustics - Measurement of Environmental Sound.
LAF(MAX)	has the same meaning as the 'maximum A-frequency weighted, F-time weighted sound pressure level' in New Zealand Standard 6801:2008 Acoustics — Measurement Of Environmental Sound.
LAKE	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <p>means a body of fresh water which is entirely or nearly surrounded by land.</p>
LAND	has the same meaning as in section 2 of the RMA (as set out in the box below)

⁴⁸ EJAPS [4.2], Hargreaves, T [29.2], Beattie, D M [238.4], Pye Group [35.2], Fenlea Farms [171.31], Alliance Group [173.49], Rooney, A J [177.13], KJ Rooney [197.6], Bonifacio, P [36.24], Stack, D [50.8], Hart, J [58.7], Moore, D and J [100.6], Rangitata Dairies [44.15]

⁴⁹ EJAPS [4.2], Hargreaves, T [29.2], Beattie, D M [238.4], Pye Group [35.2], Fenlea Farms [171.31], Alliance Group [173.49], Rooney, A J [177.13], KJ Rooney [197.6], Bonifacio, P [36.24], Stack, D [50.8], Hart, J [58.7], Moore, D and J [100.6], Rangitata Dairies [44.15]

	<ul style="list-style-type: none"> a. includes land covered by water and the airspace above land; and 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 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.
LAND DISTURBANCE	means the alteration or disturbance of land (or any matter constituting the land including soil, clay, sand and rock) that does not permanently alter the profile, contour or height of the land.
LAND TRANSPORT INFRASTRUCTURE	<p>means any infrastructure, land, building, equipment or devices that support the movement of people and goods by land including:</p> <ul style="list-style-type: none"> a. cycle facilities including cycleways, cycle parking, cycle hire stations and cycle maintenance stands; b. pedestrian facilities and accessways including footpaths, footways and footbridges; c. railway tracks, bridges, tunnels, signalling, access tracks and facilities; d. roads including carriageways, pavements, bridges, tunnels, retaining walls, underpasses, overpasses, verge and berms; e. lighting, signals, signs, and control structures and devices associated with intelligent transport systems including vehicle detection systems (electronic vehicle identification, and infra-red vehicle occupancy counters, incident detection, emergency telephones, cables and ducting; f. safety devices including hand rails, bollards, cameras, road markings, rumble strips, barriers, fences, speed tables and speed cushions and traffic separators; g. other traffic control devices including traffic islands, level crossings, pedestrian crossings, roundabouts and intersection controls, traffic and cycle monitoring devices; h. parking control devices; i. site access including <u>vehicle crossings</u>; j. street and railway furniture, artworks, passenger shelters and ticketing and tolling facilities; k. ancillary equipment and structures associated with <u>public transport</u> systems including seats, shelters, real time information systems and ticketing facilities, bicycle storage and cabinets; l. noise attenuation walls or fences; and m. stormwater management facilities, ventilation structures, drainage devices and erosion control devices.
<u>LAND-BASED PRIMARY PRODUCTION</u>	<p><u>has the same meaning as in section 1.3 of the National Policy Statement for Highly Productive Land 2022 (as set out in the box below):</u></p> <p><u>means production, from agricultural, pastoral, horticultural, or forestry activities, that is reliant on the soil resource of the land</u>⁵⁰</p>

⁵⁰ NZ Pork [247.11] and Silver Fern Farms [172.69]

LANDFILL	means an area used for, or previously used for, the disposal of solid waste. It excludes cleanfill areas.
LANDSCAPING	means the provision of tree and shrub plantings which may be interspersed with ground cover plants including lawn, arranged to improve the visual amenity of the site, including to partially or wholly screen activities or buildings on the site.
LARGE FORMAT RETAIL	means any individual retail tenancy with a GFA greater than 450 square metres. Note: This definition is a subset of retail activity.
LARGE SCALE RENEWABLE ELECTRICITY GENERATION ACTIVITY	means electricity generation activities utilising renewable energy sources with a capacity of 20kW or greater for the purpose of exporting electricity directly into the distribution network or National Grid. It includes all ancillary components and activities such as substations, climate/environmental monitoring equipment, earthworks, roading, maintenance buildings, temporary concrete batching plants, internal transmission and fibre networks, vegetation clearance, and site rehabilitation works.
LDN	has the same meaning as the 'Day night level, or day-night average sound level' in New Zealand Standard 6801:2008 Acoustics – Measurement of Environmental Sound.
LICENSED PREMISES	has the same meaning as section 5 of the Sale and supply of Alcohol Act 2012, which means- any premises for which a licence is held.
LIFELINE UTILITIES	<p>means those entities listed in Part A, or described Part B, of Schedule 1 to the Civil Defence Emergency Management Act 2002 that are within the Timaru District area. These are as follows:</p> <p>Schedule 1 Lifeline utilities</p> <p>Part A Specific entities</p> <ol style="list-style-type: none"> 1. Radio New Zealand Limited and Television New Zealand Limited. 6. The port company (as defined in section 2(1) of the Port Companies Act 1988) that carries out port-related commercial activities at Auckland, Bluff, Port Chalmers, Gisborne, Lyttelton, Napier, Nelson, Picton, Port Taranaki, Tauranga, Timaru, Wellington, Westport, or Whangarei. <p>Part B</p> <p>Entities carrying on certain businesses</p> <ol style="list-style-type: none"> 1. An entity that produces, supplies, or distributes manufactured gas or natural gas (whether it is supplied or distributed through a network or in bottles of more than 20 kg of gas). 2. An entity that generates electricity for distribution through a network or distributes electricity through a network. 3. An entity that supplies or distributes water to the inhabitants of a city, district, or other place.

	<ol style="list-style-type: none"> 4. An entity that provides a waste water or sewerage network or that disposes of sewage or storm water. 5. An entity that provides a telecommunications network (within the meaning of the Telecommunications Act 2001). 6. An entity that provides a road network (including State highways). 7. An entity that produces, processes, or distributes to retail outlets and bulk customers any petroleum products used as an energy source or an essential lubricant or additive for motors for machinery. 8. An entity that provides a rail network or service.
LIFELINE UTILITIES	<p><i>means <u>infrastructure that delivers a service operated by a lifeline utility</u>⁵¹ (those entities listed in Part A, or described in Part B, of Schedule 1 to the Civil Defence Emergency Management Act 2002 that are within the Timaru District).</i></p> <p><i>These are as follows:</i></p> <p>Schedule 1 Lifeline utilities</p> <p>Part A Specific entities</p> <ol style="list-style-type: none"> 1. Radio New Zealand Limited and Television New Zealand Limited. 6. The port company (as defined in section 2(1) of the Port Companies Act 1988) that carries out port-related commercial activities at Auckland, Bluff, Port Chalmers, Gisborne, Lyttelton, Napier, Nelson, Picton, Port Taranaki, Tauranga, Timaru, Wellington, Westport, or Whangarei. <p>Part B</p> <p>Entities carrying on certain businesses</p> <ol style="list-style-type: none"> 1. An entity that produces, supplies, or distributes manufactured gas or natural gas (whether it is supplied or distributed through a network or in bottles of more than 20 kg of gas). 2. An entity that generates electricity for distribution through a network or distributes electricity through a network.

