

**IN THE MATTER OF** section 71 of the Canterbury Earthquake Recovery Act 2011 and the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014

**AND**

**IN THE MATTER OF** proposals notified for incorporation into a Christchurch Replacement District Plan

Date of hearing: 31 March and 1 April 2016

Date of decision: 25 November 2016

Hearing Panel: Hon Sir John Hansen (Chair), Environment Judge John Hassan (Deputy Chair), Mr Alec Neill, and Ms Sarah Dawson

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**DECISION 58**

**CHAPTER 2 DEFINITIONS (PART)  
STAGE 2 and 3**

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**Outcomes: Proposals changed as per Schedule 1**

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## INTRODUCTION

[1] This decision ('decision') is the final in a series of decisions made by the Independent Hearings Panel ('Hearings Panel'/'Panel') concerning the formulation of a replacement district plan for Christchurch City (including Banks Peninsula) ('Plan/CRDP'). It concerns Chapter 2 Definitions (Part) ('Definitions') that were notified as part of Stage 2 and 3 and decides consequential changes to the CRDP, arising from this decision.

[2] In this decision, the phrase 'Notified Version' describes the version notified by the Christchurch City Council ('Council'). Subsequent to consideration of submissions and conferencing, a number of changes were made. This was then produced in closing by the Council as a red-line version ('Revised Version').<sup>1</sup> Submitters were given an opportunity to respond to the Revised Version. The Council then ultimately produced an updated version with its supplementary closing submissions to reflect some of the changes suggested by submitters in closing ('Final Revised Version').<sup>2</sup>

[3] Where we refer to 'Decision Version', it is our redrafting of the Final Revised Version, as set out in Schedule 1, which will become operative upon release of this decision and the expiry of the appeal period.

[4] This decision follows our hearing of submissions and evidence on 31 March and 1 April 2016. Further background on the review process, pursuant to the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 ('the OIC'), is set out in the introduction to Decision 1, concerning Strategic Directions and Strategic Outcomes (and relevant definitions) ('Strategic Directions decision').<sup>3</sup>

### Effect of decision and rights of appeal

[5] Our proceedings and the rights of appeal are set out in our earlier decisions.<sup>4</sup> We concur in those.

<sup>1</sup> Revised Version provided with the Council's closing submissions and application to use clause 13(5) of OIC, 11 August 2016.

<sup>2</sup> Supplementary closing submissions for CCC, 2 September 2016.

<sup>3</sup> Strategic directions and strategic outcomes (and relevant definitions), 26 February 2015.

<sup>4</sup> Strategic Directions decision at [5]–[9].

[6] Under the OIC, any person who made a submission (and/or further submission) on the Notified Version, the Council, and the Ministers<sup>5</sup> may appeal our decision to the High Court (within the 20-day time limit specified in the OIC) on questions of law (and, in the case of a submitter, only in relation to matters raised in the submission).

### **Consequential amendments to the CRDP**

[7] At the definitions hearing, we identified that a significant number of definitions appeared to either overlap with other definitions used in the Plan, or formed part of a group of definitions (also described as ‘nested’ or ‘bundled’ definitions) where some terms appeared to be unnecessary. The various overlapping definitions also created a number of drafting issues in the rules. Some definitions were not clear and concise, and imported elements of a rule into the definition. Some terms, that purported to be defined, did not offer a definition as such, but simply described other activities that were included within the term used. We invited the Council to work with the Crown and other submitters to undertake a technical review of defined terms in the Plan, to rationalise their use and ensure that defined terms assisted the users of the Plan with its interpretation.<sup>6</sup> We issued a Minute (‘Panel Minute’) identifying a number of issues with the definitions.<sup>7</sup>

[8] The Council undertook the technical review in consultation with the Crown and interested submitters and produced a ‘mini’ revised proposal, with a set of redrafted definitions.<sup>8</sup> We then received comments on the mini revised proposal from affected submitters.<sup>9</sup> The Council also worked with the Crown and affected submitters to identify any consequential changes to the rules across all chapters, including those already decided, to align with the amended definitions (‘definition related consequential changes’). In closing legal submissions the Council made an application under OIC cl 13(5) and (6) (a) for the Panel to reconsider a number of our earlier decisions in order to make definition related consequential changes to the rules across various chapters. A schedule of the definition related consequential changes to various chapters was produced in closing legal submissions by the Council.<sup>10</sup> All

<sup>5</sup> The Minister for Canterbury Earthquake Recovery and the Minister for the Environment, acting jointly.

<sup>6</sup> Transcript, page 170-171.

<sup>7</sup> Panel Minute in relation to directions following hearing, 20 April 2016

<sup>8</sup> Memorandum of counsel for CCC, 11 July and 15 July 2016.

<sup>9</sup> Including: Ryman Healthcare Limited and Retirement Villages Association (3317, 5058), Lawry and Others (2514), CIAL (2348 and 2817), Crown (238, 3721), Transpower (2218,2780), Canterbury Aggregate Produces Group (2331) and ICWY (2146)

<sup>10</sup> Closing legal submissions for CCC, 11 August 2016, at Appendix C and E

submitters on Stage 1, 2 and 3 proposals were then invited to comment on the definition related consequential changes and we received a number of responses.<sup>11</sup> The Council then filed a final response to comments received by way of supplementary closing submissions.<sup>12</sup> We address the definition related consequential changes further below.

[9] We acknowledge the significant amount of work undertaken by Counsel, Council officers, and submitters, in undertaking the technical review and in identifying any definition related consequential changes to the provisions. We are grateful to all parties for their work and co-operation.

[10] Since the filing of the Council's definition related consequential changes the Hearings Panel has released a number of decisions that have made other consequential changes to the style of the Decision Version of each chapter to improve the clarity and coherence of the CRDP. We have in this decision considered the Council's definition related consequential changes as against the latest Decision Version of each chapter.

[11] Further, during the course of making our decision on definitions we have also identified a number of amendments that we consider are necessary in order to ensure that the CRDP is coherent and consistent. Those amendments relate to the form and style of provisions, and consistency and clarity of language used throughout the CRDP. We are satisfied that those minor changes fall within our jurisdiction pursuant to cl 13 (5) of the OIC and achieve the Statement of Expectations.

[12] We will issue a Supplementary Decision shortly incorporating the following matters into all chapters of the CRDP ('Supplementary Decision'):

- (a) updated definitions decided in this decision;
- (b) definition related consequential changes to each decided chapter, including those identified by the Council in Appendix C to its closing submissions<sup>13</sup> that we accept in this Decision and the Panel's changes explained in Schedule 2;

<sup>11</sup> We received written comments from ICWT (2146), Transpower (2218, FS2780), Rod Donald Banks Peninsula Trust (2311, 3469) Crown (2387, 3721), Fulton Hogan (2455), Lawry and Others (2514) and Ryman (3317).

<sup>12</sup> Supplementary closing submissions for CCC, 2 September 2016.

<sup>13</sup> Closing legal submissions for CCC, 11 August 2016.

- (c) removal of any defined terms that are no longer required as a consequence of all decisions;
- (d) underlining of defined terms in all objectives, policies and rules (including assessment matters);
- (e) style and format changes for consistency; and
- (f) any other minor corrections or changes of minor effect necessary to give effect to the Statement of Expectations and Strategic Directions.

[13] We will make those changes having satisfied ourselves that they are of minor effect and do not alter the substance of our earlier decisions, and do not affect the status of activities already decided. Rather, the changes will be made to improve the clarity and usability of the CRDP and accord with the Statement of Expectations and the Strategic Objectives of the CRDP.

### **Identification of parts of Existing Plan to be replaced**

[14] The OIC requires that our decision also identifies the parts of the existing district plans<sup>14</sup> ('Existing Plan') that are to be replaced by the Introduction and Definitions. We have considered the tables prepared by the Council pursuant to OIC cl 6(1)(b) that are available on the Council's website.<sup>15</sup> In our earlier decisions we have only replaced those parts of the Existing Plan where it is clear that the replacement was necessary to give effect to our decision once operative, without compromising the ongoing application of the Existing Plan. In our Supplementary Decision we will make a determination that all remaining provisions and definitions in the Existing Plan are to be replaced as a consequence of this decision, once all remaining provisions in the CRDP become operative.

<sup>14</sup> Definition of 'existing district plans'. OIC, cl 3.

<sup>15</sup> <http://www.proposeddistrictplan.ccc.govt.nz/PropertySearch/ContentContainer.html?page=whatschanging>.

## PRELIMINARY MATTERS

### Conflicts of interest

[15] We have posted notice of any potential conflicts of interest on the Independent Hearings Panel website.<sup>16</sup> No submitter raised any issue in relation to this.

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## REASONS

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### STATUTORY FRAMEWORK

[16] In Decision 16 – Chapter 1 Introduction (Part) and Chapter 2 Definitions (Part) Stage 1 (‘Decision 16’)<sup>17</sup> (at paragraphs [10] – [13]) we set out the obligations under the OIC and our obligations to carry out an evaluation under section 32 and 32AA of the RMA. We endorse our findings and have applied them throughout this decision.

[17] As was the case in Decision 16 we record that the definitions in the Notified Version, and the submissions we have received on them, have been considered at each Stage 2 and 3 Chapter hearing. In some cases submitters have elected to be heard on definitions at the specific chapter hearings. Some submitters elected to be heard at the separate Definitions hearing. In some cases, in the course of our deliberations on specific proposals, we have concluded that a particular definition is critical to the implementation of the particular proposal, and we have issued a decision on that definition as part of the specific chapter. A list of definitions decided during the course of Stage 2 and Stage 3 are set out in Schedule 3. In other cases, notwithstanding that we heard some evidence and/or submissions about a particular definition at a chapter hearing, we did not address the definition in the chapter decision. That was because the definition was of wider application or was relevant in another context. In a number of cases, the Council or other submitters requested that the Hearings Panel defer its decision on particular definitions notified in Stage 1, or definitions that submitters requested to be included at Stage 2 and 3, because they relate more closely to other proposals notified in Stages 2 and 3. We included a list of the deferred definitions in Schedule 4 to Decision 16.

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<sup>16</sup> The website address is [www.chchplan.ihp.govt.nz](http://www.chchplan.ihp.govt.nz).

<sup>17</sup> Decision 16: Chapter 1 Introduction (Part) and Chapter 2 Definitions (Part) Stage 1, dated 7 March 2016.

We have considered the deferred definitions in this decision, unless they have already been otherwise decided.

[18] In Decision 16 we also identified that a number of definitions may need to be reconsidered in this decision. That was because the Council notified an amended definition in Stage 2 and 3, or, during the course of considering a specific proposal, it has been necessary to revisit a decided definition to ensure the CRDP is coherent and consistent. A number of decided definitions were also subject to minor changes as a consequence of the technical drafting. A list of definitions already decided that we have reconsidered, and the reasons for their reconsideration, are set out in Schedule 4.

[19] In addition to the Decision 16 definitions that we have reconsidered, the Panel has identified other definitions which have been decided in Stage 2 and 3 decisions since the issue of Decision 16 that also need to be reconsidered for consistency reasons. Those additional definitions are also set out in Schedule 4.

### **Submissions on definitions**

[20] A number of submitters advised before the hearing that they sought to rely on evidence that they had filed in relation to specific Stage 2 and 3 Proposal hearings, and did not seek to call any additional evidence. We have considered the evidence called at other hearings on all definitions where it is relevant to do so. Although at the time of the hearing we had not received joint memoranda indicating agreements reached on all definitions, the Council set out its understanding of where agreements had been reached in a memorandum for the hearings Panel.<sup>18</sup> We have received a number of memoranda from Parties since the hearing that record agreements that have been reached. Those agreements were incorporated into the Council's Final Revised Version. We have considered the Council's memorandum and all submissions made on the Stage 2 and 3 definitions. We have also considered the Council's accept/reject table filed with the evidence in chief of Ms Janine Sowerby.<sup>19</sup> The submitters and witnesses who attended the hearing or filed submissions or evidence in support of their submission, are listed in Schedule 5.

<sup>18</sup> Memorandum on behalf of the CCC responding to the Panel's minute seeking information on agreements reached and matters of dispute, 18 March 2016.

<sup>19</sup> Evidence in chief of Janine Sowerby, 2 February 2016, Appendix 4.

[21] Following our consideration of evidence, legal submissions and the original submissions and further submissions on Stage 2 and 3 definitions, we have generally adopted the changes set out in the Final Revised Version, except as addressed below. We have made a number of drafting changes to improve clarity, consistency and usability. We have also generally accepted the definition related consequential changes, except as addressed below. We have also made other changes to the style and language of each chapter that are necessary for coherency and consistency.

[22] A number of definitions were recommended by the Council to be deleted because they were no longer considered to be relevant. We concur with those. We have also identified further defined terms that are unnecessary below.

[23] Where we have made further changes to the definitions or disagreed with the Parties' positions, or where issues remained in contention, we have set out our reasons for our decision below. We have also considered the requests for a number of new definitions in submissions. Where these requests have been accepted, we have included them in the Decision Version on the basis that we find them to be the most appropriate. Where we have declined the request for new definitions, we have also set out our reasons below.

## **Abbreviations**

[24] We have amended the introductory text to Chapter 2 to assist users of the Plan.

[25] The Council reviewed the abbreviations included in Decision 16, and included additional abbreviations in the Revised Version. Except in the case of 'm<sup>2</sup>' and 'RMS', we have accepted the abbreviations as being appropriate and included them in the Decision Version.

[26] In the case of the abbreviation and associated explanation of 'm<sup>2</sup>', we were confused by the Council's explanation to this commonly understood abbreviation. The explanation is incorrect and it only serves to confuse users of the Plan. The example of square metres is also unnecessary. We find that the term, if indeed it requires explanation at all, is simply explained as 'means square metre/s'. This is consistent with 'm<sup>3</sup>' and accords with a lay understanding of the abbreviation m<sup>2</sup>.

[27] We have amended the Abbreviation ‘RMS’ to refer to ‘root mean square’ which is its accurate meaning.

### **Activity/facility definitions**

[28] ‘Activity’ refers to the use of land and buildings and ‘facility’ refers to the land or buildings. In Stage 1, the Council proposed that the use of the words ‘activity’ and ‘facility’ could be further clarified by adding into the Definitions proposal the following:

Where a word/phrase defined includes the word ‘facility’ or ‘facilities’, the definition includes the use of that facility for the intended purpose unless expressly stated otherwise in the activity status tables, e.g. a recreation facility can also be used for recreation activities unless expressly stated otherwise. Similarly, where the word/phrase defined includes the word ‘activity’ or ‘activities’, the definition includes the land and/or buildings for that activity unless expressly stated otherwise in the activity status tables.

[29] In Decision 16 the Panel agreed with this approach and also with the Council’s suggestion for this statement to be included in each decided zone. That approach was a necessary one because during Stage 1 there was a degree of inconsistency in the way the terms were used. With further work as part of the Stage 2 and 3 technical drafting exercise the Council has, where possible, attempted to combine the two definitions into one (generally an ‘activity’) definition, which then requires consequential amendments to the relevant provisions.

[30] There are some instances where this approach is not considered by the Council and submitters to be appropriate from a planning perspective, due to the number of provisions the defined term is used in, and therefore, the extensive number of changes that would be required to provisions already subject to a Panel decision.

[31] We accept that the approach of combining the definitions where practical is the most appropriate because this simplifies the drafting of the Plan. We also accept the Council’s approach to retain the separation of a number of ‘activity/facility’ categories where it is overly complex to integrate the drafting approach into the Plan, or it achieves a better resource management outcome because there are distinct issues related to the activity and the facility. Overall we consider the Council’s approach to be pragmatic and does not offend the Higher Order documents’ requirement for simplicity of language and ease of use.<sup>20</sup>

<sup>20</sup> Closing legal submissions for CCC, 11 August 2016, at 3.

[32] Separate definitions are provided on that basis for:

- (a) Community activity/facility
- (b) Education activity/facility
- (c) Park management activity/facility
- (d) Recreation activity/facility
- (e) Tertiary education activity/facility

[33] As a consequence of the further work undertaken by the Council, we now find, that ‘Advice note 7’ and the consequential chapter specific notes are redundant and serve only to confuse the user of the Plan. We are satisfied that the now realigned definitions provide sufficient degree of clarity and have deleted Advice Note 7 and the consequential note on specific chapters.

### **Alteration of a Heritage item and Heritage setting.**

[34] The definitions of ‘Alteration of a heritage item’ and ‘Heritage setting’ were decided in Decision 45<sup>21</sup>. We have, however, reconsidered those definitions pursuant to OIC cl 13(5), to ensure consistency with the words ‘walkways and cycle ways’ and their use in other defined terms such as ‘Park management activities’, ‘Public amenities’ and ‘Rural tourism activities’. We find the change is of minor effect and is consistent with the agreement reached between the Council and the Rod Donald Banks Peninsula Trust.<sup>22</sup>

### **Ancillary and Accessory**

[35] In Decision 16 we discussed the meaning of ‘Ancillary’. We decided that the ordinary meaning should apply. However for the purposes of the CRDP we wished to make it clear that

<sup>21</sup> Decision 45: Chapter 9 Natural and Cultural Heritage (Part) Topic 9.3 Historic Heritage, dated 30 September 2016.

<sup>22</sup> Rod Donald Banks Peninsula Trust – Comments on the consequential changes, 29 August 2016; Council’s supplementary closing submissions, 2 September 2016.

‘Ancillary’ did not apply to activities on another site. Accordingly, Decision 16 included the following in relation to the term ‘ancillary’:

does not include any activity or any part of an activity being carried out on another site.

