

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Waikato District Plan

**SUMMARY STATEMENT OF EVIDENCE OF MARK NICHOLAS
ARBUTHNOT FOR PORTS OF AUCKLAND LIMITED IN RELATION TO
HEARING 5 – CHAPTER 13 DEFINITIONS**

10 DECEMBER 2019

EXECUTIVE SUMMARY

1. INTRODUCTION

1.1 I have prepared this summary statement to assist the Panel in relation to key outstanding issues. This statement draws on the primary and evidence I provided for Ports of Auckland Limited.

2. NATIONAL PLANNING STANDARD DEFINITIONS

2.1 The section 42A report recommends that the Proposed Plan is amended to include the following definitions from the Definitions List of the National Planning Standard:

- (a) accessory building;
- (b) building;
- (c) building coverage;
- (d) building platform;
- (e) gross floor area;
- (f) height;
- (g) height control plane;
- (h) industrial activity;
- (i) net site area; and
- (j) notional boundary.

2.2 The national planning standard prevents lists of inclusions or exclusions from being created to these definitions. Instead, the section 42A report identifies that the rules of the Proposed Plan will need to be reviewed to address the relevant submission points on these definitions.

2.3 I accept the conclusions of the section 42A report in this regard and will address any specific relief sought by POAL in its submission points on the definition of “building” and “height” where necessary at Hearing 7 (Industrial and Industrial Heavy Zones).

3. NOISE SENSITIVE ACTIVITY AND SENSITIVE LAND USE

3.1 In its primary submissions (578.76 and 578.79) POAL sought a minor amendment to the definition of “noise sensitive activity” and “sensitive land use” to ensure that it does not incorporate worker’s accommodation which is necessarily required to be located on land where noisy activities are likely to occur, as follows:

Noise sensitive activity

Means the following:

- (a) building used for residential activities, including boarding establishments, rest homes, retirement villages, papakaainga housing development, in-house aged care facilities, travellers’ accommodation, and other buildings used for residential accommodation but excluding camping grounds and worker’s accommodation;
- (b) marae and mare complex;
- (c) hospital;
- (d) teaching areas and sleeping rooms in an education facility.

...

Sensitive land use

Means an education facility including a childcare facility, waananga and kohanga reo, a residential activity excluding worker’s accommodation, papakaainga building, rest home, retirement village, traveller’s accommodation, home stay, health facility or hospital.

3.2 The section 42A report (at paragraph 549) recommends that the submission points of POAL be rejected on the basis that the extent to which worker’s accommodation is provided for within the Industrial Zone will be given consideration at Hearing 7 (Industrial and Industrial Heavy Zones) and it is therefore premature to make a recommendation in respect of this matter.

3.3 In my opinion, the amendments are necessary to make it clear that worker’s accommodation is an activity that is anticipated to occur within

the Industrial Zone. It is reasonable to exclude worker's accommodation from these definitions as such forms of accommodation are for the use of people who are engaged in the activity occurring on the site and who are familiar with (and not sensitive to) the effects of the activity to which it supports.

4. WORKERS' ACCOMMODATION

4.1 The primary submission of POAL (578.80) sought that the following definition of "workers' accommodation" be added to the Proposed Plan.

Workers' accommodation

A dwelling for people whose duties require them to live on-site, and in the rural zones for people who work on the site or in the surrounding rural area.

Includes:

- a) accommodation for rangers;
- b) artists in residence;
- c) farm managers and workers; and
- d) staff.

4.2 The section 42A report seeks to defer the submission to Hearing 7 (Industrial and Industrial Heavy Zones). For the reasons discussed above, I am of the opinion that it is appropriate to provide for such activities within the Proposed Plan.

Mark Nicholas Arbuthnot

10 December 2019