⁵¹ TDC [42.4]

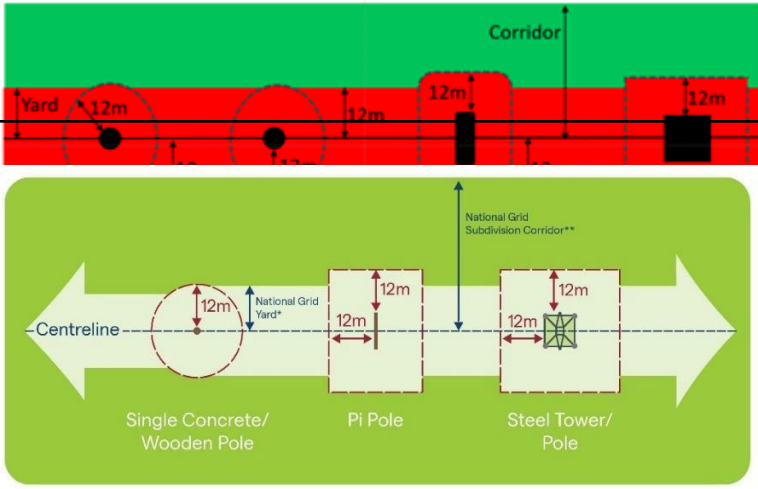
	<ol style="list-style-type: none"> 3. An entity that supplies or distributes water to the inhabitants of a city, district, or other place. 4. An entity that provides a waste water or sewerage network or that disposes of sewage or storm water. 5. An entity that provides a telecommunications network (within the meaning of the Telecommunications Act 2001). 6. An entity that provides a road network (including State highways). 7. An entity that produces, processes, or distributes to retail outlets and bulk customers any petroleum products used as an energy source or an essential lubricant or additive for motors for machinery. 8. An entity that provides a rail network or service.
LIGHT SENSITIVE AREA ⁵²	<p>Includes land in the following areas outside of the Port Zone:</p> <ol style="list-style-type: none"> a. Wāhi tapu, Wāhi taoka and Wai taoka Overlays b. Significant Natural Areas Overlay c. Outstanding Natural Landscapes Overlay d. Visual Amenity Landscape Overlay e. the Rural Lifestyle Zone; and f. the Natural Open Space Zone.
LIQUEFACTION AWARENESS AREA	means land at risk from where liquefaction and lateral spreading is possible during an earthquake but which requires site specific assessment to determine the level of risk to property.
LOADING SPACE	<p>means that portion of a site clear of any road or service lane upon which a vehicle can stand while being loaded or unloaded, whether covered or not. Such loading space must be provided with vehicular access to a road or service lane by way of a vehicle crossing, driveway and/or right of way.</p> <p>Loading space is also referred as car bay and heavy vehicle bay.</p> <p>(partly from Christchurch CP)</p>
LPEAK	has the same meaning as 'Peak sound pressure level' in New Zealand Standard 6801:2008 Acoustics – Measurement of Environmental Sound.
LUMINANCE	Luminance is the measure of the intensity of light in a given direction per unit area, measured in Candela/m ² (Cd/m ²)
MAINTENANCE	<ol style="list-style-type: none"> 1. In relation to values, means the act of making a state or situation continue;

⁵² Rangitata Dairies [44.1], Dairy Holdings [89.4], Fonterra [165.15], Fenlea Farms [171.2, 171.4], Rooney, A J [177.6], Hort NZ [245.12]

		2. In relation to an object (such as a structure, building or infrastructure) means the work required to keep the object in good condition or operation but it does not include any upgrading or expansion or replacement of the existing object, <u>or replacement where this involves upgrading</u> . ⁵³
MAJOR FACILITY	HAZARD	means a facility or activity that has been designated by Worksafe as a lower tier major hazard facility or an upper tier major hazard facility under the Health and Safety at Work (Major Hazard Facilities) Regulations 2016.
MĀORI LAND		Means land within the Māori Purpose Zone that is: <ol style="list-style-type: none"> 1. owned by the Rūnanga; or 2. Māori communal land gazetted as Māori reservation under s338 Te Ture Whenua Maori Act 1993; or 3. Māori customary land and Māori freehold land as defined in s4 and s129 Te Ture Whenua Maori Act 1993; or 4. Owned by a person or persons with evidence of whakapapa connection to the land (where documentary evidence of whakapapa connection is provided from either the Māori Land Court or the Te Rūnanga o Ngāi Tahu Whakapapa Unit), or 5. Is vested in a Trust of Māori incorporation under the Te Ture Whenua Maori Act 1993.
MARAE COMPLEX		means land and buildings generally associated with hapū or iwi, which are used for whanau, community, cultural, social and educational gatherings; including marae, wharenuī, wharekai, manuhiri noho (guest accommodation, whether for a tariff or not) and associated facilities.
METEOROLOGICAL ACTIVITIES		means the establishment and operation of facilities and installations or equipment to measure, collect and distribute meteorological information. This includes telecommunications, radio and satellite links.
MINING		means any activity which involves the taking, winning, or extraction by whatever means, of a mineral existing in its natural state in land, or a chemical substance from that mineral, for the purpose of obtaining the mineral or chemical substance, excluding quarrying activities. Mining also includes prospecting and exploration activities.
MINOR RESIDENTIAL UNIT		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.
MOTOR GARAGE		means land and/or buildings used for the servicing, repair (including panel beating and spray painting repair) of motor vehicles, agricultural machinery or boats and ancillary activities (including the sale and/or fitting of accessories).

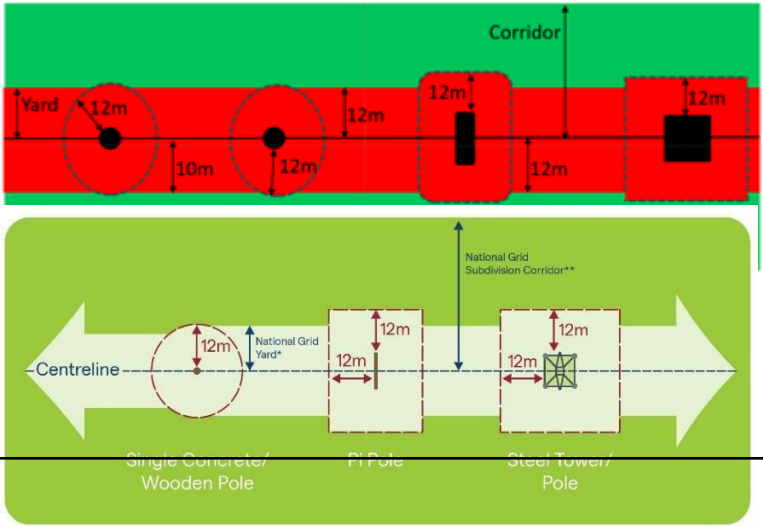
⁵³ Transpower [159.24], the Telcos [176.25, 208.25, 209.25 and 210.25] and BP Oil, et al [196.15]

MOTOR VEHICLE	<p>Has the same meaning as in section 2(1) of the Land Transport Act 1998:</p> <ul style="list-style-type: none"> a. means a vehicle drawn or propelled by mechanical power; and b. includes a trailer; but c. does not include— <ul style="list-style-type: none"> i. a vehicle running on rails; or [Repealed] ii. a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or iii. a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or iv. a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or v. a pedestrian-controlled machine; or vi. a vehicle that the Agency has declared under section 168A is not a motor vehicle; or vii. a mobility device
MOTORSPORT EVENT	means competitive sporting events which primarily involve the use of motorised vehicles, whether for racing or nonracing competition. It includes any ancillary activities.
MOTORSPORT FACILITY	means a recreation facility used for participating in or viewing land-based motor sports activities. It includes, but is not limited to, car, truck, go-kart and motorbike racing tracks and accessory facilities such as club rooms/clubhouses, spectator stands, lighting and associated support structures, mechanical workshops and fuel storage and pumps.
NATIONAL GRID	<p>has the same meaning as given in the National Policy Statement on Electricity Transmission (2008):</p> <p>means the assets used or owned by Transpower NZ Limited.</p>
NATIONAL SUBDIVISION CORRIDOR GRID	<p>means, as depicted in Diagram 1, the area measured either side of the centre line of any above ground electricity transmission line as follows:</p> <ul style="list-style-type: none"> a. 14m of a 110kV transmission line on single poles; b. 16m of a 110kV transmission line on pi poles; c. 32m of a 110kV transmission line on towers (including tubular steel towers where these replace steel lattice towers); d. 37m of a 220kV transmission line (including tubular steel towers where these replace steel lattice towers); e. 39 metres of a 350kV transmission line (including tubular steel towers where these replace steel lattice towers). <p>The measurement of setback distances from National Grid transmission lines shall be undertaken from the centre line of the National Grid transmission line and the outer edge of</p>

	<p>any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.</p> <p>Note: the National Grid Subdivision Corridor does not apply to underground cables or any transmission lines (or sections of line) that are designated.</p> <p>Diagram 1 – National Grid Yard and National Grid Subdivision Corridor.</p>  <p>* National Grid Yard: 10m for single concrete/wooden pole lines, 12m for all other line types</p> <p>** National Grid Subdivision Corridor: 14m, 32m, 37m or 39m depending on line voltage</p>
<p>NATIONAL GRID YARD</p>	<p>means, as depicted in Diagram 1:</p> <ol style="list-style-type: none"> the area located within 10m of either side of the centreline of an above ground 110kV electricity transmission line on single poles; the area located within 12m either side of the centreline of an above ground transmission line on pi-poles or towers that is 110kV or greater (<u>including tubular steel towers where these replace steel lattice towers</u>);⁵⁵ the area located within 12m in any direction from the outer visible edge of an electricity transmission pole or tower foundation, associated with a line which is 110kV or greater. <p>The measurement of setback distances from National Grid transmission lines must be undertaken from the centre line of the National Grid transmission line and the outer edge of</p>