[36] In the Panel Minute at [9], we asked the Council to consider the use of the terms ‘Ancillary’ and ‘Accessory’ given it appeared to us that no material difference had been intended by the Council in the way they are used.

[37] In closing legal submissions the Council explained that a review had been undertaken and a definition was still required for both ‘Ancillary’ and ‘Accessory’. The Council submitted that the Panel ought to reconsider the definition of ‘Ancillary’ so that it refers to what it includes, rather than what it does not include. The Council submitted the following is a more appropriate definition of ancillary:

means an activity (including the use of land and/or buildings) which is subordinate and provides support to the principal activity on the site. It excludes any activity or any part of an activity being carried out on another site.

[38] The Council suggested a further amendment to the explanatory notes at the start of the definitions list to include the following:

The definitions herein replace the ordinary dictionary meaning of the subject word or phrase they do not rely on and separately extend it. Definitions are expressed in the positive to explain what a word or phrase does mean (i.e. “X means Y”), not what it doesn’t mean (unless generally expressed in the following format “X means Y, except that it excludes Z”).

[39] We find that the Council has misconstrued the use of the definition. The hearings Panel did not define ‘Ancillary activity’. Our Decision was to address the ordinary meaning of ‘Ancillary’ which is used to describe the relationship between activities. As such, the Final Revised Version incorrectly attempts to define ‘Ancillary activity’. We find no basis to revisit the substance of Decision 16. However, for clarity we have addressed the ordinary meaning within the text of the definition of ‘Ancillary’ as recorded in Chapter 2 as follows:

has its ordinary dictionary meaning except that it excludes any activity or any part of an activity being carried out on another site.

[40] The Council has also included a new definition of ‘Accessory’ as follows:

means an activity (including the use of land and/or buildings) which is subordinate but not essential to the principal activity on the site. It excludes any activity or any part of an activity being carried out on another site.

[41] We do not accept the position outlined in the Council’s closing submissions. We find that the distinction between ‘Ancillary’ and ‘Accessory’ is so small that it is unlikely to make a material difference in a resource management context. The Council’s request to define ‘Accessory’ suffers from the same erroneous approach as for ‘Ancillary’. The Council seeks to define ‘Accessory activity’. We prefer to adopt a consistent approach to ‘Ancillary’. ‘Accessory’ should be expressed in Chapter 2 as follows:

has its ordinary dictionary meaning except that it excludes any activity or any part of an activity being carried out on another site.

[42] The only difference between ‘Ancillary’ and ‘Accessory’ is the presence of a supporting element. In both cases the activity is subordinate to the principal activity but accessory activities or facilities do not have to support the principal activity, and are not essential to its operation. The Council has endeavoured to identify the intended use of ‘Ancillary’ and ‘Accessory’. However, a clear illustration of the difficulty with the Council’s exercise is the term ‘Ancillary sports and fitness healthcare services’. That term is defined in Chapter 2 to mean:

Ancillary sports and fitness health care services

means a commercial activity that is **accessory** to a permitted or consented sports activity on the same site and which provides physical or advisory services for the promotion of sports or general fitness and wellbeing to the general public. It includes:

- a. physiotherapy;
- b. sports massage;
- c. hydrotherapy;
- d. nutritional and/or weight control clinics;
- e. health and wellbeing advice; and
- f. beauty clinics. [Our emphasis]

[43] In closing submissions the Crown also raised an issue about the use of the term ‘Ancillary’ in the context of the definition of ‘Spiritual activity’ where the definition should be amended so that it includes "accessory hire / use of church buildings for community groups and activities". The Crown submitted that the broader term "accessory" (as it is currently

defined) is considered to be more appropriate in this instance. The Council agreed. We find that the Council's theory of the approach to 'Accessory' and 'Ancillary' does not align with the fact that the CRDP often uses 'accessory' and 'ancillary' interchangeably as illustrated above. Similarly, in some cases the Council has not elected to use one or the other, but has applied both 'accessory and/or ancillary'. We find that the Council's election of which one or both terms should apply is far too subtle, and in some cases inaccurate. We do not have sufficient confidence in the choices made by the Council when proposing the amendments in the Final Revised Version. We are concerned that there are likely to be a number of unforeseen consequences in the way in which the rules are applied.

[44] We are also concerned that in some cases the Council has replaced or deleted the words 'and associated' (or similar expressions). That phrase has a different relationship again to the activities being described. It is used where the activities are not subordinate, but occur alongside the primary activity. For example 'electricity distribution line' includes associated structures. We, therefore, do not accept the Council's approach to the terms 'Ancillary', 'Accessory' and 'and associated' because the amendments are not clear or consistently applied. We find the changes proposed contrary to the Statement of Expectations and Strategic Directions. We decline to make the change requested and the definition related consequential changes proposed by the Council that arise from that change. We have made an amendment to the definition of 'Ancillary' and included a similarly structured definition for 'Accessory'.

## **Billboard**

[45] The definition of 'Billboard' was decided in Decision 56<sup>23</sup>. We have reconsidered the definition in this decision to make a minor change to improve the drafting. We find that the word 'large' is unnecessary given the dimensions identified in the definition.

## **Building**

[46] A number of submissions requested amendments to the definition of building to enable small dwellings, caravans, vehicles or mobile dwellings to be excluded from regulation under the CRDP. For example submissions were made by Brandon Hutchison (2487), Diana Duncan

<sup>23</sup> Decision 56: General Rules and Procedures (Part) – excluding Noise, Airport matters, and Hagley Park (and relevant definitions and associated planning maps), dated 10 November 2016.

(3568) Laura Griffiths (3571), Jane Gregg (3569), Elizabeth Guthrey (3572) Peter Lei (3577), Hannah Airey (3583), Nick Sargent (3586), and Julie Abbari (3648). The reasons given by those submitters relates to the desire to encourage smaller sustainable and affordable dwellings and also the concern that adopting a broad definition of ‘building’ was an unreasonable infringement on people’s private property rights.

[47] Submitters, Duncan, Lei, Griffiths, Sargent and Life in Vacant Spaces (3569) and others are also concerned that the definition of ‘building’ would capture temporary buildings and vehicles that are used for the purposes of various festivals and events. Ms Alison McLaughlin, the Council’s planning witness in the General Rules hearing was of the opinion that an amendment to the definition was not required because the General Rules provided for temporary activities such as carnivals, temporary community activities and markets. The rules for those activities are inclusive of the temporary structures and buildings that constitute those activities.<sup>24</sup>

[48] Some submitters requested that the definition of building should align with the Building Act. We also received a very late request from Mr Bevan Thomas to lodge a late submission, raising similar issues to the submitters identified above. We declined Mr Thomas’ application for a waiver. The issues he raised are similar to matters already before us.

[49] Mr Scott Blair, the Council’s planning witness, responded to the submitters’ requests to amend the definition of ‘building’. Mr Blair pointed to the differing legislative purposes between the Building Act and the RMA, and the importance of amenity values. Mr Blair was of the view that the rules in the CRDP provided for the appropriate balance between providing for affordable housing and amenity values. Mr Blair’s evidence was supported by the Council’s s 32 evaluation in relation to the Residential proposal in particular.<sup>25</sup>

[50] The submitters did not attend the hearings to address their submissions further. We have considered the written submissions lodged and the matters addressed by Mr Blair. We find that it is inappropriate to amend the definition of ‘Building’ to provide for an across the board exemption for small dwellings or for caravans and trailers. The appropriate mechanism to address effects of such activities is through the rules in the CRDP. We did not receive any

<sup>24</sup> Evidence in chief of Alison McLaughlin, 4 February, at 17.5.

<sup>25</sup> Evidence in chief of Scott Blair, 24 February 2016, at 5.

evidence to support the general exemptions requested by submitters. We find that it is more appropriate that individual proposals be assessed against the relevant rules in each zone to determine whether resource consent is required.

[51] In addition to a number of technical drafting amendments suggested by the Council, we have also considered the exemption in the definition relating to fences and walls. At the definitions hearing Mr Blair explained that there was an issue where fences are used for structural support for signs, which otherwise fall within the definition of a building, if the structure was not a fence or wall.

[52] Phantom Bill Stickers (2313) requested an amendment to the Stage 2 definition of building to clarify where a fence or wall is used for advertising purposes the fence itself does not need resource consent. Phantom Bill Stickers was concerned that the Stage 2 definition will lead to a requirement to obtain resource consent when an otherwise permitted sign is erected on a fence or wall. In the Notified Version the definition provided that where a fence contains a sign that complies with the General City Signage rules then that fence would be deemed to be a building. Mr Blair explained that in practice this means that in some circumstances (e.g. where a sign is erected on a fence within a required building setback, as allowed under the signs rules) then that fence, which would otherwise be a permitted activity (where it complied with the other built form standards such as height), would not be permitted.

[53] Mr Blair suggested some amendments to address the submitter's concerns. The Panel did not favour Mr Blair's initial suggestions because they lacked clarity and did not appear to address the issue of concern. The Council and the Crown reviewed the definition of 'Building' and proposed that a simpler means to address the issue raised was to not amend the definition of Building, but to include amendments to the Chapter 6 provisions relating to signs.<sup>26</sup> The issue has subsequently been resolved in Decision 56 and the amendments to Chapter 6.

### **Central city lane, Lane way and Shared space street.**

[54] In the Panel's Minute, we raised an issue regarding the apparent overlap between these definitions. The Council explained the relationship of the definitions in its closing

<sup>26</sup> Joint Memorandum of counsel for CCC and the Crown in relation to the definition of 'building' and 'outline development plan', 11 July 2016, Attachment B.

submissions.<sup>27</sup> We are satisfied with the explanation and also accept the amendment to the definition of ‘Shared space street’ improves the clarity of the definitions.

### **Christchurch City**

[55] We have not accepted the Council’s proposed amendments to this definition to cross reference ‘tree provisions’. Although the Plan only references Christchurch City, as shown in Appendix 2.2, in the context of the tree provisions in Sub Chapter 9.4, the definition defines an area of the Christchurch District. The limited application of the term is sufficiently addressed in the Rules in Sub-Chapter 9.4, therefore, the additions proposed by the Council are unnecessary.

### **Communication facility**

[56] The definition of ‘Communication facility’ was decided in Decision 47<sup>28</sup>. We have, however, reconsidered the drafting of the definition to ensure consistency with Advice Note 1 in the introduction section. We have deleted the last sentence ‘Communication facilities has the same meaning’.

### **Community corrections facility and Equestrian facility**

[57] In both of these definitions the Council’s proposed technical drafting amendments added the words “the use of land and/or” into the Decision 16 definition. This extends the definition from the Decision 16 wording which just referred to “buildings used for” the services in the case of ‘Community corrections facility’ and “land and buildings for” in the case of ‘Equestrian facility’. We have declined to make this amendment because we find that there are unintended consequences arising in these instances.

[58] In the case of the defined term ‘Community corrections facility’ we find that the Final Revised Version would considerably widen the definition to encompass any land that is used for “non-custodial community corrections purposes”, irrespective of whether it is associated with a building facility. The reference at the end of the definition to, “non-custodial community

<sup>27</sup> Council closing legal submissions, 11 August at 2.5-2.7.

<sup>28</sup> Decision 47: Supplementary Decision to Chapter 11: Utilities, Energy and Infrastructure including minor corrections to Decision 40, dated 10 October 2016.

corrections purposes” could include “community work groups”. The definition could, in that situation, encompass land around the City where community work group programmes are undertaken, such that the use of that land would need to meet the standards and consent requirements for a community corrections facility.

[59] In the case of ‘Equestrian facility’, there are similar unintended consequences. The technical drafting amendments have added the word “or” as in “the use of land and/or buildings”. This would mean that the use of land alone for the stated purposes would come within this definition and its associated standards and consent requirements, irrespective of whether it is associated with a building facility. This would extend to the use of a beach, for example, or a farm paddock, for training a horse for competitive purposes, such that this use becomes an “equestrian facility”.

[60] Those consequences are not intended by the Hearings Panel. In order to avoid such a consequence, the Panel has, in this instance, retained the Decision 16 and 34 wording of each definition. In doing so the defined term will only encompass a more specific facility which must include buildings.

[61] We find that excluding the reference to “land” in the definition of ‘Community corrections facility’ is not material in this instance because applying ordinary well understood rules of interpretation referring to building would inherently pick up the ancillary use of surrounding land.

[62] The Panel has some reservation as to whether the Council might not have exercised the right judgement in putting forward similar amendments in some other definitions. But, at this late stage, we feel we should say no more than this.

## **Earthworks**

[63] By the final exchange of closing submissions the definition was largely uncontentious and had been the subject of drafting changes as recorded in the Final Revised Version, largely as a consequence of an agreement reached between the Council and the Crown. We find that in principle the definition addresses the relevant land disturbance components and was appropriate in light of the relevant rules in the CRDP. However, we had concerns regarding

the drafting of the definition. We asked the Secretariat to restructure the definition to provide for a more logical structure of each element without losing the intended meaning. We then circulated the Secretariat Draft to the Council and the Crown for comment. We convened a telephone conference with the Council and the Crown. The outcome was recorded in a Minute issued by Environment Judge Hassan.<sup>29</sup> This resulted in improved drafting of the definition. We find that the changes recorded in our Minute, subject to some minor drafting changes, are the most appropriate and we have included in the Decision Version.

### **Education activities and facilities and Trade and industry training facility**

[64] Christchurch International Airport Limited (‘CIAL’) initially sought to expressly exclude trade and training activities from the definition of ‘Tertiary education and research activity/facility’ because its view is that trade and industry training activities are not considered to be noise sensitive and, therefore, needed to be differentiated from other activities otherwise defined as ‘Tertiary education and research facilities’.<sup>30</sup> The definition of ‘Sensitive activities’ was decided in Decision 16 and already excluded flight training and other trade and industry training activities in the Commercial and Industrial zones under the flight contours, including in the SPAZ. In closing submissions CIAL did not pursue this amendment.<sup>31</sup> As part of the technical drafting exercise the Council proposes a number of drafting changes to the definition of ‘Education activity’ to shorten and clarify the definition where possible. We find that the drafting changes proposed are appropriate. However, the removal of the reference to ‘trade and industry training activities’ from being expressly included in the definition of ‘Education activities’ deserves further comment.<sup>32</sup>

[65] As a consequence of the Council’s proposed amendment, Mr David Lawry and others raised a concern that the deletion of the reference to trade and industry training activities in the definition of ‘Education activity’ results in an inconsistent approach to the management of education activities that are otherwise considered to be sensitive activities for the purposes of airport noise.<sup>33</sup>

<sup>29</sup> Minute Reporting outcomes of discussion with the Council and certain parties on the proposed definitions of ‘earthworks’ and ‘retirement village’, 22 November 2016.

<sup>30</sup> Evidence in chief of Matthew Bonis, 3 March 2016, at 12.5.

<sup>31</sup> Closing submissions for CIAL, 18 August 2016, at 10.

<sup>32</sup> Council closing submissions, 11 August 2016, appendix D.

<sup>33</sup> Memorandum of David Lawry and Others in response to consequential changes arising from definitions, 29 August 2016, at 11.

[66] The Council submits that it is not necessary to refer to trade and industry training activities because they have their own separate activity definition. The Council distinguishes the treatment of trade and industry training activities from preschools. Preschools are also separately defined, and they have their own activity category in some zones, e.g. the Residential zone, but they are also included in the definition of ‘Education activity’. In the Special Purpose (Education) Zone and Specific Purpose (Tertiary Education) Zone Preschools are assessed as an ‘Education activity’.

[67] We find that the reference to ‘Trade and industry training activities’ in the definition is unnecessary, because they are by their very nature ‘Education activities’. We find that Mr Lawry has misunderstood the relationship of the defined terms.

[68] The removal of reference to ‘Trade and industry training activities’ from the definition of ‘Education activity’, does not affect the issue of whether or not ‘Trade and industry training activities’ are sensitive activities. That matter has already been addressed in the definition of ‘Sensitive activities’, which excludes trade and industry training activities in certain locations from being classified as ‘sensitive’. The definition of ‘Sensitive activities’ gives effect to the CRPS.

[69] We have earlier outlined the Council’s approach to the distinction between ‘activity’ and ‘facility’ and we support the amendments made in the Final Revised Version. Through the technical drafting exercise the Council amended ‘Trade and industry training facility’ to be ‘Trade and industry training activity’. This change has been made to the definition of ‘Sensitive activity’. CIAL supports the changes made by the Council in the Revised Version. We are satisfied that the amendment is necessary for consistency reasons and is of minor effect.

### **Hazardous substance**

[70] The definition of ‘Hazardous substance’ has been the subject of ongoing discussion between the Council, Crown, Oil Companies and Lyttelton Port Company Limited (‘LPC’), together, (‘the Parties’). Progress was reported to the Panel by way of a joint memorandum on 30 March 2016.<sup>34</sup>

<sup>34</sup> Joint memorandum of parties on the definition of ‘Hazardous substance’, 30 March 2016.

[71] In Decision 18<sup>35</sup>, the Hearings Panel approved the definition of ‘Hazardous substance’. The decided definition differed from that which was agreed between the Council and submitters to that hearing. The Parties had agreed on a ”catch-all” definition, but with a detailed list of exclusions applicable only for the purposes of Rule 12.1.2.2.5 NC1 set out within the definition. The Parties advise that the intention was that:

- (a) the main 'catch-all' part of the definition was to be broadly framed, so that Rule 12.1.2.2.1 P1 would operate to ensure that in most circumstances the use, storage and transport of any "Hazardous substance" is a permitted activity; and
- (b) the exclusions would mean that small quantities (or less problematic types) of hazardous substances would not be captured by Rule 12.1.2.2.5 NC1.