⁵⁴ Transpower [159.10]

⁵⁵ Transpower [159.11]

		<p>any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.</p>  <p>* National Grid Yard: 10m for single concrete/wooden pole lines, 12m for all other line types ** National Grid Subdivision Corridor: 14m, 32m, 37m or 39m depending on line voltage</p>
NATURAL PHYSICAL RESOURCES	AND	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <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>
NATURAL HAZARD		<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <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>
NATURAL HAZARD MITIGATION WORKS		<p>means structures and associated engineering works to prevent or control the impacts of natural hazards and includes both soft engineering natural hazard mitigation and hard engineering natural hazard mitigation. Retaining walls not required for a hazard mitigation purpose are excluded from this definition. Raised building floor levels and raised land which are required to be raised to meet the requirements of a flood assessment certificate are excluded from this definition.</p>
NATURAL HAZARD SENSITIVE ACTIVITY		<p>means:</p> <p>Buildings which:</p> <ol style="list-style-type: none"> 1. contain one or more habitable rooms; and / or 2. contain two or more employees on a full time basis; and / or 3. are a place of assembly;

⁵⁶ Transpower [159.11]

	but excludes regionally significant infrastructure and garages that are either detached or attached that do not meet the building code requirements for a habitable space.
NAVIGATIONAL AID	has the same meaning as in section 2 of the MARITIME TRANSPORT ACT 1994, which means- a device or system (such as a radar beacon) that provides an aviation operator with data to support navigation of aircraft; or 'navigational aid' as defined in the Maritime Transport Act 1994.
NET FLOOR AREA	means the sum of any gross floor area; and a. includes: i. both freehold and leased areas; and ii. any stock storage or preparation areas; but b. excludes: i. void areas such as liftwells and stair wells, including landing areas; ii. shared corridors and mall common spaces; iii. entrances, lobbies and plant areas within a building; iv. open or roofed outdoor areas, and external balconies, decks, porches and terraces; v. off street loading areas; vi. building service rooms; vii. parking areas and basement areas used for parking, manoeuvring and access; and viii. non-habitable floor spaces in rooftop structures.
NET SITE AREA	means the total area of the site, but excludes: a. any part of the site that provides legal access to another site; b. any part of a rear site that provides legal access to that site; c. any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981.
NETWORK UTILITY	means a project, work, system or structure that is a network utility operation undertaken by a network utility operator.
NETWORK UTILITY OPERATOR	has the same meaning as in s166 of the RMA (as set out in the box below) 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

	<p>f. constructs, operates, or proposes to construct or operate, a road or railway line; or</p> <p>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</p> <p>h. is a provider of any approach control service within the meaning of the Civil Aviation Act 1990; or</p> <p>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,—</p> <p>and the words network utility operation have a corresponding meaning.</p>
NOISE	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <p>includes vibration.</p>
NOISE SENSITIVE ACTIVITY	<p>means:</p> <ul style="list-style-type: none"> a. Residential activities; b. Visitor accommodation; c. Educational facility; d. Healthcare activities; and e. <u>Sleeping areas within Marae complexes</u>⁵⁷ (building only).
NON-INTENSIVE PRIMARY PRODUCTION	<p>means primary production that is not defined as intensive primary production.</p>
NOTIONAL BOUNDARY	<p>means a line 20 metres from any side of a residential unit or other building used for a noise sensitive activity, or the legal boundary where this is closer to such a building.</p>
OFFENSIVE TRADES	<p>means activities listed as offensive trades in Schedule 3 of the Health Act 1956 (as set out in the box below)</p> <ul style="list-style-type: none"> a. Blood or offal treating b. Bone boiling or crushing c. Collection and storage of used bottles for sale d. Dag crushing e. Fellmongering f. Fish cleaning g. Fish curing h. Flax pulping i. Flock manufacturing, or teasing of textile materials for any purpose j. Gut scraping and treating k. Nightsoil collection and disposal l. Refuse collection and disposal m. Septic tank desludging and disposal of sludge n. Slaughtering of animals for any purpose other than human consumption o. Storage, drying, or preserving of bones, hides, hoofs, or skins p. Tallow melting

⁵⁷ Clause 16(2)

	<p>q. Tanning</p> <p>r. Wood pulping</p> <p>s. Wool scouring</p>
OFFICE	<p>means any of the following:</p> <p>a. Administrative offices where the administration of an organisation, whether trading or non-trading, is conducted.</p> <p>b. Commercial offices such as bank, insurance agents, typing services, duplicating service and estate agents, being places where trade (other than that involving the immediate exchange of money for goods or the display or production of goods) is transacted.</p> <p>c. Professional offices such as the offices of accountants, solicitors, architects, surveyors, engineers, where a professional service is available and carried out.</p>
OFFICIAL SIGN	means all signs required or provided for under any statute or regulation, or are otherwise related to aspects of public safety.
OFF-SITE SIGN	means any sign that is used to advertise activities, goods and services that are not undertaken, sold or provided on the site on which the sign is located <u>but excludes any temporary sign</u> . ⁵⁸
OPERATIONAL NEED	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>ORIGINALLY RARE</p> <p>ECOSYSTEM [In</p> <p>RELATION TO</p> <p>TERRESTRIAL</p> <p>ECOSYSTEMS]</p>	<p><u>In relation to terrestrial ecosystems, “originally” means the ecosystem type was present when Māori arrived, and still exists today. “Rare” means the total extent of each originally rare ecosystem type is less than 0.5 percent of New Zealand’s total area – that is, less than 134,000 hectares. A published list of originally rare terrestrial ecosystem types has been compiled by Landcare Research and is available from that organisation.</u>⁵⁹</p>
OUTDOOR LIGHTING	means any <u>fixed</u> ⁶⁰ exterior or interior lighting that emits directly into the outdoor environment.
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.
OVERGRAZING / TRAMPLING	<p><u>means the practice of confining farm stock to an area of land resulting in the depletion or destruction of indigenous vegetation by intensive grazing and/or trampling.</u>⁶¹</p>

⁵⁸ Clause 16(2) Amendment

⁵⁹ Clause 10(2)(b) relating to Frank, H [90.23], Forest and Bird [156.3, 156.116], Dir. General Conservation [166.29] - Evidence of Elizabeth Williams, paras 46-52; Speaking notes of Forest and Bird, para 27.

⁶⁰ Fenlea Farms [171.5], Rooney Holdings [174.9], Rooney, A J [177.6] Rooney, GJH [191.9], Rooney Group [249.9], Rooney Farms [250.9], Rooney Earthmoving [251.9], TDL [252.9]

⁶¹ Hart, JR [149.2]

OVERLAND PATH	FLOW	means the route along which stormwater flows over land in a rain event, and excludes permanent watercourses or intermittent rivers or streams.
PAPAKĀIKA (PAPAKĀINGA)		Means any buildings associated with any activity undertaken in the traditional rohe of mana whenua to sustain themselves, and may include (but is not limited to) residential, social, cultural, economic, conservation and recreation activities including: <ul style="list-style-type: none"> a. whare (household unit); b. home businesses; c. marae complexes; d. manuhiri noho; e. whare taoka; f. urupā; g. pouwhenua; h. mahika kai; i. community facilities; j. kōhanga reo (preschool); k. kura kaupapa (education activity and facilities); l. whare hauora (health care facilities); m. Māori cultural activities, including art and wānanga, n. Hākinakina (recreation activities and facilities, excluding commercial recreation and motorised sports), and o. ahuwhehenua (primary production).
PARK ACTIVITY	MANAGEMENT	means the day to day management, operations and maintenance of parks and reserves. It includes: <ul style="list-style-type: none"> a. Repair, maintenance and development of facilities, structures and buildings; b. Planting, removal, trimming and maintenance of turf, trees (except Protected Trees) and other non-indigenous vegetation and associated earthworks; c. Animal and pest control operations; and d. Repair, maintenance and development of walkways, cycleways, or vehicle tracks and associated earthworks.
PEAK VELOCITY	PARTICLE	means, to the extent used for the assessment of the risk of structural damage to a fixed structure, the instantaneous maximum velocity reached by a vibrating surface as it oscillates about its normal position.
<u>PERMANENT AIRSTRIP</u> <u>HELICOPTER LANDING SITE</u>	OR	<u>Means any defined area of land intended or designed to be used, whether wholly or partly, used for the landing or departure of aircraft.</u> ⁶²
PERMANENT WORKERS ACCOMODATION		means a residential unit for the purpose of accommodating a permanent full time worker(s) of a primary production activity, and their family.