[72] The Parties explained that, while Decision 18 did not alter the substantive effect of the drafting, it removed the exclusions from the definition of ‘hazardous substance’, and instead added the exclusions to Rule 12.1.2.2.5 NC1 on the basis that the exclusions apply only to that rule. The Parties generally supported the approach taken in Decision 18 to the definition of ‘hazardous substance’ and to Rule 12.1.2.2.5 NC1. There was no appeal. In particular, the Parties agreed that setting out the exclusions in full within Rule 12.1.2.2.5 NC1 (as opposed to the shortened version of the exclusions proposed in Mr Blair's rebuttal evidence) is necessary to ensure the exclusions operate as intended. However, the parties (and their expert witnesses) agree that two further amendments to the definition of ‘hazardous substance’ would be appropriate:

- (a) the deletion of the words "(excluding dust explosions)" from clause (a) and of the words "except smoke detectors" from clause (d); and
- (b) the addition of exclusions to apply specifically in the Bulk Liquid Storage Area, and more generally to the Specific Purpose (Lyttelton Port) Zone.

[73] The reason for deleting the words "(excluding dust explosions)" and "except smoke detectors" within the definition of hazardous substance is that they would inadvertently operate

<sup>35</sup> Decision 18 – Chapter 12: Hazardous Substances and Contaminated Land – Stages 1 and 2 (and relevant definitions), dated 15 March 2016.

to exclude those types of hazardous substances from the catch-all Rule 12.1.2.2.1 P1. We understand that this would mean for example, that smoke detectors would require resource consent by default. Mr Blair proposed the deletion of those words from the definition in his rebuttal evidence which is supported by the parties. The Parties consider that the Panel can use OIC, cl 13(5) and (6) to make this amendment of minor effect to the definition, given that subsequent to the filing of Mr Blair's rebuttal evidence that definition has been included in Decision 18.

[74] In relation to the addition of exclusions in respect of the Bulk Liquid Storage Area the parties agreed proposal for Chapter 12 was drafted solely with Chapter 12 in mind. However, Mr David Le Marquand identified, in his evidence for the Oil Companies, that the definition of the term 'hazardous substance' would also apply to Chapter 21.8 (inserted into the District Plan through the Lyttelton Port Recovery Plan process), because the term is used in that chapter. In particular:

- (a) Rule 21.8.2.2.1 P10 permits hazardous facilities and hazardous substances except:
  - (i) as specified under Rule 21.8.2.2.2 C3, subject to the permitted activity threshold values listed in Column A of Appendix 21.8.4.10; or
  - (ii) where the storage of hazardous substances is in transit and/or in temporary storage as cargo (with no need to comply with the permitted activity thresholds).
- (b) Rule 21.8.2.2.2 C3 requires controlled activity resource consent for hazardous facilities and hazardous substances involving the storage and handling of fuels and other bulk liquids within the boundary of the "Bulk Liquids Storage Area" identified in Appendix 21.8.4.5; and
- (c) Appendix 21.8.4.10 does not apply to the Bulk Liquids Storage Area.

[75] The result is that resource consent would be required for the storage of any quantity of any hazardous substance within the Bulk Liquids Storage Area (other than for transit and/or in temporary storage as cargo). The Parties consider it would be appropriate to provide exclusions

so that smaller quantities or less potentially problematic hazardous substances do not require resource consent in the Bulk Liquids Storage Area. The Parties submit that this approach would be in line with that taken in respect of Rule 12.1.2.2.5 NC1, and the general approach taken by the Hearings Panel in Decision 18.

[76] Following discussions between the expert witnesses, the Parties have agreed a list of appropriate exclusions to apply to the Bulk Liquid Storage Area. The Parties recognise that the approach taken by the Hearings Panel in Decision 18 was to add the exclusions to the relevant rule. However, they submit that Chapter 21.8 was inserted directly into the CRDP by the Minister for Earthquake Recovery through the Lyttelton Port Recovery Plan. Accordingly, the Parties consider that it would be difficult to amend Chapter 21.8 in order to incorporate the exclusions into the relevant rules, and that the simplest approach in this case would be to set out the exclusions in the definition of ‘Hazardous substances’.

[77] The proposed list of exclusions is based on the exclusions now set out in Rule 12.1.2.2.5 NC1. However, a number of the Rule 12.1.2.2.5 NC1 exclusions are not proposed to be added to the definition of ‘hazardous substance’, either because they are not relevant in the Specific Purpose (Lyttelton Port) Zone, or because it would not be appropriate to apply them in either the Specific Purpose (Lyttelton Port) Zone generally, or the Bulk Liquid Storage Areas specifically.

[78] The term ‘Hazardous facilities’ is used in Chapter 21.8. It does not appear elsewhere in the CRDP. Subject to the exclusions to the term ‘Hazardous substance’ the Parties consider there is no need to define ‘Hazardous facilities’, and its ordinary meaning can be applied.

[79] The Parties acknowledge that the reintroduction of a list of exclusions into the definition is less than ideal, particularly in light of the deliberate approach adopted by the Panel to remove standards from the definition and place them more appropriately in the rule. However in light of the fact the Panel cannot reconsider provisions included through the LPRP, process, we find the agreed outcome reached between the Parties is appropriate, is necessary to ensure the CRDP is coherent and consistent and the additions to the definition are of minor effect. We have included the amended definition in the Decision Version.

### **Hospitals and Healthcare facilities, and Hospitals within a retirement village**

[80] The definitions of ‘Hospital’ and ‘Healthcare facilities’ were included in Decision 16, however, a further definition was notified in Stage 2. Submissions were received from Carter Group Limited (‘Carter’) (3602), CDHB (2360), the Crown (2387) Ryman Healthcare Limited and the Retirement Villages Association of New Zealand Inc. (‘Ryman’) (3317) seeking changes to the definitions. Ryman sought to exclude reference to hospitals and healthcare facilities in retirement villages. Carter and others expressing a preference for either the Stage 1 or Stage 2 notified definitions of Hospital and Healthcare facility respectively.

[81] Mr Blair addressed the issue in his evidence in chief.<sup>36</sup> His view was that the Stage 2 definition for Hospital was more comprehensive and, therefore, most appropriate. Mr Blair considered the Stage 1 definition for ‘Healthcare facility’ was appropriate with some minor drafting changes. Mr Blair also agreed with the submission from Ryman.

[82] We accept the changes to the definitions for ‘Hospitals’, ‘Healthcare facilities’ and ‘Hospitals within a retirement village’ are the most appropriate because they are comprehensive and address the relevant range of activities. We find that we can delete the Stage 1 definition for ‘Hospital’ because it is superseded by the Stage 2 definition. We have also confirmed the Stage 1 definition of ‘Healthcare facility’ with minor drafting changes. Therefore, the Stage 2 definition is no longer required.

### **Impervious surfaces**

[83] During the General Rules hearing an issue was raised by Ms Aston, the planning witness for Kennaway Park (2368), regarding a potential for misinterpretation of the definition of impervious surface, which was decided in Decision 16. The decided definition includes ‘hardfill’. Ms McLaughlin, a planner who gave evidence for the Council in relation to waterbody setbacks, considered that, while mechanically compacted gravel may be considered ‘hardfill’, materials such as gravel or loose aggregate that do not form a ‘continuous surface’ or a solid physical barrier should not be considered impervious surfaces. She recommended that the definition of ‘Impervious surface’ be amended to clarify that it does not apply to gravel or other loose stone surfaces that have not been mechanically compacted. The amendment was

<sup>36</sup> Evidence in chief of Scott Blair for the Council, 24 February 2016, at 5.1-5.14

proposed in response to Kennaway Park’s request for a site specific exemption from the impervious surface standard in the rules for one site. We agree that the amendment adds to the clarity of the definition and does not alter the meaning of the definition as notified. We make the amendment to the definition in accordance with the OIC cl 13(5) and 6(a).

### **Improved pasture**

[84] The term ‘Improved pasture’ was defined in Decision 50.<sup>37</sup> We have, however, reconsidered the drafting to be consistent with the technical drafting amendments made to other definitions and we have included reference to Sub-Chapter 9.1 to improve the clarity of the drafting.

### **In-situ mixing**

[85] The Council proposed to amend to this definition in the Final Revised Version to relocate the words ‘on the site of the repair’ from the end of the definition to follow ‘disturbance of soil’. We have not fully accepted that change on the basis that the amendment results in an inaccurate description of ‘In-situ mixing’. We have made changes to improve clarity and accuracy.

### **Outdoor storage area**

[86] The Council has requested that the Panel reconsider the definition of ‘Outdoor storage area’ which was decided in Decision 16 as follows:

means any land used for the purpose of storing vehicles, equipment, machinery and/or natural or processed products outside of fully enclosed buildings for periods in excess of a specified period in any year. It excludes yard-based suppliers and vehicle parking associated with an activity.

[87] The Council submits that there is a difficulty with the definition because in all other chapters, except the Commercial and Industrial chapters, the relevant rules for outdoor storage do not include ‘specified periods’. In the Commercial and Industrial chapters the period specified is 12 weeks. In Stage 1 the Council had proposed a proviso that the definition would not be triggered for periods of storage less than 12 weeks in any one year.

<sup>37</sup> Decision 50: Chapter 9 Natural and Cultural Heritage (Part) Sub-chapter 9.1 – Indigenous Biodiversity and Ecosystems, dated 21 October 2016.

[88] The Council did not include ‘specified periods’ in the various Revised Versions on other chapters. In the circumstances we agree with the Council that, rather than making consequential changes to all relevant rules, it would be simpler to re-introduce the Council’s proviso from the Notified Version in Stage 1. We have done so in the Decision Version.

### **Outline development plan/development plan**

[89] At the definitions hearing the Council and the Crown signalled that they were reviewing the use of the term ‘Outline Development Plan’ (ODP) and the use of the term ‘development plan’ throughout the CRDP. ‘Outline development plan’ is a term defined in the CRPS as it relates to development within Greenfield Priority Areas. The Council and the Crown were concerned to ensure that the CRDP distinguished between the requirements for an ODP set out in the CRPS and general requirements for development plans for other subdivision activities. There were no submissions on the definition, however, this additional review formed part of the technical drafting exercise.

[90] The Council and Crown filed a joint memorandum on 11 July 2016 setting out their final position. The definition proposed in the Revised Version refers to development within the Greenfield Priority Areas in the CRPS and to development within the RNN zone. The parties also propose consequential changes to provide for the requirements in relation to other development plans in Chapter 8.

[91] We have considered the Revised Version and the consequential amendments to the provisions in Chapter 8. We accept the submissions of the Council and the Crown that the changes proposed are necessary for the consistency and coherency of the CRDP and that the amendments are of minor effect. The changes proposed are well supported by the evidence in the RNN and Subdivision hearings.

### **Mass assembly of people**

[92] Decision 57 identified<sup>38</sup> uncertainties and potentially ultra vires aspects of this definition, pertaining to the Runway End Protection Areas (‘REPA’) at the Airport. It directed the Council

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<sup>38</sup> Decision 57, Chapter 6: General Rules and Procedures (Part) – Noise, Airport matters and Hagley Park, dated 10 November 2016.

to file a memorandum addressing these concerns, and allowed other parties to respond to that memorandum.

[93] The Council agreed that the definition was uncertain and, having conferred with CIAL's planner, suggested the following revision to it:<sup>39</sup>

Mass assembly of people

In relation to the provisions relating to Runway End Protection Areas at Christchurch International Airport, means any activity intended to attract a group of people in numbers greater than what would be anticipated for activities provided for in that zone to a place where none of them resides and which encourages them to remain in the same location. Mass assembly of people includes gatherings associated with recreation activities, entertainment activities, events or markets. It excludes golf course recreation.

[94] We received no other responses, or comments on the response from the Council.

[95] The Council's recommended re-casting of this definition addresses our concerns. Therefore, under cl 13(5) OIC, to ensure that the CRDP is coherent and consistent, we replace the existing definition with it.

### **M.E.D definitions**

[96] In Decision 4 a number of definitions were included with the associated provisions in Chapter 8 relating to the Meadowlands New Neighbourhood (Exemplar Housing Areas – North Halswell ('MED definitions'))<sup>40</sup>. The Council and the Crown had previously identified that the MED definitions are no longer required because there is now an equivalent general definition that can be relied upon. In Decision 16 the Panel identified that a number of the MED definitions were redundant and these were deleted. However, the Panel deferred consideration of the remaining MED definitions until the Council had considered the consequential changes that may be required to the relevant rules. The Council has now filed supplementary submissions confirming its earlier position regarding the deletion of the MED definitions and the various consequential changes to the rules.<sup>41</sup>

<sup>39</sup> Memorandum of counsel for the Council, in relation to Strategic Objective 3.3.12 and the definition of 'Mass Assembly of People', 21 November 2016.

<sup>40</sup> Decision 4: Rezoning of Exemplar Housing Areas under Action 8 of the Land Use Recovery Plan (North Halswell) (and relevant definitions), dated 26 February 2015.

<sup>41</sup> Supplementary submission for CCC regarding 'MED' definitions and related provisions in response to Decision 16, 18 August 2016.

[97] In the context of the MED definitions, the Council has raised an issue as to whether defined terms need to be ‘underlined’ (in order to direct the user of the Plan to the defined term in Chapter 2) within assessment matters. This is an issue the Council has raised on a number of occasions. The Council’s preference was that defined terms are not underlined in objectives, policies, explanatory text and assessment matters unless “strictly necessary to ensure clarity”. Firstly, as we have already decided that assessment matters are rules, so they need to be treated consistently on that basis.<sup>42</sup> Secondly, the evidence of Mr Ivan Thomson, the Council’s lead planning witness in the Stage 1 Definitions hearing, was that, wherever a term is used in the Plan, it is desirable that the defined terms are used.<sup>43</sup>

[98] However, we recognise that there will in a number of places throughout the Plan where terms are used but the context makes it clear the defined meaning is not intended and the term is used in its ordinary sense. Examples of this include the terms ‘access’, or ‘development’, which can also be used as verbs or in a more general context. That is the case wherever the term is used in the provisions of the Plan. It is not simply an issue for objectives, policies and assessment matters. We find that it is most appropriate to achieve the Strategic Directions and requirements for simplicity and clarity in the Statement of Expectations that, wherever a term that is defined in the Plan is used, the defined meaning should apply unless the context otherwise requires. Wherever a term is not defined in the Plan, the ordinary meaning should apply. This is reflected in the introduction to Chapter 2.

[99] We find the requested deletions of the MED definitions and the definition related consequential changes to be appropriate. We have incorporated the changes into Schedule 1 to this decision. We will make consequential changes to Chapter 8 in our Supplementary decision. The changes are made in accordance with the OIC, cl 13(5) and (6)(a) on the basis they are necessary for consistency and coherency and are of minor effect.

### **Park management activities/facility**

[100] The Crown requested the deletion of the word ‘pedestrian’ before ‘access ways’ in clause d. The Council considers that the deletion is unnecessary because ‘access way’ means pedestrian access way.

<sup>42</sup> Minor Corrections to Decision 28, 31 August 2016 at [6].

<sup>43</sup> Stage 1 Definitions hearing Transcript at pages 70-72.

[101] The Council has, however, proposed additional amendments to reintroduce the reference to ‘walkways’ because this is consistent with the relief requested by the Rod Donald Trust in relation to the definitions of ‘Rural tourism activity’ and ‘Public amenities’. We find those drafting changes to be appropriate and we have included them in the Decision Version.

### **Port activities and Port quarrying activity**

[102] The Council proposed amendments to the definition of ‘Port activities’ and ‘Port quarrying activity’ to align its approach to ancillary, accessory and associated activities. We have, as discussed above at [35] – [44] rejected that approach. We have returned the drafting to be consistent with the Lyttelton Port Recovery Plan.

### **Preschool**

[103] In Decision 16 we decided that the definition of preschool is:

means land and/or buildings used for the education or care **more than four children** (in addition to any children resident on the site or the children of the person providing the education or care) under the age of six years by the day or part of a day, but not for any continuous period of more than seven consecutive days. [our emphasis]

[104] This is consistent with the definition of preschool notified in Stage 1, except that the trigger was described as ‘four or more children’. The amendment was made to align with the permitted activity for the ‘care of up to four non-resident children’. The Council notified a new definition of ‘preschool activity’ in Stage 2. The Stage 2 definition aligns with the definition of ‘early childhood education and care centre’ under section 310 of the Education Act 1989, which refers to three or more non-resident children. That section provides

#### 310 Meaning of early childhood education and care centre

(1) In this Part, but subject to subsections (2) to (4), early childhood education and care centre means premises used regularly for the education or care of 3 or more children (not being children of the persons providing the education or care, or children enrolled at a school being provided with education or care before or after school) under the age of 6—

(a) by the day or part of a day; but

(b) not for any continuous period of more than 7 days.

[105] The Stage 2 notified definition of ‘preschool activity’ is as follows:

means land and/or buildings used for the education or care **of three or more** (in addition to any children resident on the site or the children of the person providing the education or care) under the age of six years by the day or part of a day, but not for any continuous period of more than seven consecutive days.

[106] Preschool facility is also defined as:

means land /or buildings used for pre-school activities and includes a crèche, kindergarten, play centre, education and care service or kohanga reo, but does not include a school.

[107] The Council identified in its application for minor corrections to Decision 16, that the Stage 1 definition may need to be revisited. The Council favoured the Stage 2 definition for consistency with the Education Act definition. The Council submitted then, and in closing submissions here, that the Stage 2 definition is more appropriate under the Statement of Expectations and Strategic Directions Objectives to increase clarity by being consistent with the Education Act.<sup>44</sup>

[108] The Stage 1 definition of ‘preschool’ is used in the Residential permitted activity tables at 14.2.2.1, 14.3.2.1 and 14.4.2.1. The definition is also used in other chapters in a similar way. The residential permitted activity table also includes the activity of ‘care for non-resident children within a residential unit in return for monetary payment’. The care for non-residential children is permitted to a maximum of 4 children. The trigger for preschools is four or more children.

[109] The Council submits that the consequence for deleting the Stage 1 definition is that there would be an overlap in rules P14 and P17, in that if there are three or four ‘preschool’ children then the activity could be either P14 or P17. The Council considers that it is more important that the definition in the CRDP aligns with the Education Act.

[110] We agree with the Council. It is our drafting preference, that wherever a term is used and is defined in relevant legislation, unless there is good reason for not doing so, then the definition in the CRDP should adopt that definition. Such an approach accords with the Statement of Expectations. We find in this case aligning the definition of ‘Preschool’ with the definition of Early Childhood and Care Centre is the most appropriate method. In terms of the Council’s residual concern regarding the overlap of PA P14 and P17 in the Residential Chapter,

<sup>44</sup> Closing legal submissions for the CCC at 11.3 11.4

we find that this can be addressed by applying the technique we have adopted throughout the CRDP, and that is to reference in the relevant rule for ‘Preschools’, ‘otherwise than as provided for in P14n (care of non-resident children)’. We find that upon reconsideration of the definition in Stage 2 and 3 that the amendment to the definition has a no more than minor effect and is necessary for coherency and consistency reasons. We have, therefore, accepted the amended definition.

### **Quarry site rehabilitation**

[111] The definition of ‘Quarry site rehabilitation’ was decided in Decision 34.<sup>45</sup> We have reconsidered the definition to include the Council’s technical drafting amendments for consistency reasons. We have also added in reference to the Rural Quarry Templeton Zone for consistency and coherency reasons.

### **Recreation activity/facility, Motorised sport facilities, Major and Minor sports facilities**

[112] The Council proposes to retain the distinction between ‘Recreation activity’ and ‘Recreation facility’ because a number of provisions, particularly in Chapter 18 Open Space, distinguish between the activity and the facility. This is because a key issue for open spaces is retaining the ‘open space’ character of parks and reserves and other open spaces and limiting the extent of buildings and other facilities where appropriate. Therefore, recreation activities that are permitted may not have an associated facility. The facility or built form aspect may be subject to quite different standards to the recreation activity. We accept that in this case the distinction is appropriate and we have retained the separate definitions and the use of them in the provisions.

[113] There have been a significant number of changes to the definitions within the recreation activity bundle. The Council has rationalised the use of a number of terms to improve clarity and consistency across the chapters. The changes are particularly relevant to Chapter 17 Rural (Decision 34) and Chapter 18 Open Space (Decision 35)<sup>46</sup>. The changes to the definitions have also triggered the need to reconsider the provisions in both of those chapters in order to make definition related consequential changes. This is to ensure consistency and coherency in the

<sup>45</sup> Decision 34: Chapter 17 Rural – Stage 2, dated 12 August 2016.

<sup>46</sup> Decision 35: Chapter 18 Open Spaces – Stages 2 and 3

way in which recreation activities are to be regulated. The Council noted in its supplementary closing submissions that the ‘recreation’ definitions are always bundled, and have referred to this in note 3 of the introductory text. The terms ‘Recreation activity’ and ‘Recreation facility’ include all of the more specific activities and facilities included within it, such as ‘Major sports facilities’.

[114] This approach has been of particular concern to the Isaac Conservation Wildlife Trust (ICWT) (2146). Whilst ICWT is supportive of the Council’s revision of the definitions for major and minor sports facilities, it is concerned to ensure that the consequential changes to the rules, in particular the Rural and Open Space zones, retain the desired level of protection of its wildlife preservation activities from the noise effects of sporting activities, including motorised sports.<sup>47</sup> Decision 34 and 35 were released without the revised definitions. Therefore, if the definitions are bundled, motorised sports activities and other sporting activities that may generate noise from starter guns, commercial-scale fireworks or public address systems, but do not otherwise involve buildings or impervious surfaces of greater than 100 m<sup>2</sup>, would be treated as being permitted in all rural zones. ICWT, therefore, seeks a consequential change to the Rural Chapter to exclude ‘motorised sports facilities’ from the permitted activity rule in the zone, ICWT also seeks to exclude commercial scale fireworks within 4,000 metres of Peacock Springs Conservation Area, and the use of starter guns, air horns and public address systems within 500m of Peacock Springs. This would also require the addition of a matter of discretion to address effects of those excluded activities on the Trust’s activities.

[115] The Council accepts that consequential changes to rule 17.4.2.1 P11 are appropriate and accord with the agreed position reached during the Open Space hearing and through the technical drafting exercise.<sup>48</sup>

[116] Mr Paul Francis (5079) a submitter with an interest in the issue of ‘go kart’ noise at McLeans Island also has an interest in the definitions of ‘motorised sports facilities’. Mr Francis filed late closing submissions on General Rules on 21 June 2016, in which we understand he has offered a concession of a ‘restricted discretionary activity’ for go karting.

<sup>47</sup> ICWT explain the issues in the opening legal submissions for definitions 1 April 2016, memorandum of counsel 1 August 2016, Closing legal submissions 18 August 2016 and memorandum in response to consequential changes dated 29 August 2016 (as amended on 30 August).

<sup>48</sup> Supplementary closing legal submissions for CCC, 2 September 2016 at 9.1.

ICWT submitted, in its memorandum on consequential changes, that Mr Francis is not prejudiced by the amendment to the Rural proposal, which makes motorised sports activities within 4km of Peacock springs a restricted discretionary activity.<sup>49</sup> Mr Francis is seeking relief from noise provisions for go karting at McLeans Island. ICWT submitted that Mr Francis appeared to accept that motorised sport would need a resource consent, and he was seeking particular relief from noise rules.

[117] The Canterbury Car Club Incorporated (2358) sought to include motorised sports facilities within the definition of ‘major sports facility.’ Ms Janice Carter, the Council’s planning witness who addressed this definition, was of the opinion that the addition of ‘motorised sports facilities’ did not need to be included in the definition of ‘major sports facilities’ because ‘motorised sports facilities’ are separately defined and there are rules addressing that activity. The Canterbury Car Club was particularly concerned with the Specific Purpose (Ruapuna) Zone which was the subject of Decision 32<sup>50</sup>. We agree with Ms Carter and find that there is no need to include the activity within the definition of ‘Major sports facilities’, however, further clarity is required in the Rules.

[118] We have considered the agreed amendments to the recreation bundle of definitions and also the consequential amendments to the Rural and Open Space provisions. We have made a number of drafting amendments to more appropriately provide for the relationship between the recreation bundle of definitions.

[119] Although we generally accept the intent of ICWT and the Council on the definition related consequential changes to the Rural zone, we will amend the wording to be consistent with the drafting style in other chapters.

[120] We consider the Final Revised Version to be most appropriate and address the concerns we had regarding the definitions of Major/Minor sports facilities. We have, however, included a reference to ‘Recreational facility’ in the definition of ‘Major sports facility’ and in ‘Motorised sports facility’. That is necessary to make it clear that ‘Major sports facilities’ and ‘Motorised sports facilities’ are types of ‘Recreational facility’. The consequential changes to the provisions then make it clear which rule applies to the more specific activity status.

<sup>49</sup> Memorandum of counsel for ICWT, 1 August 2016 at 13 and 14.

<sup>50</sup> Decision 32: Specific Purpose (Ruapuna Motorsport) Zone (and relevant definitions and associated planning maps, dated 29 July 2016.

[121] We find that without these changes there is confusion as to whether an activity falls within the more general definition or specific definition. The Council appears to rely on a matter of principle that a more specific definition or rule will “trump” the more general provision. However, we find that such an assumption is not sufficiently certain for users of the Plan. We have clarified the position in the rules by excluding the separately provided for activity from the provisions for general activities,

[122] We are satisfied that it is appropriate to make the consequential changes to the Rural and Open Space proposals as agreed between the Council and ICWT and that the changes are necessary in accordance with OIC, cl 13 (5) and that they are of no more than minor effect. We find that the amendments proposed also address the concession made by Mr Francis in his closing submissions on the General Rules proposal.<sup>51</sup>

### **Residential activity**

[123] The definition of residential activity has been amended by the Council to delete the words ‘including the construction of buildings’. These words had been included in the Stage 1 definition in response to evidence from Mr Thomson.<sup>52</sup> The Council and Crown have reviewed the definition further and now submit the words should be deleted so that a consistent approach is taken with the drafting of definitions. Other activity specific definitions do not contain a ‘construction’ element. The Council submits that this is an appropriate approach because ‘use’ is defined in the RMA such that it already includes the construction of buildings. ‘Use’ means:

alter, demolish, erect, extend, place, reconstruct, remove, or use a structure or part of a structure, in, on, under, or over land...

[124] Case law also supports a broad application of the definition of use.<sup>53</sup> Under the RMA there is no differentiation between ‘use’ and ‘activity’. In *Donkin v Board of Trustees of Sunnybrae Normal School*, it was held:<sup>54</sup>

that a use in a particular manner is an activity.

<sup>51</sup> Closing submission (General Rules and Procedures) of Paul Francis, 21 July 2016.

<sup>52</sup> Supplementary evidence (Stage 1) of Ivan Thomson, 23 July 2015 at 20.3.

<sup>53</sup> *Smith v Auckland City Council* (1996) 2 ELRNZ 185.

<sup>54</sup> *Donkin v Board of Trustees of Sunnybrae Normal School* (1997) 3 ELRNZ 126.

[125] The Council submitted that the breadth of ‘use’ and ‘activity’ is such that construction is already provided for in the definition of ‘activity’, and therefore, there is no need to repeat the phrase.

[126] We accept the Council’s submission, and have reconsidered the definition of ‘Residential activity’ in Decision 16 using our powers in OIC cl 13(5). We consider the amendment to be of minor effect and have made the change for the purposes of consistency in the CRDP.

### **Residential unit**

[127] The Panel has included “farm stay” in the exception in the definition to having more than one kitchen on a site as follows:

- b. where there is more than one kitchen on a site (other than a kitchen within a family flat or a kitchenette provided as part of a bed and breakfast or farm stay) there shall be deemed to be more than one residential unit.

[128] The definition of ‘Farm stay’ included in Decision 34 makes it clear that a farm stay does not need to be part of a residential unit. It can be a separate building, as long as it is “in association with a residential unit on the site”.

[129] The Final Revised Version provides a more limited definition of ‘farm stay’ and assumes that it is part of a residential unit. The Final Revised Version did not take account of Decision 34. We have inserted reference to ‘Farm stay’ for consistency reasons.

### **Retirement village**

[130] The Council initially proposed some drafting changes to the definition of ‘Retirement village’ as part of the technical drafting exercise. However, Ryman objected to the consequential changes because they lacked clarity.<sup>55</sup> The Council accepted those comments.

[131] Following the filing of the Council’s supplementary submissions, Ryman filed a memorandum addressing a further improvement to the definition of Retirement village.<sup>56</sup> It

<sup>55</sup> Memorandum for Counsel for Ryman, 29 August 2016 and Supplementary closing submissions for CCC, 2 September 2016, at 13.

<sup>56</sup> Memorandum of counsel for Ryman, 20 September 2016

appeared the Council had inadvertently not replicated the agreed form of the definition in the Final Revised Version.

[132] We also identified drafting issues with the amended definition. We requested the Secretariat to restructure the definition to provide a more logical approach that clearly identifies the prerequisite elements for a retirement village that reflects the legal requirements for retirement villages. We convened a telephone conference with the Council and Ryman to discuss the Secretariat draft. The outcome was an improved draft definition which reflected the Council and Ryman's intentions.<sup>57</sup> We find that the revised wording contained in our Minute, along with some minor changes for clarity, is most appropriate and have included it in the Decision Version.

### **Rural selling place and Rural produce retail**

[133] The Panel directed the Council to consider whether the 'rural produce retail' and 'rural selling place' definitions overlap and whether they are adequately confined, along with considering any consequential changes required to provisions. Upon review of these two terms the Council considers that the 'rural selling place' definition should be deleted and consequential changes made to Decisions 7 and 16 under clauses 13(5) and (6)(a) of the Order in Council. Specifically:<sup>58</sup>

- (a) Rule 7.2.3.8 (decided on in Decision 7) should be amended to remove reference to 'rural selling place' and replace it with *an activity in a rural zone selling rural produce*; and
- (b) The defined term 'rural selling place', as decided on in Decision 16, should be deleted.

We are satisfied that the deletion is appropriate in the circumstances and is of minor effect.

<sup>57</sup> Minute reporting outcomes of discussion with the Council and certain parties on the proposed definition of 'earthworks' and 'retirement village'.

<sup>58</sup> Memorandum of CCC regarding discrete definition matters, 25 May 2016 at 5.1-5.9.

## Sensitive activities

[134] Ms Glenda Dixon, the Council's planning witness explained the various changes to this definition in her evidence in chief.<sup>59</sup> The definition of 'sensitive activities' was notified in Stage 1, and decided in Decision 16. A modified version was notified in Stage 2, which added a section covering sensitive activities in relation to hazardous substances, hazardous facilities and electricity related assets. A section was also added in relation to sensitive activities in relation to the Port of Lyttelton. Subsequently the revised proposal for Chapter 12 Hazardous Substances and Contaminated Land, dated 17 November 2015, removed reference to this sensitive activities definition. This means that the first more narrow part of the definition, referring to hazardous substances and hazardous facilities could be deleted.

[135] Following mediation on Stage 2 definitions on 15 February 2016, Council planners confirmed their preference, as a result of all of the amendments, was to return to the Stage 1 definition (the final Council position in the Stage 1 Definitions hearing), where the first part of the definition was broader and more generic. LPC was satisfied with the return to the Stage 1 definition and the Crown noted that the exceptions for health care facilities with no accommodation for overnight care, suggested by the Panel in the Stage 1 definitions hearing should also be preserved.

[136] Transpower (2218) sought to ensure that the Stage 2 definition was consistent with the outcome of Stage 1 hearings and included 'care facilities'. Ms Dixon referred us to the fact that the National Policy Statement on Electricity Transmission Activities (NPSETA) defines Sensitive Activities as 'schools, residential buildings and hospitals', and 'Sensitive land use' as the 'use of land for a childcare facility, school, residential building or hospital'. Care facilities serve a similar function in providing care as well as a residential component, and in her opinion can be regarded as sensitive on this basis.

[137] The Final Revised Version intends to capture all of the various changes requested in submissions where these are appropriate. The Council notes that Lyttelton Port is not specifically referred to in order to avoid repetition. LPC is content with the Final Revised Version.<sup>60</sup> Care facilities are also not specifically listed, because the rest home component is

<sup>59</sup> Evidence in chief of Glenda Dixon, 24 February 2016, at 5.31-5.36.

<sup>60</sup> Closing legal submissions for LPC, 18 August, at 4.

already covered under residential activity, and the other components are covered either by health care facility or supervised living accommodation.

[138] CIAL accepted the Revised Version of the definition which made specific reference to Preschools as sensitive activities.<sup>61</sup>

[139] Air New Zealand Limited (2255) generally supports the Revised Version but offered a possible amendment for consideration:

.. the term “aircraft noise” at j. (which is not defined) could be replaced with “noise from *aircraft operations* and *aircraft engine testing*” (referring to those defined terms), if that was the intention.

[140] The Council did not support the amendment on the basis that cl j exempts guest accommodation which is designed, constructed and operated to a standard to mitigate the effects of aircraft noise on occupants from the prohibited activity status in Rule 6.1.5.1.5 P1<sup>62</sup> for any new sensitive activities within the Air Noise Boundary.

[141] The definition of ‘Aircraft operations’ with respect to Rule 6.1.5.1.5 is limited to noise associated with the 'landing and take-off of aircraft' and 'aircraft flying along any flight path associated with a landing or take off'. It would not include other aircraft noise that may have an adverse effect on guest accommodation within the Air Noise Boundary such as noise from aircraft standing at gates or taxiing.

[142] The Council also submitted that ‘Aircraft engine testing’ is confined to on-wing testing and would not provide for the consideration of the effects of any off-wing testing on guest accommodation.

[143] Also having regard to the findings in Decision 57<sup>63</sup>, we agree with the Council’s closing submission and decline to make the amendment suggested.

[144] We are satisfied that the various changes made to the Stage 1 definition are appropriate and bring together the relevant aspects that address the requirements of the Higher Order

<sup>61</sup> Closing submissions for CIAL, 18 August 2016 at 10.2.

<sup>62</sup> As it was in the Revised Version of Chapter 6 General Rules.

<sup>63</sup> Decision 57: Chapter 6 General Rules and Procedures (Part) – Noise, Airport matters and Hagley Park (and relevant definitions and associated planning maps), dated 10 November 2016.

Documents. Where we have revisited the drafting of the Stage 1 definition we find that it is necessary to do so for consistency reasons and those changes are of minor effect.

### **Sense of place**

[145] We find the definition of the term ‘sense of place’ is not necessary for the purposes of the CRDP. It is inherently subjective and needs to be interpreted in context. Where it is used in the CRDP it can be given its ordinary meaning.