⁶² Evans, J [45.1], McAuley, S [57.1], Aubrey, L [59.1], Station Air [61.1], Pemberton, S [64.1], Cessna 180/185 Group et al [201.1], Coldicott, J. M. [118.1], Coldicott, G [254.1]

PERSONAL SERVICES	means a an <u>commercial</u> activity which provides individual service to people and includes hairdressers, beauticians and photographers. ⁶³
PLACE OF ASSEMBLY	means land and buildings used for gathering of people, including cinemas, theatres, concert venues, conference and private function facilities, arts and cultural centres, places of worship, community centres and halls.
PLANTATION FORESTRY	<u>Has the same meaning as in section 3 of the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017.</u> ⁶⁴ means a forest deliberately established for commercial purposes, being— a. at least 1 ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and b. includes all associated forestry infrastructure; but c. does not include— i. a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or ii. forest species in urban areas; or iii. nurseries and seed orchards; or iv. trees grown for fruit or nuts; or v. long-term ecological restoration planting of forest species; or vi. willows and poplars space planted for soil conservation purposes
PLAYGROUND EQUIPMENT	means equipment designed for recreation and play, including, but not limited to, swings, slides, seesaws and merry go rounds.
POLE [IN RELATION TO INFRASTRUCTURE AND ENERGY]	In relation to Energy and infrastructure chapter, means a non-lattice ⁶⁵ structure that supports conductors, lines, cables, antennas, lights or cameras, but is not a tower, and includes foundations and hardware associated with the structure such as insulators, cross arms and guywires.
PORT ACTIVITY	means the use of land, buildings and structures for: a. cargo handling, including the loading, unloading, storage, processing and transit of cargo; b. passenger handling, including the loading, unloading and transit of passengers;

⁶³ Clause 10(2)(b) relating to Redwood Group [228.1]

⁶⁴ Correction of a minor error as outlined within RMA Schedule 1, Section 16(2).

⁶⁵ The Telcos [176.15, 208.15, 209.15 and 210.15]

	<p>c. maintenance and repair activities, including the maintenance and repair of vessels;</p> <p>d. port administration;</p> <p>e. marine-related trade and industry training activities;</p> <p>f. marine-related industrial activities, including ship and boat building, and fish processing;</p> <p>g. warehousing and container storage in support of a.-f., h., i. and j., and distribution activities, including bulk fuel storage and ancillary pipeline networks;</p> <p>h. log storage;</p> <p>i. facilities for recreational boating, including yachting;</p> <p>j. activities associated with the surface navigation, berthing, manoeuvring, refuelling, storage, servicing and providing of vessels, cargo certification, Customs and other Government activities associated with Port activities;</p> <p>k. ancillary transport infrastructure, buildings, structures, signs, utilities, parking areas, landscaping, hazardous facilities (excluding major hazard facilities) and service stations, offices and other facilities, and earthworks;</p> <p>l. Meteorological activities;</p> <p>m. ancillary food and beverage outlets in support of the above;</p> <p>n. Telecommunication and radio communication facilities; and</p> <p>o. Ancillary office and commercial activity, including ancillary trade suppliers, in support of the above.</p>
<u>POST-HARVEST FACILITY</u>	<p><u>Building operated by any number of growers and used for the storage, packing, washing, inspecting and grading of eggs, fruit, vegetables, or other (natural and unprocessed) primary produce brought to the post-harvest facility from a range of locations, and includes all activities that are an integral aspect of post-harvest operations.</u></p> <p><u>Includes:</u></p> <ul style="list-style-type: none"> • <u>use of the site for the collection and distribution of horticultural products;</u> • <u>slicing and dicing agricultural products in preparation for distribution to retail outlets, including the disposal of associated waste material from these activities;</u> • <u>preparation and shrink-wrapping horticultural products in preparation for distribution to retail outlets;</u> • <u>collection and distribution of agricultural products including the cross loading of trucks used in the collection and delivery of horticultural products; and</u> • <u>the on-site servicing and maintenance of vehicles and equipment associated with the activities.</u>⁶⁶
POTENTIALLY CONTAMINATED LAND	<p>means land on which an activity or industry that is described in Appendix 2 - Hazardous Activities and Industries List is being, has been or is more likely than not to have been undertaken. This definition does not include land for which a detailed site investigation demonstrates that any contaminants present are at, or below, background concentrations.</p>

⁶⁶ Hort NZ [245.24]

PRESCHOOL	means a <u>child care services</u> of three or more children (in addition to any children resident on the site) and would not operate for any continuous period of more than seven consecutive days.
PRIMARY PRODUCTION	means: <ul style="list-style-type: none"> a. any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and b. includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a); c. includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b); but d. excludes further processing of those commodities into a different product.
PRIVATE DRINKING WATER SUPPLY	means a drinking water supply from a bore / well that provides 1 to 24 people with drinking water for not less than 60 days each calendar.
PRIVATE WAY	Has the same meaning as in section 315 of the Local Government Act 1974: means any way or passage whatsoever over private land within a district, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the use of the public generally; and includes any such way or passage as aforesaid which at the commencement of this Part exists within any district.
PUBLIC AMENITY BUILDING	means buildings/structures providing for public toilets, information buildings and shelters, that are available to the community or visitors, and includes publicly available tramping huts.
PUBLIC ARTWORK	means any object, figure, image, character, outline, spectacle, display, delineation, audio or visual installation (including projection or illumination, static or otherwise), announcement, poster or sculpture that is used principally to enhance public spaces, whether it is placed on, affixed or tethered to any land, building, footpath or pavement (subject to any Council bylaws or traffic management requirement) and/or incorporated in the design of any building (whether by painting or otherwise). It excludes use as a sign or for any purpose other than as public artwork.
PUBLIC TRANSPORT	(a) means, subject to paragraph (b), a service for the carriage of passengers for hire or reward by means of— <ul style="list-style-type: none"> a. a large passenger service vehicle; or b. a small passenger service vehicle; or c. a ferry; or d. a hovercraft; or e. a rail vehicle; or f. any other mode of transport (other than air transport) that is available to the public generally; but (b) in relation to Part 5, does not include— <ul style="list-style-type: none"> a. an excluded passenger service; or b. a shuttle service

	It may include a public transport interchange, park and ride facilities, bus bays, taxi ranks, drop-off and pick-up points, cycle parking, shelters, waiting rooms, ticket office, information centre, luggage lockers, public toilets, showers and changing rooms.
QUALIFIED ARBORIST	means a person who has a recognised arboricultural qualification and practical experience with the tasks, equipment and hazards involved in arboricultural activities; and has demonstrated competency to Level 4 NZQA Certificate in Horticulture Services (Arboriculture) standard (or an equivalent arboricultural standard) or a person recognised as suitably qualified by Timaru District Council
QUARRY	means a location or area used for the permanent removal and extraction of aggregates (clay, silt, rock or sand). It includes the area of aggregate resource and surrounding land associated with the operation of a quarry and which is used for quarrying activities.
QUARRYING ACTIVITIES	means the extraction, processing (including crushing, screening, washing, and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock, sand), the deposition of overburden material, rehabilitation, landscaping and cleanfilling of the quarry, and the use of land and accessory buildings for offices, workshops and car parking areas associated with the operation of the quarry.
QUEUEING SPACE	means the length of a vehicle access internal to the site, between the road boundary and the vehicle control point, available for the circulation and queuing of vehicles.
<u>RADIO COMMUNICATIONS</u>	<u>has the same meaning as in the Radio communications Act 1989 (as set out in the box below) means any transmission or reception of signs, signals, writing, images, sounds, or intelligence of any nature by radio waves.</u> ⁶⁷
RAFT	has the same meaning as in section 2 of the RMA (as set out in the box below) 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.
RAILWAY LINE	As defined in Section 4 of the Railways Act 2005: a. means a single rail or set of rails, having a gauge of 550 mm or greater between them, laid for the purposes of transporting people or goods by rail; and b. includes— i. sleepers, associated formation and ballast, tunnels, and bridges; and ii. in relation to a single rail or set of rails that are laid on a road for the purposes of 1 or more light rail vehicles,—

⁶⁷ The Telcos [176.27, 208.27, 209.27, 210.27]

	<ul style="list-style-type: none"> A. any area between the rails; and B. the area that extends 500 mm outside the extremity of any light rail vehicle being used on that single rail or set of rails; and iii. a set of rails, having a gauge of less than 550 mm between them, that is designated as a railway line in regulations made under section 59(l); and iv. except as provided in subparagraph (ii), any area within 5 m of a single rail or within 5 m of a line drawn midway between a set of rails; but c. excludes— <ul style="list-style-type: none"> i. a railway line that is part of a railway used as an amusement device; ii. a railway line excluded by regulations made under section 59(m); iii. a railway line that exclusively serves private cable cars.
REAL ESTATE AND DEVELOPMENT SIGN	<p>means a sign that is erected to:</p> <ul style="list-style-type: none"> a. advertise the sale or rental of a property; or b. other relevant information related to any construction or demolition works on a site.
RECLAMATION	<p>means the manmade formation of permanent dry land by the positioning of material into or onto any part of a waterbody, bed of a lake or river or the coastal marine area, and:</p> <ul style="list-style-type: none"> a. includes the construction of any causeway; but b. excludes the construction of natural hazard protection structures such as seawalls, breakwaters or groynes except where the purpose of those structures is to form dry land.
RECREATION ACTIVITY	<p>means the use of land, water bodies and/or buildings for the purpose of the active or passive enjoyment of organised sports (excluding motorsport), recreation or leisure, whether competitive or non-competitive, and whether a charge is made for admission or not.</p>
REGIONALLY SIGNIFICANT INFRASTRUCTURE	<p>Regionally Significant Infrastructure is:</p> <ul style="list-style-type: none"> a. Strategic land transport network, <u>including National Routes, Regional Arterials and District Arterials, and arterial roads</u>⁶⁸ b. Timaru Airport c. Port of Timaru d. Telecommunication <u>facilities network</u>⁶⁹ e. National, regional and local renewable electricity generation activities of any scale f. The <u>National Grid</u> electricity transmission network⁷⁰ g. Sewage collection, treatment and disposal networks

⁶⁸ TDC [42.1]

⁶⁹ Evidence of Mr Anderson for the Telcos [176.16, 208.16, 209.16 and 210.16] Hearing E, dated 23 January 2025 at paragraphs 16 to 20

⁷⁰ Transpower [159.14]

	<p>h. Community land drainage infrastructure</p> <p>i. Community potable water systems</p> <p>j. Established community-scale irrigation and stockwater infrastructure</p> <p>k. Transport hubs</p> <p>l. Bulk fuel supply infrastructure including terminals, wharf lines and pipelines.</p> <p><u>m. The electricity distribution network</u>⁷¹</p> <p><u>n. The Redruth Landfill and Resource Recovery Facility in Timaru</u>⁷²</p>
RELOCATED BUILDING	<p>means any building that is relocated, in whole or in part, from one site to another site, but excludes:</p> <p>a. shipping containers; and</p> <p>b. new buildings specifically constructed for relocation to another site; and</p> <p>c. non-motorised caravans;<u>and</u></p> <p>d. <u>heritage buildings listed in SCHED3 – Schedule of Historic Heritage Items.</u>⁷³</p>
RENEWABLE ELECTRICITY GENERATION	<p>Has the same meaning as renewable electricity generation in the National Policy Statement for Renewable Electricity Generation 2011 (as set out below):</p> <p>means generation of electricity from solar, wind, hydroelectricity, geothermal, biomass, tidal, wave, or ocean current energy sources.</p>
RENEWABLE ELECTRICITY GENERATION ACTIVITY	<p>Has the same meaning as renewable electricity generation activities in the National Policy Statement for Renewable Electricity Generation 2011 (as set out below):</p> <p>means the construction, operation and maintenance of structures associated with renewable electricity generation. This includes small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity.</p>
REPAIR	<p>means to mending or fixing something that is decayed or damaged. It includes temporarily securing the object such as making a structure safe or weathertight. It does not include upgrading or replacement.</p>

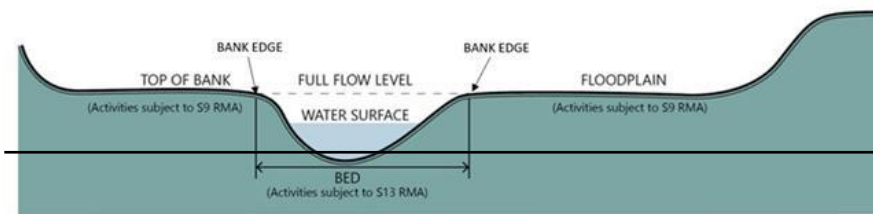
⁷¹ Alpine Energy [55.1]

⁷² Enviro NZ [162.2]

⁷³ Heritage New Zealand [114.7]

REPLACEMENT	Means replacing an object or its parts with another of the same or similar location, height, size, capacity, footprint and scale and for the same or similar purpose. <u>It does not include repair.</u> ⁷⁴
RESIDENTIAL ACTIVITY	means the use of land and building(s) for people's living accommodation.
RESIDENTIAL UNIT	means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.
RESIDENTIAL VISITOR ACCOMMODATION	means the use of a residential unit for temporary accommodation advertised for a tariff to paying guests that is secondary and incidental to the use of the residential unit as a permanent residence.
RETAIL ACTIVITY	means any activity that involves the display or offer for sale or hire to the public of goods, merchandise or equipment and any ancillary work rooms. It includes general retail, large format retail, and trade and yard based retail, but excludes service stations.
RETICULATED STORMWATER NETWORK	means a network of pipes, swales, drains, kerbs and channels owned or operated by a network utility operator that collects stormwater within areas used or proposed to be used for urban-residential, commercial or industrial and rural lifestyle purposes and conveys that stormwater to any device, wetland, retention or detention pond or infiltration basin for the treatment of stormwater, prior to a discharge to land, groundwater or surface water. It excludes any rural land drainage system that has been constructed for the primary purpose of collection, conveyance or discharge of land drainage water, or any natural waterbody.
RETIREMENT VILLAGE	means a managed comprehensive residential complex or facilities used to provide residential accommodation for people who are retired and any spouses or partners of such people. It may also include any of the following for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities.
REVERSE SENSITIVITY	means the potential for the operation of an existing <u>lawfully established, approved (whether by consent or designation) or permitted activity, or activities otherwise anticipated by the Plan,</u> 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 effects generated by an existing <u>that</u> activity.
RIPARIAN MARGIN	means land that is within: <ul style="list-style-type: none"> a. 10m of the bank edge of a river that is up to 3m wide (and is not listed in (c) below); and/or

⁷⁴ Transpower [159.18]

	<p>b. 20m of the bank edge of a river that is greater than 3m wide (and is not listed in (c) below); and/or</p> <p>c. 100m of the bank edges of the Rangitata; Ōpihi; and Ōrāri Rivers; and/or;</p> <p>d. 50m of any wetland.</p> <p>The bank edge is illustrated by the following figure⁷⁵</p> 
RIPARIAN ZONE [IN RELATION TO A RIVER OR LAKE]	<p>(RPS definition)</p> <p>means the area of land within their beds and adjacent to the beds where direct interaction occurs between aquatic and terrestrial ecosystems. The riparian zone includes the banks of a river and the margin of a lake. Wetlands and islands may also be part of the riparian zone.⁷⁶</p>
RIVER	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <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>
ROAD	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <p>has the same meaning as in section 315 of the Local Government Act 1974; and includes a motorway as defined in section 2(1) of the Government Roding Powers Act 1989</p> <p>Section 315 of the Local Government Act 1974 road definition: road means the whole of any land which is within a district, and which—</p> <ol style="list-style-type: none"> immediately before the commencement of this Part was a road or street or public highway; or immediately before the inclusion of any area in the district was a public highway within that area; or is laid out by the council as a road or street after the commencement of this Part; or is vested in the council for the purpose of a road as shown on a deposited survey plan; or is vested in the council as a road or street pursuant to any other enactment;—

⁷⁵ Speirs, B [66.6]

⁷⁶ Federated Farmers [182.26]