### **Sleep-out**

[146] In the Final Revised Version the Council sought to remove the words ‘with a gross floor area of no more than 25m<sup>2</sup>’ from the definition of ‘Sleep-out’. As a definition related consequential change the Council sought to add the equivalent text to various rules in Chapter 14 to counter the deletion.<sup>64</sup> For example:

**C1 Residential units (including any sleep-outs with a gross floor area of 25m<sup>2</sup> or less) containing more than six bedrooms in total**

[147] However, we find the additional wording in the rules unnecessary. These rules all relate to residential activity, which by definition includes a both accessory buildings and sleep-outs, as such buildings greater than 25m<sup>2</sup> were intended to be covered by these rules. We find that the reference to 25m<sup>2</sup> within the definition is also unnecessary for those reasons.

### **Strategic and Critical Infrastructure definitions**

[148] The definitions for ‘Strategic infrastructure’, ‘Critical infrastructure’, Strategic ‘Transport Network’ and ‘Transport System’ have all been decided in earlier decisions.<sup>65</sup> Each of these definitions was subject to technical review and a number of minor amendments are proposed for consistency of drafting style. We accept those changes are appropriate. We have made an amendment to the definition of ‘Strategic infrastructure’ to reflect an agreement reached between Orion and the Council to include reference to Orion’s 66kV, 33kV and 11kV electricity distribution lines, as discussed below.<sup>66</sup> In Decision 57 in relation to Chapter 6

<sup>64</sup> Chapter 14 Rules 14.2.2.2 C2, 14.3.2.2 C1, 14.4.2.2 C1, 14.5.2.2 C2, 14.8.2.2 C1

<sup>65</sup> In Decision 1, 6 and 12.

<sup>66</sup> Joint Memorandum of counsel for Orion and the Council 29 March 2016.

General Rules, we addressed a submission made by Mr David Lawry regarding the scope of these definitions and their application to the activities of the Airport. The General Rules Panel decided that no changes were necessary as a consequence of Mr Lawry's submissions.

[149] We find the amended definitions included in the Final Revised Version are most appropriate.

**Transmission Line, Electricity distribution, Electricity distribution line and Electricity distribution line corridor and Strategic electricity distribution line/corridor.**

[150] In its 11 July 2016 memorandum, the Council recommended that definitions that reference a defined term from specific legislation should simply state as such and include a hyperlink to that legislation. We agree that such a drafting approach is generally the most appropriate in terms of the OIC Statement of Expectations.

[151] There was a confined point of difference on this matter as between the Council and Transpower, concerning 'transmission line', a term defined in the NESETA<sup>67</sup>. Transpower initially asked that we include the NESETA definition in Chapter 2, rather than have a definition that relies on a hyperlink. We observe that including the NESETA definition in Chapter 2 would raise a further issue, namely as to whether we would then also have to add the related NESETA definitions of 'national grid', 'telecommunication cable', 'telecommunication device', and 'transmission line support structure'. Those terms are used in the NESETA definition of 'transmission line' and are separately defined in the NESETA.

[152] The Council continued to oppose that, preferring hyperlinking as a consistent and more appropriate approach. We agree that the Council's approach is cleaner and clearer and, hence, better responds to the OIC Statement of Expectations. Transpower subsequently informed us that it accepted the Council's position subject to seeking that the qualifier that the Council's then-proposed definition made with regard to Chapter 11 be deleted.<sup>68</sup> The Council informed us that it agrees with Transpower on that matter, and we accept this modification is appropriate.

<sup>67</sup> Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009, cl 3 defines 'transmission line' as '(a) means the facilities and structures used for, or associated with, the overhead or underground transmission of electricity in the national grid; and (b) includes transmission line support structures, telecommunication cables, and telecommunication devices to which paragraph (a) applies; but (c) does not include an electricity substation. Cl 3 includes related definitions of 'national grid', 'telecommunication cable', 'telecommunication device', and 'transmission line support structure'.

<sup>68</sup> Memorandum of Counsel for Transpower, 29 August 2016.

We have provided for a hyperlinking definition as proposed by the Council, subject to that agreed amendment.

[153] In Decision 10 (Residential)<sup>69</sup> we made related findings as to the policy and evidential support for according appropriate protection to these parts of Orion’s distribution network. In particular, the Panel found as follows:<sup>70</sup>

Therefore, we find that they are accordingly deserving of appropriate protection as set out in Objective 3.3.12 of Strategic Directions. We accept that Orion’s 66kV, 33kV and the 11kV Lyttelton distribution lines are strategic infrastructure, and that their role and function should be protected by avoiding adverse effects from incompatible activities, including reverse sensitivity effects.

[154] The Panel’s Decision 40 (Utilities, Energy and Infrastructure) made determinations concerning related objectives, policies and rules for Chapter 11.<sup>71</sup> That decision records the opinion that the Council’s planning witness, Ms Sarah Jenkin, expressed to the Panel on whether it would be appropriate, in terms of the overall coherence of the CRDP, if the Strategic Directions objectives addressed that part of the distribution network that is considered to be of strategic importance. Her answer noted that it would not be unhelpful to amend Strategic Objective 3.3.12 and that it was important that this objective provided “a strategic framework for all significant infrastructure”.<sup>72</sup>

[155] As Decision 40 also records, Orion’s closing submissions on Chapter 11 Utilities and Energy also addressed this matter. Orion submitted that, in order to include a direct reference to its strategic electricity distribution lines in the CRDP, it is appropriate to make amendments to the definitions and to Strategic Objective 3.3.12.<sup>73</sup> This would involve:<sup>74</sup>

- (a) amending the definition of ‘strategic infrastructure’ to include a new clause referencing ‘strategic electricity distribution lines’;
- (b) adding a new definition of ‘strategic electricity distribution lines’ that serves to identify Orion’s 66kV, 33kV and Heathcote to Lyttelton 11kV lines as fitting that

<sup>69</sup> Decision 10: Residential (Part) (and relevant Definitions and associated planning maps), dated 10 December 2015.

<sup>70</sup> Decision 10, at [269].

<sup>71</sup> Decision 40: Chapter 11: Utilities, Energy and Infrastructure including Stage 3 Rule 11.3.4.1 P1, dated 5 September 2016.

<sup>72</sup> Decision 40, at [121], [122].

<sup>73</sup> Decision 40, at [123] – [125].

<sup>74</sup> Closing legal submissions for Orion, 19 January 2016 at 11.

term for related provisions, as distinct from the other parts the electricity distribution network; and

- (c) amending Strategic Objective 3.3.12 to include specific reference to Orion’s strategic electricity distribution lines.

[156] Given the interrelated nature of the issues, Decision 40 deferred determination of these matters until either the decision on Chapter 6 General Rules or this decision<sup>75</sup>.

[157] In a joint memorandum of counsel filed in relation to the Definitions hearing Orion and the Council set out amendments to the drafting of the definition of ‘Strategic infrastructure’ and a consequential amendment to Policy 11.2.2.2 b.<sup>76</sup> In light of those agreed changes, Orion confirmed that it no longer seeks a separate definition of ‘Strategic electricity distribution lines’ or ‘Electricity distribution line corridor’.<sup>77</sup>

[158] The findings in Decisions 10 and 40 satisfy us that Orion’s 66kV, 33kV and Heathcote to Lyttelton 11kV lines are of sufficient strategic importance to be given clear recognition in Strategic Objective 3.3.12. That is because those findings identify those identified parts of the distribution network as having sufficient s 5 RMA importance, on the evidence and in light of the Higher Order Documents. Therefore, we find it will achieve greater clarity and coherence across the CRDP to make the combination of amendments we have above-described, as modified by the agreed position of Orion and the Council.<sup>78</sup> We have provided for this accordingly, in the definition of ‘Strategic infrastructure’, and in the consequential amendment to Policy 11.2.2.2 b. We have accepted the change to Strategic Objective 3.3.12 and we will make the change to the objective in our Supplementary Decision to Decision 57 dealing with Objective 3.3.12 in due course.

<sup>75</sup> Decision 40, at [129].

<sup>76</sup> Joint memorandum of counsel for Orion and the Council, 29 March 2016. At that time the relevant policy reference was 11.1.1.6(2).

<sup>77</sup> Ibid at 6.

<sup>78</sup> n 76.

### Submitter requested definitions

[159] Carter Group Limited requested a number of new definitions which were relevant to Chapter 6 General Rules in relation to water ways, and in relation to Chapter 9, topics 9.4 Trees and 9.3 Historic Heritage.

[160] Carter Group requested that the terms ‘environmental asset waterway’, ‘downstream waterway’ and ‘upstream waterway’ be defined. These definitions were not addressed separately in Carter Groups evidence. Ms McLaughlin for the Council was of the view that the terms did not require definition because they were shown on the relevant planning maps and this provided sufficient ‘definition’ for the purposes of the Plan. We also record that the Canterbury Regional Council requested a definition of ‘river’ which Ms McLaughlin also rejected for the same reasons. We agree with Ms McLaughlin that the terms are sufficiently clear and their illustration on the planning maps is most appropriate. We decline the submitters request on that basis.

[161] In terms of Carter Group’s request for definitions of the terms ‘environmental service’ ‘protective material’ and ‘sites of ecological significance’ those terms are not necessary in view of the provisions now included in Decision 44 and 45.<sup>79</sup>

[162] Pacific Park Limited requested a definition of the term ‘late night’ for the purposes of the rules relating to entertainment activities in the General Rules chapter.<sup>80</sup> Pacific Park did not appear at the definitions hearing and withdrew its request to cross examine Council witnesses. Ms McLaughlin’s evidence was that the definition was not necessary because the term ‘late night’ was context dependent and the rules in Chapter 6 appropriately address the hours after which licensed premises would be considered late night.<sup>81</sup> In the absence of evidence to the contrary we accept Ms McLaughlin’s evidence and decline the request accordingly.

[163] House Movers Section of New Zealand Heavy Haulage Association (Inc.) (‘House Movers’<sup>82</sup>) requested the addition of definitions for ‘Relocated building’, ‘Removal of a building’ and ‘Re-siting of a building’ which were related to its house lifting and moving

<sup>79</sup> Decision 44: Chapter 9 Natural and Cultural Heritage (Part) Topic 9.4 – Significant Trees, dated 30 September 2016; Decision 45: Chapter 9 Natural and Cultural Heritage (Part) Topic 9.3 – Historic Heritage, dated 30 September 2016.

<sup>80</sup> Memorandum of counsel for Pacific Park, 3 March 2016.

<sup>81</sup> Transcript, page 83, lines 25-55.

<sup>82</sup> Submitter (932)

activities. In Decision 16 we deferred consideration of those definitions to this decision. At the Stage 1 hearing Mr Thomson, for the Council was of the view that the rules in Residential chapter are such that those definitions are not necessary because of the permissive and encompassing meaning of the activity ‘Relocation of a building’. Relocation of a building’ is defined in Chapter 2. House Movers did not appear before us to address the issue further. We are satisfied that the additional definitions are not required because they are encompassed in the definition of ‘Relocation of a building’ and the relevant rules in the CRDP. Therefore, we decline the relief sought.

### **Changes to the introductory notes**

[164] The Council and the Crown have suggested a number of changes to the introductory notes. We have addressed a number of those changes above in our discussion of the definitions of ‘Ancillary’ and ‘activity/facility’ above. We have made drafting changes to improve the clarity of the introduction advice notes.

### **Definition related consequential changes**

[165] We have addressed the definition related consequential changes in our discussion of individual definitions above, where it is relevant to do so. We have accepted the Council’s definition related consequential changes as most appropriate, except where we have addressed above. We have made other changes that we find to be necessary for consistency and coherency of the CRDP. We set out our definition related consequential changes in Schedule 2 and our reasons for the changes. We will incorporate the definition related consequential changes in our Supplementary Decision to follow.

## **Section 32**

[166] We refer to the necessary principles set out in our earlier decisions.<sup>83</sup>

### **Section 32AA**

[167] We have already referred in earlier decisions to the matters we must address.<sup>84</sup>

<sup>83</sup> Strategic Directions decision at [63]–[70].

<sup>84</sup> Above, at [16].

[168] In our assessment and findings on the evidence, we have assessed the efficiency and effectiveness of the changes we have made to the provisions, and also the Notified Version, for achieving the objectives. We are satisfied the amendments to the Introduction and Definitions are the most appropriate.

- (a) We have summarised the reasons for deciding to make the changes we have.
- (b) We consider that ss 32(1) (c) and 32AA (1) have been met by our amendments.
- (c) We consider the consideration of the evidence and our findings is sufficient assessment of the matters to be considered under s 32(2), (3) and (4).

[169] In reaching our decision, we have considered all submissions and further submissions made on the Notified Version, and had regard to the Council's recommended acceptance or rejection of those submissions, as filed (including any modifications in the Council's evidence and in closing legal submissions).

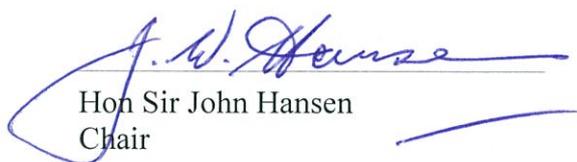
### **Overall evaluation and conclusions**

[170] Based on our evidential findings, we are satisfied that Decision Version, as amended from the Final Revised Version, best gives effect to the RMA and the Higher Order Documents. It is also best suited to enable recovery and meet the long-term requirements of greater Christchurch.

### **DIRECTIONS**

[171] The Council and any other party seeking that we make any minor corrections to this decision must file a memorandum for those purposes **within 5 working days of the this decision.**

For the Hearings Panel:



Hon Sir John Hansen  
Chair



Environment Judge John Hassan  
Deputy Chair



Ms Sarah Dawson  
Panel Member



Mr Alec Neil  
Panel Member

## **SCHEDULE 1**

Definitions proposal

## Chapter 2 Abbreviations and Definitions

The provisions in this chapter give effect to the Chapter 3 Strategic Directions objectives.

This chapter lists, and explains the meaning of, abbreviations and definitions used in the Plan.

The introductions to the Abbreviations and Definitions Lists are to assist the lay reader to understand how this chapter works and what it applies to. They are not an aid to interpretation in a legal sense.

### Abbreviations List

This part of the District Plan explains the meaning of abbreviations used in the Plan.

The abbreviations used are identified via the following means:

1. dashed underlining; and
2. in the ePlan, hyperlinking.

### AANC

means the Annual Aircraft Noise Contours (Ldn) produced annually by CIAL based on the previous year's aircraft operations. The AANC is calculated in accordance with the rules in the District Plan.

### AC

means advisory circular.

### AEP

means annual exceedance probability.

### AIFR

means annual individual fatality risk.

### a.m.

means ante meridian/morning.

### AMSL

means above mean sea level.

**AS/NZS 1547:2000**

means the Australian Standard/New Zealand Standard On-site domestic wastewater management.

**ASTM**

means American Society for Testing and Materials.

**C**

means controlled activity (e.g. C1 means controlled activity 1).

**CBP**

means Commercial Banks Peninsula Zone.

**CCCB**

means Commercial Central City Business Zone.

**CCCMU**

means Commercial Central City Mixed Use Zone.

**CCCSF**

means Commercial Central City (South Frame) Mixed Use Zone.

**CCR**

means Central City Residential Zone.

**CCRP**

means Christchurch Central Recovery Plan.

**CHRM**

means community housing redevelopment mechanism.

**CIAL**

means Christchurch International Airport Limited.

**cm**

means centimetre/s.

**CNG**

means compressed natural gas.

**CoCA**

means Centre of Contemporary Art.

**CPTED**

means Crime Prevention through Environmental Design.

**CRC**

means Canterbury Regional Council (also known as Environment Canterbury).

**CSA**

means Canterbury Society of Arts.

**D**

means discretionary activity (e.g. D1 means discretionary activity 1).

**dB**

means decibel.

**DC**

means district council.

**DIN 4150-2:1999**

means Standard Vibrations in buildings – Part 2: Effects on persons in buildings.

**DP**

means deposited plan.

**E**

means east.

**EDM**

means enhanced development mechanism.

**e.g.**

means for example.

**ETCMP**

means engine testing compliance monitoring position.

**FTE**

means full-time equivalent.

**GFA**

means gross floor area.

**GGFA**

means gross ground floor area.

**GHz**

means gigahertz.

**GLFA**

means gross leasable floor area.

**h/hr/hrs**

means hour/s.

**ha**

means hectare/s.

**HF**

means high frequency.

**HNC**

means high (and very high) natural character in the coastal landscape.

**HSNO**

means Hazardous Substances and New Organisms Act 1996.

**Hz**

means hertz.

**ICNIRP**

means International Commission on Non-Ionising Radiation Protection.

**ICOMOS**

means International Council on Monuments and Sites.

**i.e.**

means that is.

**IG**

means Industrial General Zone.

**IH**

means Industrial Heavy Zone.

**INM**

means Integrated Noise Model.

**IP**

means Industrial Park Zone.

**IPENZ**

means Institution of Professional Engineers New Zealand.

**ISO**

means International Organisation for Standardisation.

**ITA**

means Integrated Transport Assessment.

**kg**

means kilogram/s.

**kg/hr**

means kilogram/s per hour.

**kg/m**

means kilogram/s per metre.

**kg/m<sup>2</sup> means kilogram/s per square metre.**

**kHz**

means kilohertz.

**km**

means kilometre/s.

**km/h**

means kilometre/s per hour.

**kV**

means kilovolt.

**l**

means litre/s.

**LPG**

means liquefied petroleum gas.

**LPRP**

means Lyttelton Port Recovery Plan.

**LRV**

means light reflective value.

**l/s**

means litre/s per second.

**l/s/ha**

means litre/s per second per hectare.

**LURP**

means Land Use Recovery Plan.

**m**

means metre/s.

**m<sup>2</sup>**

means square metre/s.

**m<sup>3</sup>**

means cubic metre/s.

**Max**

means maximum.

**MED**

means Meadowlands Exemplar Development.

**min**

means minute/s.

**mm**

means millimetre/s.

**N**

means north.

**N/A**

means not applicable.

**NC**

means non-complying activity (e.g. NC1 means non-complying activity 1).

**NCCE**

means natural character in the coastal environment.

**NES**

means National Environmental Standard/s.

**NESETA**

means National Environmental Standard for Electricity Transmission Activities.

**NESTF**

means National Environmental Standard for Telecommunications Facilities.

**NIWA**

means National Institute of Water and Atmospheric Research.

**NZEC/NZEC 34:2001**

means New Zealand Electrical Code of Practice for Electrical Safe Distances.

**NZMS**

means New Zealand map survey.

**NZS**

means New Zealand Standard.

**NZS 3112.4:1986**

means the New Zealand Standard Methods of test for concrete – Tests relating to grout.

**NZS 4431:1989**

means the New Zealand Standard Code of Practice for Earth Fill for Residential Development.

**NZS 6802:2008**

means the New Zealand Standard Acoustics – Environmental Noise.

**NZS 6803:1999**

means the New Zealand Standard Acoustics – Construction Noise.

**NZTA**

means New Zealand Transport Agency.

**ODP**

means outline development plan.

**ONC**

means outstanding natural character in the coastal environment.

**ONF**

means outstanding natural feature.

**ONL**

means outstanding natural landscape.

**OCP**

means Open Space Community Parks Zone.

**P**

means permitted activity (e.g. P1 means permitted activity1).

**PFA**

means public floor area.

**PIM**

means Project Information Memorandum.

**p.m.**

means post meridian/afternoon.

**Pr**

means prohibited activity (e.g. Pr1 means prohibited activity 1).

**Pt**

means part (with respect to a legal description).

**QEII**

means Queen Elizabeth II.

**RAL**

means rural amenity landscape.

**RBP**

means Residential Banks Peninsula Zone.

**RD**

means restricted discretionary activity (e.g. RD1 means restricted discretionary activity 1).

**REPA**

means Runway End Protection Area.

**RH**

means Residential Hills Zone.

**RL**

means reduced level.

**RMD**

means Residential Medium Density Zone.

**RMS**

means root mean square.

**RNN**

means Residential New Neighbourhood Zone.

**RNZAF**

means Royal New Zealand Air Force.

**RS**

means Residential Suburban Zone.

**RSDT**

means Residential Suburban Density Transition Zone.

**RSS**

means Residential Small Settlement Zone.

**RuBP**

means Rural Banks Peninsula Zone.

**RuT**

means Rural Templeton Zone.

**RuUF**

means Rural Urban Fringe Zone.

**S**

means section (of an Act).

**sec**

means second/s.

**Sec**

means section (with respect to a legal description).

**SF**

means significant feature.

**SH**

means state highway.

**SNZ PAS 4509:2008**

means the New Zealand Fire Service Firefighting Water Supplies Code of Practice.

**Spp**

means species.

**TML**

means transport monitoring line.

**UC**

means University of Canterbury.

**WELS**

means the Water Efficiency Labelling Scheme standards developed by the Ministry for the Environment (as at the date of public notification of this Plan).

**o**

means degrees (e.g. 7o 7' 30'').

**'**

means minutes (e.g. 7o 7' 30'').

**“**

means seconds (e.g. 7o 7' 30'').

**/**

means per.

**%**

means percent/percentage.

## Definitions List

This part of the District Plan explains the extended meaning of words and phrases developed specifically for, and as used in the context of, the Plan. The definitions herein replace the ordinary dictionary meaning of the subject word or phrase.

Definitions only apply where identified via the following means:

1. in some cases, a qualifier in the definition itself (i.e. “X in relation to Y, means...”);
2. dashed underlining; and
3. in the ePlan, hyperlinking.

In all other instances, words and phrases used in the Plan are best defined using their ordinary dictionary meaning.

Advice Notes:

1. Where a word or phrase is defined in this chapter, its definition includes any variations of the word or phrase that are plural or vice versa.
2. Where a word or phrase is defined in NZ government legislation or related documents arising therefrom, and is relied upon for the purpose of interpretation in this Plan, these terms are identified accordingly but are not repeated in this Plan. Users should refer to the latest version of the relevant legislation or related documents (hyperlinked).
3. Where a general activity (such as retail activity) is listed in an activity status table, it includes all of the more specific activities included therein (such as food and beverage outlets and second-hand goods outlets) unless otherwise specified in the activity status table for that zone.
4. The word ‘includes’ (or variations thereof, where appropriate in the context) followed by a list (whether bullet pointed or not) is not limited to those matters specified in the list.
5. Other definitions on which each definition relies (reliant definitions) are identified through dashed underlining and hyperlinking in the definition for information purposes, to assist interpretation of the primary definition and to illustrate the interrelationship between some definitions.
6. Please refer to Section 3 Ngāi Tahu Manawhenua of Chapter 1 Introduction for an explanation of Māori terms and concepts relevant to the management of natural resources in the Christchurch District.

## A

### Access

means that area of land over which vehicular and/or pedestrian access to legal road is obtained. It includes:

- a. an access strip;
- b. an access lot; and
- c. a right-of-way.

### Accessibility

means the ability for all people, including people with disabilities, to reach a location or service in a reasonable amount of time, cost and effort.

### Accessible

means the ability for all people, including people with disabilities, to reach a location in a reasonable amount of time.

### Access lot

means any separate lot used primarily for access to a lot or lots having no legal frontage but excludes any area of land that is wider than 6 metres and not legally encumbered to prevent the construction of buildings.

### Accessory

has its ordinary dictionary meaning except that it excludes any activity or any part of an activity carried out on another site.

### Accessory building

means a building which is incidental to the principal building or buildings on the site. In respect of land used for residential activity, accessory building includes a sleep-out, garage or carport, shed, greenhouse, fence, solar panels and solar water-heating devices not attached to a building and an indoor swimming pool, but not a family flat, balcony or similar structure (whether free-standing or attached to any building). An accessory building is not a residential unit. On a vacant site, accessory building is a building that is ancillary or accessory to any activity that may be permitted on a site regardless of whether the principal building or buildings have yet to be constructed.

### Access strip

means an access lot or an area of land defined by a legal instrument providing or intended to provide access to a site or sites, but excludes any area of land that is wider than 6 metres and not legally encumbered to prevent the construction of buildings.

## Access way

means an area of land set aside for pedestrian access between a road, service lane, reserve, railway station or public place; and another road, service lane, reserve, railway station or public place.

## Act

means the Resource Management Act 1991.

## Active transport

means transport modes that rely on human power, primarily walking and cycling.

## Addiction services

in relation to the Salvation Army site in Addington, means the use of land and/or buildings for the provision of services, including overnight accommodation, for clients attending a counselling programme, or otherwise seeking help, for alcohol, drugs or gambling addiction.

## Adjoining

includes land separated from other land only by a road, railway, drain, water race, river or stream.

## Aggregate piers

means aggregate without grout or cement formed into vertical columns below ground level as part of the repair of land damaged by earthquakes.

## Aggregates-processing activity

in relation to the Rural Quarry Zone, means the processing, and associated storage, sale and transportation, of natural sand, gravel, clay, silt and rock and/or recycled/recovered aggregates brought in from other properties where 50% or more of the total volume of aggregates processed on the property is imported from another property or properties.

## Aircraft operations

means:

- a. the landing and take off of aircraft; and
- b. aircraft flying along any flight path associated with a landing or take off.

For the purposes of Rule 6.1.6, aircraft operations exclude:

- c. aircraft operating in an emergency for medical or national/civil defence reasons;
- d. air shows;
- e. military operations;
- f. Antarctic operations;
- g. helicopter operations;
- h. aircraft using the airport as an alternative to a scheduled airport elsewhere;
- i. aircraft taxiing; and
- j. aircraft engine testing.

## Air Noise Boundary

means a composite line formed by the outer extremity of the 65 dB L<sub>dn</sub> noise contour and the 95 dB L<sub>AE</sub> noise contour.

Advice Note: The air noise boundary defines an area around Christchurch International Airport in which the future daily aircraft noise exposure from aircraft operations is sufficiently high as to require prohibition on new sensitive activities, to avoid adverse noise effects and reverse sensitivity issues.

## Airport operator

in relation to Sub-chapter 6.1 and Appendices 6.11.14 and 6.11.15, means the operator of Christchurch International Airport.

## Allotment

has the same meaning as defined in s218 of the Resource Management Act 1991.

## Alteration of a heritage item

in relation to the heritage provisions in the Natural and Cultural Heritage Chapter, means any modification or addition to a heritage item, which impacts on heritage fabric.

Alteration of a heritage item includes:

- a. permanent modification of, addition to, or permanent removal of, exterior or interior heritage fabric which is not decayed or damaged and includes partial demolition of a heritage item;
- b. changes to the existing surface finish and/or materials; and
- c. permanent addition of fabric to the exterior or interior.

In relation to a building, structure or feature which forms part of an open space heritage item, alteration includes:

- d. modifications or additions to buildings, structures or features;
- e. permanent modification or addition to garden or landscaping layout, paths, paving, circulation or on-site access, walkways or cycle ways;
- f. earthworks which change the profile of the landform (other than earthworks approved by subdivision consent);
- g. removal or transplanting of mature trees unless the tree is dead;
- h. in relation to cemeteries, new planting on, or immediately adjoining, plots; and
- i. new buildings, structures or features.

Alteration of a heritage item excludes:

- j. maintenance;
- k. repairs;
- l. restoration
- m. heritage upgrade works
- n. heritage investigative and temporary works; and
- o. reconstruction of new or replacement headstones, plaques or panels in church graveyards and cemeteries other than closed cemeteries.

## Amateur radio configurations

in relation to the Utilities and Energy Chapter, means the antennas, aerials (including rods, wires and tubes) and associated supporting structures which are owned and used by licenced amateur radio operators.

## Amateur radio operator

in relation to the Utilities and Energy Chapter, means persons who have been granted a license under the Radio Communications Act 1989 to operate an amateur radio station.

## Amenity tree planting

means the planting and tending of trees to provide shelter, landscaping or screening around buildings, roads or open space, or for the mitigation of a natural hazard.

## Amenity values

has the same meaning as defined in s2 of the Resource Management Act 1991.

## Anchor store

means a supermarket or department store.

## Ancillary

has its ordinary dictionary meaning except that it excludes any activity or any part of an activity carried out on another site.

## Ancillary aggregates-processing activity

means the ancillary processing, and associated storage, sale and transportation of natural sand, gravel, clay, silt and rock and/or recycled/recovered aggregates brought in from other properties provided that at least 50% of the total volume of aggregates processed on the property originates from that property.

## Ancillary equipment

in relation to the Utilities and Energy Chapter, includes power distribution unit, microwave unit, DC and surge arrestor, cable trays, cables, mounts, fibre access terminals, ducting, cable loops, combiner/junction boxes, remote radio unit, tower-mounted amplifier or mast head amplifier, lightening surge unit, filters or similar type of equipment required to support the technology and frequencies deployed at the site.

## Ancillary sports and fitness health care services

means a commercial activity that is accessory to a permitted or consented sports activity on the same site and which provides physical or advisory services for the promotion of sports or general fitness and wellbeing to the general public. It includes:

- a. physiotherapy;
- b. sports massage;
- c. hydrotherapy;
- d. nutritional and/or weight control clinics;
- e. health and wellbeing advice; and
- f. beauty clinics.

## 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).

## Annual individual fatality risk

means the probability or likelihood that an individual will be killed at their place of residence in any one year as a result of cliff collapse, rock fall/boulder roll or mass movement.

## Antenna

means a device that receives or transmits radiocommunication or telecommunication signals. It includes any mount or shroud.

## Apartment

in relation to a Residential New Neighbourhood Zone, means a residential building that contains two or more residential units where those units are aligned vertically one on top of the other.

## Approved building

means any building associated with a permitted activity or approved as part of a resource consent.

## Archaeological site

has the same meaning as defined in s6 of the Heritage New Zealand Pouhere Taonga Act 2014.

## Arterial roads

means both major arterial roads and minor arterial roads.

## Artificial crop protection structures

in relation to the Rural Chapter, means structures with material used to protect crops and/or enhance growth (excluding greenhouses).

## Automotive and/or marine supplier

means a business primarily engaged in selling automotive vehicles and/or marine craft, and accessories to and parts for such vehicles and craft. It includes suppliers of:

- a. boats and boating accessories;
- b. cars and motor cycles;
- c. auto parts and accessories;
- d. trailers and caravans; and/or
- e. tyres and batteries.

## B

### Bach

in relation to the Open Space Chapter, means a building used for temporary residential occupation where the residents or the principal resident has an alternative permanent place of fixed abode.

### Balcony

means a structure, which is part of a building, which provides outdoor living space for a residential unit and is located above ground floor level, roofed or unroofed, and completely open to the weather on at least one side, except for a balustrade.

### Banks Peninsula

means that part of Christchurch District in the Banks Peninsula Ward, as shown on Appendix 2.1.

### Bed and breakfast

means the use of part of a residential unit for the provision of transient residential accommodation, at a tariff. It excludes the sale of alcohol.

### Billboard

means a outdoor display board of not less than 18m<sup>2</sup> in area which is used to advertise goods, services, products or events that are not directly related to the use or activities occurring at the site on which the board is physically located. A billboard includes both the display board and any associated supporting device whether permanent, temporary or moveable.

## Biodiversity offset

means a measurable conservation outcome resulting from actions designed to compensate for residual adverse biodiversity effects arising from development after all appropriate avoidance, remediation and mitigation measures have been taken. The goal of a biodiversity offset is to achieve no net loss.

## Birdstrike

means when a bird or flock of birds collide with an aircraft.

## Boarding house

means one or more buildings, used for paid lodgings or boarding, providing accommodation on a site whose aggregated total contains more than two boarding rooms and is occupied by six or more tenants.

## Boarding room

means accommodation in a boarding house that is used as sleeping quarters by one or more people and used only by a person or people whose tenancy agreement relates to that room.

## Boarding of domestic animals

means the use of land and/or buildings for the boarding of domestic animals for a tariff.

## Boundary

means any boundary of the net site area of a site.

a. Internal boundary means any boundary of the net site area of a site other than a road boundary.

Road boundary means any boundary of a site abutting a legal road (other than an access way or service lane), road reserve or road designation. Frontage or road frontage shall have the same meaning as road boundary.

Where a point strip exists between a site and any internal or road boundary, any building setback or recession plane requirement shall apply as if the point strip does not exist.

Site boundary or boundaries of a site shall have the same meaning as boundary.

## Brownfield

means abandoned or underutilised commercial or industrial land, or land no longer required by a requiring authority for a designated purpose.

## Building

means as the context requires:

- a. any structure or part of a structure whether permanent, moveable or immovable; and/or
- b. any erection, reconstruction, placement, alteration or demolition of any structure or part of any structure within, on, under or over the land; and
- c. any vehicle, trailer, tent, marquee, shipping container, caravan or boat, whether fixed or moveable, used on-site as a residential unit or place of business or storage; but

excludes:

- d. any scaffolding or falsework erected temporarily for maintenance or construction purposes;
- e. fences or walls that have no structural function other than as a fence or wall for boundary demarcation, privacy or windbreak purposes, of up to 2 metres in height;
- f. retaining walls which are both less than 6m<sup>2</sup> in area and less than 1.8 metres in height;
- g. structures which are both less than 6m<sup>2</sup> in area and less than 1.8 metres in height;
- h. utility cabinets;
- i. masts, poles, radio and telephone aerials less than 6 metres above mean ground level;
- j. any public artwork located in that part of the city contained within Bealey, Fitzgerald, Moorhouse, Deans and Harper Avenues;
- k. artificial crop protection structures and crop support structures; and

in the case of Banks Peninsula only, excludes:

- l. any dam that retains not more than 3 metres depth, and not more than 20,000 m<sup>3</sup> volume of water, and any stopbank or culvert;
- m. any tank or pool (excluding a swimming pool as defined in Section 2 of the Fencing of Swimming Pools Act 1987) and any structural support thereof, including any tank or pool that is part of any other building for which building consent is required:
  - i. not exceeding 25,000 litres capacity and supported directly by the ground; or
  - ii. not exceeding 2,000 litres capacity and supported not more than 2 metres above the supporting ground; and
- n. stockyards up to 1.8 metres in height.

Note: This definition of building is different from the definition of building provided in Sections 8 and 9 of the Building Act 2004, and the effect of this definition is different from the effect of Schedule 1 of the Building Act 2004 in that some structures that do not require a building consent under the Building Act 2004 may still be required to comply with the provisions of the District Plan.

## Building line restriction

means a restriction imposed on a site, by reference to a particular site boundary, to ensure that when new buildings are erected, or existing buildings are altered or substantially or wholly rebuilt, no part of any such building shall stand in the area between the building line and the relevant site boundary.