	<p>and includes—</p> <p>f. except where elsewhere provided in this Part, any access way or service lane which before the commencement of this Part was under the control of any council or is laid out or constructed by or vested in any council as an access way or service lane or is declared by the Minister of Works and Development as an access way or service lane after the commencement of this Part or is declared by the Minister of Lands as an access way or service lane on or after 1 April 1988;</p> <p>g. every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;—</p> <p>but, except as provided in the Public Works Act 1981 or in any regulations under that Act, does not include a motorway within the meaning of that Act or the Government Roding Powers Act 1989 Section 2(1) of the Government Roding Powers Act 1989 motorway definition motorway—</p> <p>a. means a motorway declared as such by the Governor-General in Council under section 138 of the Public Works Act 1981 or under section 71 of this Act; and</p> <p>b. includes all bridges, drains, culverts, or other structures or works forming part of any motorway so declared; but</p> <p>c. does not include any local road, access way, or service lane (or the supports of any such road, way, or lane) that crosses over or under a motorway on a different level.</p>
ROAD BOUNDARY	<p>means any boundary of a site abutting a legal road, road reserve or road designation.</p> <p>Frontage, road frontage or street frontage shall have the same meaning as road boundary.</p>
ROOT PROTECTION AREA	<p>means the circular area surrounding a tree; which is the greater of the radius; measured from the base of the trunk to:</p> <p>a. the outer extent of the branch spread; or</p> <p>b. half the height of the tree.</p>
RURAL INDUSTRY	<p>means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.</p>
RURAL PRODUCE	<p>means fruit, vegetables, flowers or other similar farm products primarily grown and/or processed on a property in a rural zone.</p>
RURAL PRODUCE MANUFACTURING	<p>means the use of land and/or buildings for the manufacturing of products from rural produce grown on the same site or:</p> <p>a. on other sites in the same ownership; or</p> <p>b. on other sites leased by the owner of the primary site.</p>
RURAL PRODUCE RETAIL	<p>means the use of land and/or buildings on, or within which, rural produce grown or produced on-site, and products manufactured from it, are offered for sale.</p>

RURAL RESIDENTIAL DEVELOPMENT	(RPS definition) means zoned residential development outside or on the fringes of urban areas which for primarily low density residential activities, ancillary activities and associated infrastructure. ⁷⁷
RURAL TOURISM ACTIVITY	means the use of land or buildings for people to visit and experience places of interest within the rural area. It does not include: <ul style="list-style-type: none"> a. Rural production retail b. Rural production manufacturing c. Visitor accommodation d. Home business
SCHEDULED INTERIOR ELEMENT	In relation to the heritage item, means identified heritage fabric within a heritage item that is specifically listed in an addendum to the assessment report for that heritage item.
SEASONAL WORKERS ACCOMMODATION	means the use of land and buildings for the sole purpose of accommodating the short-term labour requirement of a primary production activity, rural industry or post-harvest facility.
SELF-CONTAINED POWER UNIT	has the same meaning as in Regulation 4 of the NESTF as set out below: means equipment installed with a facility for the purpose of generating power for that facility (such as solar panels), including cables connecting the equipment to the facility.
SENSITIVE ACTIVITY	means: <ol style="list-style-type: none"> 1. Residential activities; 2. Education facilities and preschools; 3. Guest and⁷⁸ visitor accommodation; 4. Health care facilities which include accommodation for overnight care; 5. Hospitals; 6. Marae (building only); or 7. Place of assembly. except that: <ol style="list-style-type: none"> a. subclause f6.⁷⁹ above is not applicable in relation to electronic electricity⁸⁰ transmission. b. subclause g7.⁸¹ above is not applicable in relation to noise or electronic electricity⁸² transmission.
SENSITIVE ENVIRONMENT	means <ol style="list-style-type: none"> 1. areas within the following overlays identified on the Planning map: <ol style="list-style-type: none"> a. Coastal Environment; and

⁷⁷ ECan [183.11]

⁷⁸ Transpower [159.20] and Hort NZ [245.25]

⁷⁹ MoE [106.6], BP Oil et al [196.11] and Radio NZ [152.20]

⁸⁰ Transpower [159.20] and correction of minor error as per Schedule 1, Clause 16(2) RMA.

⁸¹ MoE [106.6], BP Oil et al [196.11] and Radio NZ [152.20]

⁸² Transpower [159.20] and correction of minor error as per Schedule 1, Clause 16(2) RMA.

	<ul style="list-style-type: none"> b. Coastal High Natural Character Areas; and c. Drinking Water Protection Area; and d. Heritage Item; and e. Heritage Item extent <u>Setting</u>⁸³; and f. Outstanding Natural Features; and g. Outstanding Natural Landscapes and h. Sites and areas of Significance to Māori; and i. Significant Natural Areas; and j. Visual Amenity Landscapes; and k. Earthquake Fault Awareness Area; and l. High Hazard Areas; and m. Flood Assessment Area; and n. Seawater Inundation Overlay; and o. Within 250m from Major Hazard Facilities; and p. <u>Bat Protection Overlay; and</u>⁸⁴ <p>2. the below areas:</p> <ul style="list-style-type: none"> a. The area within 100m from the edge of a Riparian Margin; and b. The area within 100m from the edge of a Wetland Area; and c. High Hazard Areas identified in a Flood Certificate issued under NH-S1.
<u>SENSITIVE LOCATIONS</u>	<p><u>means:</u></p> <p>1. <u>Areas within the following Overlays identified on the Planning map, but excluding the PORTZ:</u></p> <ul style="list-style-type: none"> a. <u>An Earthquake Fault Awareness Overlay; and</u> b. <u>A High Hazard Area Overlay; and</u> c. <u>The Sea Water Inundation Overlay; and</u> d. <u>The Coastal Erosion Overlay; and</u> e. <u>A Drinking Water Protection Area; and</u> f. <u>The area within 250m of an MHF; and</u> <p>2. <u>the below areas:</u></p> <ul style="list-style-type: none"> a. <u>The area within 100m from the edge of a Riparian Margin or wetland area; and</u> <p><u>High Hazard Areas identified in a Flood Certificate issued under NH-S1.</u>⁸⁵</p>
<u>SERVICE LANE</u>	<p>Has the same meaning as in section 315 of the Local Government Act 1974:</p> <p>means any lane laid out or constructed either by the authority of the council or the Minister of Works and Development or, on or after 1 April 1988, the Minister of Lands for the purpose of providing the public with a side or rear access for vehicular traffic to any land.</p>

⁸³ Heritage NZ [144.5]

⁸⁴ Dir. General Conservation [166.11]

⁸⁵ PrimePort [175.32] and TDH [186.17]

SERVICE STATION	<p>means any site primarily used for the retail sale of motor vehicle fuels, including petrol, LPG, CNG and diesel and may include any one or more of the following activities, where they are ancillary to the retail sale of fuels:</p> <ul style="list-style-type: none"> • Sale or hire of kerosene, alcohol-based fuels, lubricating oils, tyres, batteries, vehicle spare parts, trailers and other accessories normally associated with motor vehicles; • Truck stops; • Trailer hire; • The ancillary sale of other goods for the convenience and comfort of service station customers; <p>but shall not include any industrial activity.</p> <p>Note: This definition is a subset of retail <u>commercial</u> ⁸⁶ activity.</p>
SEWAGE	means human excrement and urine.
SHELTER BELT	means any trees planted primarily to provide shelter for stock, crops or buildings from the prevailing wind(s). Shelterbelts are no greater than 30 metres in width and are not clear felled (unless the clear <u>felled</u> if for replanting of <u>a</u> ⁸⁷ new shelterbelt).
SIGN	<p>means any device, character, graphic or electronic display, whether temporary or permanent; which</p> <ol style="list-style-type: none"> a. is for the purposes of— <ol style="list-style-type: none"> i. identification of or provision of information about any activity, property or structure or an aspect of public safety; ii. providing directions; or iii. promoting goods, services or events; and b. is projected onto, or fixed or attached to, any, structure or natural object; and c. includes the frame, supporting device and any ancillary equipment whose function is to support the message or notice.
SIGNAGE	has the same meaning as sign.
SIGNIFICANT NATURAL AREA OR SNA	means identified areas of significant indigenous vegetation and significant habitats of indigenous fauna, as set out in ECO- SCHED2 <u>7</u> ⁸⁸ and shown on the Planning Maps.
SITE	<p>means:</p> <ol style="list-style-type: none"> a. an area of land comprised in a single record of title under the Land Transfer Act 2017; or b. an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot

⁸⁶ BP Oil et al [196.13]

⁸⁷ Correction of a minor error as outlined within RMA Schedule 1, Clause 16(2)