## Building supplier

means a business primarily engaged in selling goods for consumption or use in the construction, modification, cladding, fixed decoration or outfitting of buildings. It includes:

- a. glaziers;
- b. locksmiths; and
- c. suppliers of:
  - i. awnings and window coverings;
  - ii. bathroom, toilet and sauna installations;
  - iii. electrical materials and plumbing supplies;
  - iv. heating, cooling and ventilation installations;
  - v. kitchen and laundry installations, excluding standalone appliances;
  - vi. paint, varnish and wall coverings;
  - vii. permanent floor coverings;
  - viii. power tools and equipment;
  - ix. safes and security installations;
  - x. timber and building materials; and
  - xi. any other goods allowed by any other definition under 'trade supplier'.

## Burial

(see Interment)

## C

### Cabinet

in relation to the Utilities and Energy Chapter, means equipment affixed to, or within, the ground that is necessary to operate part of a utility or infrastructure network, including any casing.

### Café

means a small food and beverage outlet that primarily provides breakfast, lunch, light meals, snack foods and drinks for sale. A café excludes a restaurant.

### Care facility

means a facility providing rest home care within the meaning of the Health and Disability Services (Safety) Act 2001, or a home for the residential care of people with special needs, and/or any land or buildings used for the care during the day of elderly persons or people with special needs.

## Care home within a retirement village

means a facility providing rest home care within the meaning of the Health and Disability Services (Safety) Act 2001, or a home for the residential care of elderly persons and/or any land or buildings used for the care of elderly persons within a retirement village.

## Carriageway

means that portion of the road that is formed and able to be used by vehicles (including cyclists). It includes areas shared with pedestrians, on-street parking areas, shoulders and auxiliary lanes, but excludes footpaths. In urban areas the carriageway is generally defined by kerbs.

## Cemetery

has the same meaning as defined in s2 of the Burial and Cremation Act 1964.

## Central City

means that part of the city contained within Bealey, Fitzgerald, Moorhouse, Deans and Harper Avenues.

## Central City lane

means a narrow road within the Central City which is laid out or constructed either by the authority of the Council or the Minister of Transport for the purpose of providing access and which provides a high level of amenity for pedestrians.

## Christchurch City

means that part of Christchurch District shown on Appendix 2.2.

## Christchurch City Council Datum

means a drainage reference level 9.043 metres below Mean Sea Level (1937 Lyttelton Datum).

## Christchurch District

means the area under the jurisdiction of the Christchurch City Council, as shown on Appendix 2.1.

## Christchurch District excluding Banks Peninsula Ward

means that part of Christchurch District excluding Banks Peninsula Ward, as shown on Appendix 2.1.

## Clean fill

means material that, when buried, will have no adverse effects on people or the environment. Clean fill material includes virgin natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:

- a. combustible, putrescible, degradable or leachable components;
- b. hazardous substances;
- c. products or materials derived from hazardous waste treatment, hazardous waste stabilisation, or hazardous waste disposal practices;
- d. materials that may present a risk to human or animal health, such as medical and veterinary waste, asbestos or radioactive substances; or
- e. liquid waste.

## Closed cemetery

has the same meaning as defined in s2 of the Burial and Cremation Act 1964.

## Club room/Clubhouse

means any building or part thereof which is accessory to recreation facilities on the same site and which is intended to be used by members of a sports club or recreation-related organisation for locker facilities, amenities, meetings and/or social events.

## Coastal hazard mitigation works

means works and structures designed to prevent or mitigate coastal hazards, such as coastal erosion and seawater inundation. It includes beach re-nourishment, dune replacement, sand fences, seawalls, groynes, gabions and revetments.

## Coastal recreation activities

means the use of land and/or water for recreation and leisure of a casual nature, such as walking, cycling, swimming, surfing, fishing, kite flying, picnics, passive enjoyment of the outdoors, and beach sports and competitions.

## Collector roads

means roads classified as a collector road in Figure 7.17, Appendix 7.12.

Note: Collector roads are generally the roads classified as Main or Local Distributors in the road classification system in the Christchurch Transport Strategic Plan.

## Commercial activities

means retail activities, offices and commercial services. It excludes industrial activities.

## Commercial centre

means District Centres, Neighbourhood Centres, Local Centres and Large Format Centres zoned Commercial Core, Commercial Local, Commercial (Banks Peninsula) and/or Commercial Retail Park.

## Commercial film or video production

means activities associated with the creation of a film or video product where undertaken by a professional production company. Commercial film or video production excludes filming by news organisations, students or private individuals.

## Commercial fishing

has the same meaning as defined in s2(1) of the Fisheries Act 1996.

## Commercial services

means a business providing personal, property, financial, household, private or business services to the general public. It includes:

- a. authorised betting shops;
- b. copy and quick print services;
- c. financial and banking facilities;
- d. postal services;
- e. counter insurance services;
- f. dry-cleaning and laundrette services;
- g. electrical goods repair services;
- h. footwear and leather goods repair services;
- i. hairdressing, beauty salons and barbers;
- j. internet and computer services;
- k. key cutting services;
- l. real estate agents and valuers;
- m. travel agency, airline and entertainment booking services;
- n. optometrists;
- o. movie and game hire; and
- p. animal welfare and/or grooming services.

It excludes gymnasiums.

## Communication facility

means a radiocommunications or telecommunication facility.

## Communication kiosk

means a publicly accessible structure, whether free-standing or attached to a building, for the provision of telecommunication and radiocommunication services to the public. It includes phone boxes and public wifi access points.

## Community activity

means the use of any land and/or buildings principally by members of the community for recreation, entertainment, health care, safety and welfare, spiritual, cultural or deliberation purposes.

## Community corrections facility

means buildings used for non-custodial community corrections purposes . This includes probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes. Community corrections facilities may be used for the administration of, and a meeting point for, community work groups.

## Community facility

means any land and/or building used for community activities or education activities. Community facilities include reserves, recreation facilities, libraries, community infrastructure such as community halls, health care facilities, care facilities, emergency service facilities, community corrections facilities, community welfare facilities and facilities used for entertainment activities or spiritual activities. Community facilities exclude privately (as opposed to publicly) owned recreation facilities and entertainment activities, and restaurants.

In relation to the Open Space Zones community corrections facilities and community welfare facilities are excluded from this definition.

## Community garden

means a privately or publicly held piece of land used collectively and not for profit by a group of people, whose members are from more than one household, for growing fruit, vegetables and flowers.

## Community housing unit

in relation to the Community Housing Redevelopment Mechanism, means a residential unit owned, let or to be let by or on behalf of Christchurch City Council, Housing New Zealand Corporation, a not-for-profit housing entity or a registered community housing provider (under Part 10 of the Housing Restructuring and Tenancy Matters Act 1992) as social housing.

## Community infrastructure

has the same meaning as defined in s197 of the Local Government Act 2002.

## Community market

means a regular and ongoing market with multiple vendors using moveable buildings or structures. Community markets exclude retail activity ancillary to a permanent activity on the same site.

## Community welfare facility

means the use of land and/or buildings for providing information, counselling and material welfare of a personal nature. This includes personal and family counselling, citizen's advice bureaux, legal aid and the offices of charitable organisations where the facility is operated by a non-profit making organisation.

## Comprehensive residential development

in relation to the Residential New Neighbourhood Zone, means a development of three or more residential units which have been, or will be, designed, consented and constructed in an integrated manner (staged development is not precluded). Comprehensive residential development may include a concurrent or subsequent subdivision component.

## Conservation activities

means the use of land and/or buildings for the management, maintenance and enhancement of ecological values for indigenous flora and fauna and their habitats. It includes:

- a. weed and pest control;
- b. fencing;
- c. restoration planting;
- d. associated environmental research and education activities; and
- e. access tracks and associated structures.

## Contaminated land

has the same meaning as defined in s2 of the Resource Management Act 1991.

## Context and site analysis

in relation to the Meadowlands Exemplar Development, means the analysis of the key existing elements and influences in the vicinity of the proposed development (context analysis) and the key existing elements and influences of the development site (site analysis).

## Continuous building length

in relation to the Central City, means a continuous façade along any elevation of a building.

## Convenience activities

means the use of land and/or buildings to provide readily accessible retail activities and commercial services required on a day to day basis. Convenience activities excludes:

- a. booking services for airlines and recreation activities and entertainment activities;
- b. travel agency services;
- c. real estate agents;
- d. betting shops;
- e. gymnasiums;
- f. dry-cleaning and laundrette services (but not agencies for these services);
- g. electrical goods repair services;
- h. premises licensed to serve alcohol;
- i. counter insurance services;
- j. financial and banking facilities; and
- k. copy and quick printing services.

## Core public transport route

means a core route (along high-demand corridors, connecting key activity centres and operating at high frequencies) as defined in Appendix 1 of the Regional Public Transport Plan 2012 (or any change to those routes during the lifetime of the District Plan). Core public transport routes generally have at least a 15 minute frequency during peak periods and daytime inter-peak.

## Corner site

means a site at the intersection of two roads with legal frontage to both roads.

## Council

means the Christchurch City Council or any committee, subcommittee, commissioner, officer or person to whom the Council's powers, duties or discretions under the Act have lawfully been delegated.

## Coverage

means that portion of a site which is covered by buildings, including accessory buildings, and the area protected by the eaves of buildings.

## Crematorium/Crematoria

*[has the same meaning as defined in s2 of the Burial and Cremation Act 1964]*

for the purpose of the Specific Purpose (Cemetery) Zone provisions, this definition applies only to crematoria having memorial gardens for the purpose of ash interment adjacent to the buildings where such appliances, machinery or furnaces are fixed.

## Critical infrastructure

means infrastructure necessary to provide services which, if interrupted, would have a serious effect on the communities in Christchurch District and which would require immediate reinstatement. This includes any structures that support, protect or form part of critical infrastructure. Critical infrastructure includes:

- a. Christchurch International Airport;
- b. Lyttelton Port of Christchurch;
- c. gas storage and distribution facilities;
- d. electricity sub-stations, networks and distribution installations, including the electricity distribution network;
- e. supply and treatment of water for public supply;
- f. storm water and sewage disposal systems;
- g. telecommunications and radiocommunications installations and networks;
- h. strategic road network and rail networks (as defined in the Canterbury Regional Land Transport Strategy);
- i. petroleum storage and supply facilities;
- j. public health care facilities, including hospitals and medical centres;
- k. emergency service facilities; and
- l. New Zealand Defence Force facilities.

## Crop support structures

in relation to the Rural Chapter, means open structures on which plants are grown.

## Cultural activity

means the use of land and/or buildings for public performances, demonstrations or displays/exhibitions of cultural, historic, scientific or artistic significance whether a charge is made for admission or not.

It includes museums, cultural centres, galleries and the open-air operation of heritage vehicles, trains and machinery and ancillary workshops, offices, storage, retail activity and staff accommodation.

## Customary harvesting

means the harvesting of indigenous vegetation or animals by Manawhenua, in accordance with tikanga, for traditional uses. These include:

- a. food gathering;
- b. carving;
- c. weaving; and
- d. traditional medicine.

## Cycle lane

means part of a roadway to be used by cycles, in which other traffic is not necessarily excluded. A cycle lane is indicated by pavement markings, texture or colour, or by raised pavement markers.

## Cycle route

means a recommended route for cyclists through an area consisting of cycle ways, cycle lanes and/or streets, identified by signs.

## Cycle way

means a physically separate track for cyclists to which pedestrians usually have access, but from which motor vehicles are excluded. It may be adjoining a roadway or on a separate allotment.

## D

### Deconstruction

in relation to a heritage item, means to carefully dismantle a building or feature in such a way that the deconstructed materials may be later used in reconstruction or restoration

### Defence against water

means any structure or equipment, including any bund, weir, spillway, floodgate, bank, stopbank, retaining wall, rock or erosion protection structure, groyne, vegetation (including anchored tree protection) or reservoir, that is designed to have the effect of stopping, diverting, controlling restricting or otherwise regulating the flow, energy or spread of water, including floodwaters, within, into or out of a water body, artificial watercourse, or artificial lake for the purposes of flood mitigation.

### Demolition

in relation to a heritage item, means permanent destruction in whole, or of a substantial part which results in the complete or significant loss of the heritage form and fabric.

### Department store

means a retail store carrying a wide variety of merchandise, organised into various departments that sell goods such as apparel, furniture, appliances, electronics, household goods, toiletries, cosmetics, jewellery, toys and sporting goods, and where no one merchandise line dominates.

### Development contribution

has the same meaning as defined in s197 of the Local Government Act 2002.

### Digital sign

means an internally lit sign that displays electronic messages and/or images.

## Discrete

in relation to the Central City, means not directly associated with a premise or site.

## Disinterment

in relation to the Specific Purpose (Cemetery) Zone, means the removal of a human body, or a container of ashes, from a grave or a vault.

## District Centre

in relation to the Commercial Chapter, means the Commercial Core Zone and, where applicable, the Commercial Retail Park Zone at Belfast/Northwood (emerging), Eastgate/Linwood, Hornby, North Halswell (emerging), Papanui/Northlands, Riccarton and Shirley/Palms.

## District Plan

means the proposed or operative District Plan for Christchurch District.

## Disturbance of soil

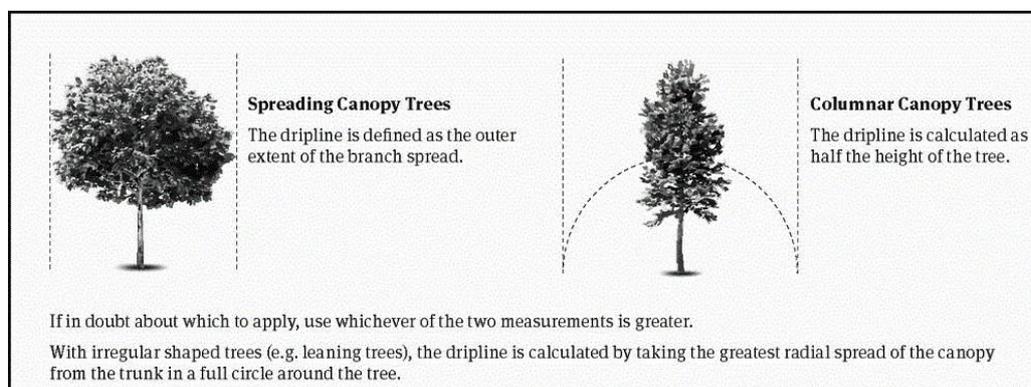
means any activity, including excavation and filling, which results in soils being shifted, moved, mixed, turned or disturbed.

## Drag racing

means vehicles which race over 400 metre distance, with a maximum of two vehicles at a time.

## Dripline

means the dripline of a tree, being a circular area, where the radius is equivalent to either the outer extent of the branch spread or half the height of the tree, whichever is the greater. This is illustrated in the diagram below.



## Drive-through services

means a retail activity or commercial service where the goods/services are offered and/or are sold to a customer while remaining within their vehicle. It includes facilities that may form part of another facility, including food and beverage outlets, but excludes service stations.

## Dtr,2m,nT,w + Ctr

means the Weighted Standardised 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 of building elements – Part 1. Dtr,2m,nT,w + Ctr is also known as the external sound insulation level.

## Duplex

in relation to the Residential New Neighbourhood Zone, means a single residential building containing two residential units each with its own entrance and habitable space on the ground floor.

## E

### Earthquake waste

in relation to the Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone, means:

- a. solid waste resulting from the Canterbury earthquakes, including liquefaction silt;
- b. solid waste resulting from any construction work (within the meaning of section 6 of the Construction Contracts Act 2002) undertaken as a result of the Canterbury earthquakes (within the meaning of section 4 of the Canterbury Earthquake Recovery Act 2011);
- c. hardfill from the district's sewer, water and road network; and
- d. liquid waste extracted from the district's infrastructure network; but

excludes any of the following unless it is not reasonably practicable to separate it from the waste specified in a. – d.:

- e. general domestic refuse;
- f. human waste;
- g. building insulation and building materials containing asbestos; or
- h. hazardous substances and waste; or
- i. waste material from an industrial process or trade process.

## Earthquake waste processing activities

in relation to the Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone, means:

- a. the storage, stockpiling, sorting and processing (including recycling) of earthquake waste; and
- b. any ancillary activities (including buildings and transportation) for the purpose of the activities specified in a.; and
- c. any remediation work required as a result of the effects of the activities specified in a. and b.

## Earthworks

means any filling or excavation or disturbance of, or deposition on, or change to the profile of, the land of a site by:

- a. moving, removing, placing or replacing earth, rock or soil; or
- b. root raking and blading; or
- c. inserting cement, bentonite grout, timber or other foundation piles and/or undertaking other methods either for earthquake repair or to strengthen the land to allow for construction of a building on the site; or
- d. constructing a track, firebreak or landing; or
- e. installing services or utilities.

## EDM core public transport route

means a core route (along high-demand corridors connecting key activity centres and operating at high frequencies) as defined in Appendix 1 of the Regional Public Transport Plan 2012.

## EDM walking distance

means a distance as measured along any continuous accessible and walkable route, including footpaths and open space, over which the general public has a legal right of walking access.

## Education activity

means the use of land and/or buildings for the provision of regular instruction or training. It includes ancillary spiritual activities, recreation activities, health and cultural activities, offices, out of school care (all of which may be shared) and boarding/residential accommodation. It also includes preschools in the Specific Purpose (School) and Specific Purpose (Tertiary Education) Zones.

## Education facility

means land and/or buildings primarily used for education activities.

## Elderly person's housing unit

means an older person's housing unit that was consented or otherwise permitted prior to the District Plan becoming operative.

## Electricity distribution

means the conveyance of electricity via electricity distribution lines, cables, support structures, substations, transformers, switching stations, kiosks, cabinets and ancillary buildings and structures, including communication equipment, by a network utility operator. This includes Orion New Zealand Limited assets shown on the planning maps.