⁸⁸ Dir. General Conservation [166.12], Fenlea Farms [171.6, 171.32], Rooney, A J [177.14], K J Rooney Ltd [197.7]

	<p>be dealt with separately without the prior consent of the council; or</p> <p>c. the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or</p> <p>d. despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system is the whole of the land subject to the unit development or cross lease.</p>
SITE COVERAGE	means the combined total of building footprint and impervious surfaces.
SKY GLOW	Artificial sky glow is defined as that part of the sky glow that is attributable to man-made sources of radiation (e.g. outdoor lighting), including radiation that is emitted above the horizontal and radiation that is reflected from the surface of the earth.
SMALL CELL UNIT	<p>has the same meaning as in Regulation 4 of the NESTF as set out below:</p> <p>means a device—</p> <p>a. that receives or transmits radiocommunication or telecommunication signals; and</p> <p>b. the volume of which (including any ancillary equipment, but not including any cabling) is not more than 0.11 m³.</p>
SMALL SCALE RENEWABLE ELECTRICITY GENERATION	means renewable electricity generation at a capacity of no greater than 20 kW for the purpose of using or generating electricity on a particular site, or supplying an immediate community, or connecting into the distribution network, and includes generation using solar, wind, hydro and biomass energy resource.
SOFT ENGINEERING [IN RELATION TO NATURAL HAZARD MITIGATION WORKS]	In relation to natural hazard mitigation works means the use of natural materials, features and processes, including vegetation to stabilise waterway banks, and absorb wave energy and reduce coastal erosion and inundation. Soft engineering techniques include planting, beach re-nourishment, beach and bank re-profiling and the restoration of natural features such as dunes, coastal wetlands/saltmarsh and floodplains.
SPECIAL AUDIBLE CHARACTERISTIC	has the same meaning as 'special audible characteristic' in section 6.3 of New Zealand Standard 6802:2008 Acoustics – Environmental Noise.
SPECIFIED MĀORI LAND	<p><u>means land that is any of the following:</u></p> <p><u>(a) Māori customary land and Māori freehold land (as defined in Te Ture Whenua Māori Act 1993):</u></p> <p><u>(b) land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953:</u></p> <p><u>(c) land held by or on behalf of an iwi or a hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of mana whenua over the land:</u></p>

	<p><u>(d) land vested in the Māori Trustee that is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955, and remains subject to that Act;</u></p> <p><u>(e) land that forms part of a natural feature that has been declared under an Act to be a legal entity or person (including Te Urewera land within the meaning of section 7 of the Te Urewera Act 2014);</u></p> <p><u>(f) the maunga listed in section 10 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014;</u></p> <p><u>(g) Treaty settlement land, being land held by a post-settlement governance entity (as defined in the Urban Development Act 2020) where the land was transferred or vested and held (including land held in the name of a person such as a tipuna of the claimant group, rather than the entity itself);</u></p> <p><u>(i) as part of redress for the settlement of Treaty of Waitangi claims; or</u></p> <p><u>(ii) by the exercise of rights under a Treaty settlement Act or Treaty settlement deed.⁸⁹</u></p>
SPILL LIGHT	means light emitted by a lighting installation that falls outside of the design area. Spill light may or may not be obtrusive depending on what it effects.
STATE HIGHWAY	<p>has the same meaning as in section 5 ^{in section⁹⁰} 5 of the Land Transport Management Act 2003:</p> <p>means a road, whether or not constructed or vested in the Crown, that is declared to be a State highway under section 11 of the National Roads Act 1953, section 60 of the Government Roding Powers Act 1989 (formerly known as the Transit New Zealand Act 1989), or under section 103; and includes—</p> <ol style="list-style-type: none"> 3. all land along or contiguous with its route that is the road; and 4. any part of an intersection that is within the route of the State highway; and 5. for the purposes of regional land transport plans, the national land transport programme, and any expenditures approved under section 20 by the Agency, a proposed State highway; and 6. land that becomes a State highway under section 88(2) of the Government Roding Powers Act 1989.
STORMWATER	means run-off that has been intercepted, channelled, diverted, intensified or accelerated by human modification of a land surface, or run-off from the surface of any structure, as a result of precipitation and includes any contaminants contained within.
STORMWATER MANAGEMENT AREA	means an area specifically designated to contain stormwater or floodwaters.
STORMWATER NEUTRALITY	means that post development stormwater runoff rates and volumes do not exceed the pre-development stormwater runoff rates and volumes.

⁸⁹ Clause 10(2)(b) relating to Dir. General Conservation [166.38]

⁹⁰ Waka Kotahi [143.17]

STORMWATER NEUTRALITY DEVICE	A device or natural system which retains (re-use) or detains the stormwater discharge from the site, and slows the release of the stormwater at a rate that is no more than the site's original discharge.
STORMWATER UTILITY AREA	Any area used for mitigation or treatment of stormwater as part of the development.
STRENGTHENING [IN RELATION TO THE HISTORICAL HERITAGE CHAPTER]	in relation to the Historical Heritage Chapter, means increasing the seismic resilience of a structure to an approved standard.
STRUCTURE	has the same meaning as in section 2 of the RMA (as set out in the box below) means any building, equipment, device, or other facility, made by people and which is fixed to land; and includes any raft.
SUBDIVISION	has the same meaning as "subdivision of land" in section 218 of the RMA (as set out in the box below) means— a. the division of an allotment— 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 ii. by the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or 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 iv. by the grant of a company lease or cross lease in respect of any part of the allotment; or 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 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.
SUPERMARKET	means a retail activity primarily involved in the sale of groceries, including fresh produce, meat, fish, dairy food and delicatessen items, beverages, general household and personal goods, as otherwise described and categorised as ANZSIC category 5110, in individual premises of no less than 1,500m ² of gross floor area.
SUPPORTED RESIDENTIAL CARE ACTIVITY	Means land and buildings in which residential accommodation, supervision, assistance, care and/or support are provided by another person or agency for residents.

SUSTAINABLE MANAGEMENT	<p>has the same meaning as in section 5 of the RMA (as set out in the box below)</p> <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> <ol style="list-style-type: none"> sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and avoiding, remedying, or mitigating any adverse effects of activities on the environment.
TELECOMMUNICATIO N KIOSK	means any structure intended for public use to facilitate telecommunication and includes boxes or booths for telephone, video or internet services.
<u>TELECOMMUNICATIO N LINE</u> ⁹¹	<p><u>(a) means a wire or a conductor of any other kind (including a fibre optic cable) used or intended to be used for the transmission or reception of signs, signals, impulses, writing, images, sounds, instruction, information, or intelligence of any nature by means of any electromagnetic system; and</u></p> <p><u>(b) includes—</u></p> <ol style="list-style-type: none"> <u>any pole, insulator, casing, fixture, tunnel, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any of those wires or conductors; and</u> <u>any part of a telecommunication line.</u>
TEMPORARY ACTIVITY	Means an activity that has a short duration, limited frequency and is not an ancillary activity to a permanent activity that occurs on the site.
<u>TEMPORARY CULTURAL EVENT</u>	<u>means an event undertaken by Kāti Huirapa in accordance with tikanga which relates to the expression of Māori culture and the relationship that Kāti Huirapa have with places of customary importance, and includes Mahika kai activities and ceremonial activities.</u> ⁹²

⁹¹ Evidence of Tom Anderson for the Telcos [176.40, 208.40, 209.40, 210.40], Hearing E dated 23 January 2025 at paragraphs 12 to 15.

⁹² Clause 16(2)

<u>Temporary⁹³ Emergency Services Training Activity</u>	<u>Means a temporary activity undertaken for training purposes by emergency services, including but not limited to, Fire and Emergency New Zealand, the New Zealand Police, St John/Hato Hone and Civil Defence.</u> ⁹⁴
TEMPORARY EVENT	Means a type of temporary activity that is a planned public or social occasion and includes carnivals, fairs, markets, auctions, displays, rallies, shows, commercial filming or video production, gymkhanas (equestrian), dog trials, concert, and other recreational and sporting activities, public meetings, public meetings, <u>and</u> hui, and emergency services training events , but excludes motorsport events. ⁹⁵ This is a sub-definition of temporary activity.
TEMPORARY MILITARY TRAINING ACTIVITY (TMTA)	means a temporary activity undertaken for the training of any component of the New Zealand Defence Force (including with allied forces) for any defence purpose. Defence purposes are those purposes for which a defence force may be raised and maintained under section 5 of the Defence Act 1990 which are: <ul style="list-style-type: none"> a. the defence of New Zealand, and of any area for the defence of which New Zealand is responsible under any Act: b. the protection of the interests of New Zealand, whether in New Zealand or elsewhere: c. the contribution of forces under collective security treaties, agreements, or arrangements: d. the contribution of forces to, or for any of the purposes of, the United Nations, or in association with other organisations or States and in accordance with the principles of the Charter of the United Nations: e. the provision of assistance to the civil power either in New Zealand or elsewhere in time of emergency: f. the provision of any public service.
TEMPORARY SIGN	means a sign that is erected for no more than 60 days in one calendar year for the purpose of advertising a one-off or temporary activity or temporary event.
TERRITORIAL AUTHORITY	has the same meaning as in section 5 of the Local Government Act (as set out in the box below) means a city council or a district council named in Part 2 of Schedule 2.

⁹³ Clause 16(2) Amendment

⁹⁴ FENZ [131.4]

⁹⁵ FENZ [131.5]

<u>TERTIARY EDUCATION SERVICES</u>	<p><u>means the use of land and/or buildings for the purpose of facilitating tertiary education, training, development, and instruction and/or related research and laboratories; and includes ancillary and accessory administrative, cultural, commercial, community, staff and student facilities, conferencing, accommodation, retail and recreational facilities.</u></p> <p><u>Note: this definition is a subset of 'Educational Facility'.⁹⁶</u></p>
TOWER [[IN RELATION TO ENERGY AND INFRASTRUCTURE CHAPTER]	<p>In relation to Energy and Infrastructure chapter, means a steel-lattice structure that supports conductors, lines, cables or antennas <u>(other than telecommunication equipment)</u>.⁹⁷ A tower includes itthe foundations and hardware associated with the structure such as insulators, cross arms and guy-wires.</p>
TRADE SUPPLIER	<p>Means a retail activity that involves the sale of wholesale goods to businesses, as well as limited retail sales to the general public, which fall into the following categories:</p> <ol style="list-style-type: none"> automotive and marine suppliers; building suppliers; catering equipment suppliers; farming and agricultural suppliers; garden and patio suppliers; hire premises (except hire or loan of books, video, DVD and other home entertainment items); industrial clothing and safety equipment suppliers; landscape suppliers; and office furniture, equipment and systems suppliers.
TRANSMISSION LINE	<p>...has the same meaning as in the National Environment Standards ELECTRICITY TRANSMISSION ACTIVITIES 2009, which means <u>means</u>⁹⁸-</p> <ol style="list-style-type: none"> the facilities and structures used for, or associated with, the overhead or underground transmission of electricity in the national grid; and includes transmission line support structures, telecommunication cables, and telecommunication devices to which paragraph (a) applies; but does not include an electricity substation.

⁹⁶ Te Pukenga [215.1]

⁹⁷ The telcos [176.24, 208.24, 209.24, 210.24]. See also the evidence of Mr Anderson for the Telcos for Hearing E dated 23 January 2025, paragraphs 21 to 29

⁹⁸ Transpower [159.23]

UNACCEPTABLE RISK [IN RELATION TO HAZARDOUS SUBSTANCES]	In relation to major hazard facilities, means exposure of sensitive activities (including residential dwelling) to an individual fatality risk level exceeding 1 x 10 ⁻⁶ per year (one in a million).
UNDERMINE	means lessen the effectiveness, power, or ability of, especially gradually or insidiously.
UPGRADING UPGRADE	Means the replacement, renewal or improvement of infrastructure that results in an increase in carrying capacity and size, ⁹⁹ <u>and may include replacement and renewal,</u> ¹⁰⁰ but excludes repair and maintenance.
URBAN AREA	means towns with a population of 1,000 or more. In the Timaru District, it includes Timaru, Pleasant Point, Temuka and Geraldine as shown on the District Planning Map.
URBAN DEVELOPMENT	<p><i>has the same meaning as in section 9 of the Urban Development Act 2020 which includes:</i></p> <p><i>a. development of housing, including public housing and community housing, affordable housing, homes for first-home buyers, and market housing:</i></p> <p><i>b. development and renewal of urban environments, whether or not this includes housing development:</i></p> <p><i>c. development of related commercial, industrial, community, or other amenities, infrastructure, facilities, services, or works.</i></p> <p><u>means development within an area zoned as a Residential Zone, Settlement Zone, Commercial and Mixed Use Zone, General Industrial Zone, Special Purpose Port and Māori Purpose zones, and Open Space Zone or a Sport and Active Recreation Zone that are adjacent to the aforementioned zones. It also includes development outside of these zones which is not of a rural or rural-lifestyle character and is differentiated from rural development by its scale, intensity, visual character and the dominance of built structures. For the avoidance of doubt, it does not include the provision of regionally significant infrastructure in Rural Zones.</u>¹⁰¹</p>
VEHICLE ACCESS WAY / VEHICLE ACCESSWAY	means that area of land which is included in the ownership of that lot or site, over which vehicular access to legal road is obtained.

⁹⁹ The Telcos [176.25, 208.25, 209.25, 210.25]

¹⁰⁰ Transpower [159.24], The Telcos [176.25, 208.25, 209.25, 210.25] and BP Oil, et al [196.15]

¹⁰¹ ECan [183.9]

VEHICLE CROSSING / VEHICLE ACCESS POINT	means the formed and properly constructed vehicle entry/exit point from the carriageway of any road up to and including that portion of the road boundary of the site across which a vehicle entry or exit point is permitted or consented. It includes any culvert, bridge or kerbing.
VEHICLE MOVEMENT	means a single journey to or from a particular site by a person or persons within a motor vehicle. Vehicle trip has the same meaning.
VEHICLE PARKING AND MANOEUVRING ¹⁰² AREA	means that part of a site or building within which vehicle parking and manoeuvring are accommodated. <i>Note: this definition change also requires the rule references in all chapters to be amended to refer to “vehicle parking <u>and</u> <u>maneuvering</u> area”.</i>
VERSATILE SOIL	means land classified as Class 1 or 2 under the land use capability classification system, as set out in Lynn I.H., Manderson A.K., Page M.J., Harmsworth G.R., Eyles G.O., Douglas G.B., Mackay A.D., Newsome P.J.F. (2009). Land Use Capability Survey Handbook — a New Zealand handbook for the classification of land. 3rd ed. Hamilton, AgResearch Ltd; Lincoln, Landcare Research New Zealand Ltd; Lower Hutt, Institute of Geological and Nuclear Sciences Ltd.
VISITOR ACCOMMODATION	means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities.
VISUALLY PERMEABLE [IN RELATION TO FENCE]	In relation to fence, means the ability to clearly see through a fence, from one side to the other, and is determined by a comparison of the solid portion of the fence structure against any gaps provided within the structure, or between fence structures.
WAREHOUSING AND STORAGE	means an industrial activity that storing and sorting of materials, goods or products pending distribution.
WASTEWATER	means any combination of two or more the following wastes: sewage, greywater or industrial and trade waste.
WATER	has the same meaning as in section 2 of the RMA (as set out in the box below) <ul style="list-style-type: none"> a. means water in all its physical forms whether flowing or not and whether over or under the ground: b. includes fresh water, coastal water, and geothermal water: c. does not include water in any form while in any pipe, tank, or cistern.

¹⁰² Bruce Spiers [66.11]

WATER SENSITIVE DESIGN	means design that seeks to protect and enhance natural freshwater systems, sustainably manage water resources, and mimic natural processes to achieve enhanced outcomes for ecosystems and communities.
WATERBODY	has the same meaning as in section 2 of the RMA (as set out in the box below) 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.
<u>WELL-FUNCTIONING URBAN ENVIRONMENT</u> ¹⁰³	<u>Has the meaning as in clause 1.4 in the National Policy Statement on Urban Development (2022)</u>
WET ABRASIVE BLASTING	means abrasive blasting using material to which water has been added.
WETLAND	has the same meaning as in section 2 of the RMA (as set out in the box below) 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.
WORKERS ACCOMODATION	includes permanent workers accommodation and seasonal workers accommodation.

SITE	Remove the link to the definition of 'site' where the word is used in the SASM Chapter (except where it is used in SASM-R1.1 PER1.1) ¹⁰⁴
Historic Heritage	Remove the hyperlink associated with the word 'site' within this definition.

¹⁰³ TDC [42.7]

¹⁰⁴ Heritage NZ [114.30]