## Electricity distribution line

means the lines and associated support structures utilised by a network utility operator to distribute electricity. This includes Orion New Zealand Limited assets shown on the planning maps.

## Electricity transmission

has the same meaning as defined in the National Policy Statement on Electricity Transmission 2008.

## Emergency

means a situation that:

- a. is the result of any happening, whether natural or otherwise, including any accident, explosion, earthquake, eruption, tsunami, land movement, flood, storm, tornado, cyclone, fire, leakage or spillage of any dangerous gas or substance, technological failure, infestation, plague, epidemic, failure of or disruption to an emergency service or a lifeline utility, or actual or imminent attack or warlike act; and
- b. causes or may cause loss of life or injury or illness or distress or in any way endangers the safety of the public or property in New Zealand or any part of New Zealand.

## Emergency service facilities

means the facilities of authorities that are responsible for the safety and welfare of people and property in the community. It includes fire stations, ambulance stations, police stations and emergency coordination facilities.

## Engine testing

means on-aircraft engine testing only. It excludes off-aircraft engine testing.

## Entertainment activity

means the use of land and/or buildings principally for leisure and amusement activities other than sports, regardless of whether a charge is made for admission or not. It includes public performances, exhibitions, movie and live theatres and ancillary workshops, storage, offices and retail activity.

## Equestrian facility

means the use of land and buildings for training, racing or showing horses for commercial or competitive purposes. It may include:

- a. providing horse-riding lessons for a tariff; and
- b. ancillary retail activity and outdoor storage areas.

It excludes:

- c. pony clubs;
- d. the grazing of horses; and
- e. keeping or training horses where not open to the public.

## Erection of a building

in relation to subdivision, means the completion of all framing, fire walls, fire ceilings and fire floors and the affixing of all roof materials.

## Esplanade reserve

- a. has the same meaning as defined in s2 of the Resource Management Act 1991.

## Excavation

means the removal or disturbance of soil or material at or below the surface of the land, including in relation to land which has already been filled or excavated.

## Existing forestry

means the tending, maintenance and harvesting of forest commercially planted as at 2 May 2015. Existing forestry includes any earthworks ancillary thereto and wholly contained within the existing forestry boundaries.

## F

## Family flat

means self-contained living accommodation, whether contained within a residential unit or located separately to a residential unit on the same site, which are occupied by family member/s who are dependent in some way on the household living within that residential unit, and which is encumbered by an appropriate legal instrument which ensures that the use of the family flat is limited to dependent family members of the household living in the residential unit.

## Family store

in relation to the Salvation Army site in Addington, means the sale of second-hand items that have been donated for sale, that would normally be associated with a charity shop.

## Farm building

means a building integral to the primary use of the site for farming. It excludes residential units.

## Farming

means the use of land and/or buildings for horticulture (including viticulture) and agriculture (including the rearing of animals), whether for profit or not. It includes:

- a. fencing and stock yards;
- b. shelterbelt and amenity tree planting;
- c. field-based horticultural and agricultural research;
- d. ancillary outdoor storage areas and offices; and
- e. horticultural structures.

Farming excludes intensive farming.

## Farm stay

means guest accommodation offered at a tariff that is accessory to a farming, conservation or rural tourism activity and in association with a residential unit on the site.

## Filling

means the placing or disturbance of material upon the surface of the land above natural ground level, or upon land which has been excavated below natural ground level or the placing or disturbance of material into land below natural ground level where excavation has not taken place.

## Financial contribution

has the same meaning as defined in s108(9) of the Resource Management Act 1991.

## Flood management area

means an area identified on the planning maps which is at risk of flooding in a major flood event, where specific minimum floor level and earthworks rules apply.

## Food and beverage outlet

means the use of land and/or buildings primarily for the sale of food and/or beverages prepared for immediate consumption on or off the site to the general public. It includes restaurants, taverns, cafés, fast food outlets, takeaway bars and any ancillary services. It excludes supermarkets.

## Formed/Formation

in relation to a road, means construction of all or part of the legal road for use by motor vehicles. It includes gravelling, metalling, sealing or permanently surfacing the road.

## Freeboard

means an allowance added to predicted flood water levels to account for uncertainties, such as:

- a. flood modelling error margins;
- b. inaccuracies in surveying land levels;
- c. construction tolerances;
- d. obstructions within drainage networks and waterways; and
- e. natural phenomena (e.g. wave and wind effects).

## Free-standing sign

means a sign which is fixed to the ground rather than a building (See Appendix 6.11.8, Diagram 8). It may be erected on a pole or other support structure. It excludes signs which are erected on or over the Transport Zone.

## Freight handling activities

in relation to the Transport Chapter, means the use of land, plant, equipment, buildings, infrastructure and structures for freight handling and distribution. It includes ancillary:

- a. storage areas and facilities, including warehouses;
- b. maintenance and repair facilities;
- c. parking areas; and
- d. administration facilities.

## Freight hub

means an area where the transferring of freight between vehicles or transport modes is the primary activity of the site. Freight hubs are generally ports, airports, inland ports and rail depot facilities (such as the Middleton Railyard).

## Frontage

(see Boundary).

## Front site

means a site having one or more frontages to a road or private road.

## Full-time equivalent student

in relation to the Transport Chapter, means:

- a. for a full-time student, one student; and
- b. for a part-time student, the proportion of a full-time student that is equivalent to the portion of a full-time course that that part-time student undertakes.

For the purposes of provisions that require the calculation of the total number of full-time equivalents at a tertiary education and research activity, such calculation can be undertaken using the New Zealand Qualifications Authority method of the sum of the totals of the student credit value for each enrolled student during the calendar year then divided by 120 (which is the standard number of credits for a full-time student).

## Future development allotment

in relation to the Meadowlands New Neighbourhood Zone means an allotment encumbered to achieve the density required by the zone.

## G

### Garage

means an accessory building, or part of a building, designed or used for housing motor vehicles and other miscellaneous items. It may include a carport, workshop, laundry and/or sleep-out ancillary to any associated residential unit. Garages may be located on a site other than the site of the residential unit.

### Garden allotment

means a site used by an individual or members of a single household for growing fruit, vegetables and flowers, which are not sold to consumers (including restaurants).

### Greenfield

means undeveloped urban land that is located in a Greenfield Priority Area for future residential or business development on Map A in Chapter 6 of the Canterbury Regional Policy Statement.

### Greenhouse

means a totally enclosed structure where plants are grown in a controlled environment.

## Gross floor area

means the sum of the total area of all floors of all buildings measured from the exterior faces of the exterior walls or from the centre line of walls separating two buildings. For the purposes of calculating loading spaces, car and cycle parking spaces and the high trip generator thresholds only, gross floor area shall exclude off-street parking and/or loading areas contained within the building.

## Gross floor area of the habitable space

means the sum of the total area of all floors of all spaces of a residential unit excluding any bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes drying room or garage (except any portion of a garage that includes a sleep-out).

## Gross leasable floor area

means the sum of the total area of all floors (within the external walls for buildings or within the boundary for outdoor areas) designed or used for tenant occupancy, but excluding:

- a. common lift wells and stairwells (including landing areas);
- b. common corridors and halls (other than food court areas);
- c. common toilets and bathrooms;
- d. any parking areas and/or loading areas; and

for the purposes of calculating loading, car and cycle parking requirements and the high trip generator thresholds, it also excludes:

- e. common seating areas (including food court seating areas); and
- f. lobby areas within cinemas.

## Ground floor area

means the total area of the building measured from the exterior faces of the exterior walls at ground level.

## Ground level

means the natural ground level or, where the land has been subdivided, the level of the ground existing when works associated with any prior subdivision of the land were completed, but before filling or excavation for new buildings on the land has commenced.

## Grout

means a material which consists of water and at least 20% cement, and which may also contain aggregate, inert additives or bentonite.

## Guest accommodation

means the use of land and/or buildings for transient residential accommodation offered at a tariff, which may involve the sale of alcohol and/or food to in-house guests, and the sale of food, with or without alcohol, to the public. It may include the following ancillary activities:

- a. offices;
- b. meeting and conference facilities;
- c. fitness facilities; and
- d. the provision of goods and services primarily for the convenience of guests.

Guest accommodation includes motels, motor and tourist lodges, backpacker's, hostels, hotels, resorts and camping grounds. Guest accommodation excludes bed and breakfasts and farm stays.

## Gymnasium

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. Specialised facilities such as squash courts are considered ancillary to the gymnasium for the purposes of calculating parking requirements.

## H

### Habitable building

means any building occupied by persons for residential activity or guest accommodation.

### Habitable space

means all the spaces of a residential unit or guest accommodation unit except any bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, hallway, lobby or clothes drying room (but including any portion of a garage used as a sleep-out).

### Hazard mitigation works

in relation to slope instability hazards in the Natural Hazards Chapter, means engineering works to prevent and control land instability, rock falls/boulder roll and the extent of debris travel. It includes the building of rock fall/boulder roll protection structures, the mechanical fixing of rocks in-situ, the re-contouring of slopes and/or land and any necessary on-site geotechnical investigations required as part of the works. Retaining walls not required for a hazard mitigation purpose are excluded from this definition.

## Hazardous substance

means:

- a. any substance or mixture or formulation of substances which has one or more of the following intrinsic properties, and exceeds any of the minimum degrees of hazard for the following hazards prescribed in the Hazardous Substances (Minimum Degrees of Hazard) Regulations 2001:
  - i. explosiveness;
  - ii. flammability;
  - iii. a capacity to oxidise;
  - iv. corrosiveness;
  - v. acute and chronic toxicity; and
  - vi. eco-toxicity, with or without bio-accumulation;
- b. substances which, in contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased), generate a substance or reaction with any one or more of the properties specified in a. above;
- c. substances that, when discharged to surface or groundwaters, have the potential to deplete oxygen as a result of the microbial decomposition of organic materials (for example, milk or other foodstuffs); and
- d. radioactive substances.

In the Specific Purpose (Lyttelton Port) Zone and the Bulk Liquid Storage Area identified in Appendix 21.8.4.5, the following:

- e. storage of substances within or on vehicles being used in transit on public roads;
- f. installations where the combined transformer oil capacity of the electricity transformers is less than 1,000 litres;
- g. fuel within mobile plant, motor vehicles, boats and small engines;
- h. the accessory use and storage of hazardous substances in minimal domestic scale quantities;
- i. fire-fighting substances, and substances required for emergency response purposes on emergency service vehicles and at emergency service facilities;
- j. activities involving substances of HSNO sub-classes 1.6, 6.1D, 6.1E, 6.3, 6.4, 9.1D and 9.2D unless other hazard classification applies;
- k. waste within trade waste sewers; and
- l. vehicles applying agrichemicals and fertilisers for their intended purpose

are:

- i. deemed to be permitted activities for the purpose of Rule 21.8.2.2.4 D5;
- ii. excluded from the calculation of quantities in Rule 21.8.2.2.1 P10; and
- iii. excluded from the application of Rule 21.8.2.2.2 C3.

## Health care facility

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). These include:

- a. medical practitioners;
- b. dentists and dental services;
- c. opticians;
- d. physiotherapists;
- e. medical social workers and counsellors;
- f. midwives;
- g. paramedical practitioners; and

include the following facilities:

- h. diagnostic laboratories;
- i. day care facilities for the elderly and disabled;
- j. integrated family health centres; and
- k. accessory offices and retail activity to the above; but

exclude facilities used for:

- l. the promotion of physical fitness, such as gymnasiums and/or pools (except where ancillary to a hospital service or treatment programme);
- m. beauty clinics; and
- n. health care within retirement villages.

## Heavy industrial activity

means:

- a. blood or offal treating; bone boiling or crushing; dag crushing; fellmongering; fish cleaning or curing; gut scraping and treating; and tallow melting;
- b. flax pulping; flock manufacture or teasing of textile materials for any purpose; and wood pulping;
- c. storage and disposal of sewage, septic tank sludge or refuse;
- d. slaughtering of animals; storage, drying or preserving of bones, hides, hoofs or skins; tanning; and wool scouring;
- e. the burning of waste oil in the open air or in any combustion processes involving fuel-burning equipment;
- f. any other processes involving fuel-burning equipment, which individually or in combination with other equipment, have a fuel-burning rate of up to 1000 kg/hr;
- g. the open burning of coated or covered metal cable or wire, including metal coated or covered with varnish, lacquers, plastic or rubber;
- h. any activity with the potential to discharge asbestos to air including the removal or disposal of friable asbestos, except where it complies with the Health and Safety in Employment (Asbestos) Regulations 1998 and is supervised and monitored by Occupational Safety and Health staff;
- i. burning out of the residual content of metal containers used for the transport or storage of chemicals;
- j. the burning of municipal, commercial or industrial wastes, whether by open fire or the use of incinerators for disposal of waste;
- k. any industrial wood pulp process in which wood or other cellulose material is cooked with chemical solutions to dissolve lining, and the associated processes of bleaching and chemical and by-product recovery;
- l. crematoriums; and
- m. any industrial activity which involves the discharge of odour or dust beyond the site boundary.

## Heavy vehicle

means a motor vehicle (other than a motor car that is not used, kept or available for the carriage of passengers for hire or reward), the gross laden weight of which exceeds 3,500 kilograms. It includes a traction engine or a vehicle designed solely or principally for the use of fire brigades in attendance at fires (refer to Heavy Motor Vehicle Regulations 1974).

## Heavy vehicle movement

(see [Heavy vehicle](#) and [Vehicle movement](#)).

## Heavy vehicle trip

(see [Heavy vehicle](#) and [Vehicle trip](#)).

## Height

in relation to a **building**, means the vertical distance between **ground level** at any point and the highest part of the **building** immediately above that point, except that for the purpose of calculating height in all zones, account shall be taken of parapets, but not of:

- a. radio and television aerials, provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 2.5 metres; and
- b. finials, provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 1.5 metres;
- c. lift shafts, plant rooms, water tanks, air conditioning units, ventilation ducts, chimneys and **antennae** and similar architectural features on **buildings** in all Open Space Zones; Commercial and Industrial Zones; Central City Residential Zones, Guest Accommodation Zones in the **Central City**; and the Specific Purpose (Defence Wigram), (Tertiary Education), (Hospital) and (Airport) Zones;
- d. chimneys (not exceeding 1.1 metres in any direction);
- e. any **utility** or part of a **utility** with a horizontal dimension of less than 55 millimetres;
- f. the spires or towers of **spiritual activities** that exceed the allowed zone height by no more than 3 metres or 20% of the **building** height (whichever is greater); and
- g. any pole or support structure for flood or training lights **accessory** to a sports facility, provided that their height does not exceed 40 metres.

## Helicopter movement

means the landing or take-off of a helicopter.

## Heli-landing area

means an area of land, **building** or structure used for the take-off and landing of helicopters for primary purposes other than:

- a. **emergency** landings;
- b. medical emergencies;
- c. search and rescue operations;
- d. fire-fighting, police or civil defence purposes;
- e. advertised community events providing educational activities for schoolchildren and/or fundraising activities such as arts and craft shows, fairs and A & P shows; and
- f. **farming**, forestry, the construction of **buildings** and the construction or maintenance of **utilities**.

## Heritage area

means an area of land that is identified in the Schedule of Heritage Areas in Appendix 9.3.7.3 because it comprises an inter-related group of historic places, **buildings**, structures and/or **sites** that make a significant contribution towards an understanding and appreciation of the district's history and cultures.

## Heritage fabric

in relation to the heritage provisions in the Natural and Cultural Heritage Chapter, means any physical aspect of a heritage item or heritage setting, which contributes to its heritage values, and in the case of the interior of a heritage item, heritage fabric includes only that heritage fabric which is scheduled in the Appendix 9.3.7.2 for that heritage item. Heritage fabric includes:

- a. original and later material and detailing which 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 fabric excludes fabric certified in accordance with Appendix 9.3.7.6.

## Heritage investigative and temporary works

in relation to a heritage item, means temporary removal, recording, storage and reinstatement of undamaged heritage fabric where necessary for associated works to the heritage item, and may include:

- a. temporary removal for investigation of building condition and determining the scope of works; and
- b. temporary removal of heritage fabric where the heritage fabric cannot be satisfactorily protected in situ; and
- c. core drilling.

It excludes core drilling, temporary lifting and/ or temporary moving off foundations and temporary lifting and/or temporary moving of a heritage item to allow for ground, foundation and retaining wall remediation undertaken as part of heritage upgrade works.

## Heritage item

means an entry in Appendix 9.3.7.2 – Schedule of Significant Historic Heritage which has met the significance threshold for listing in the District Plan. Heritage items can be:

- 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.

## Heritage professional

in relation to Rule 9.3.4 and Appendices 9.3.7.5 and 9.3.7.6, heritage professional means:

- a. a registered architect with a recognised post-graduate qualification in a field related to heritage conservation or management and at least three years of experience, including experience on at least three projects where he/she has acted as the principal heritage advisor for works involving a heritage building listed by Heritage New Zealand, and/or in a District Plan; and/or
- b. a person with a degree or with a recognised post-graduate qualification in a field related to heritage conservation or management, and at least five years of experience in heritage conservation or management, and including experience on at least five projects where he/she has acted as a principal heritage advisor for works involving a heritage building listed by Heritage New Zealand and/or in a District Plan.

## Heritage setting

means an entry in Appendix 9.3.7.2 – Schedule of Significant Historic Heritage in which, together with the associated heritage item, has met the significance threshold for listing in the District Plan. A heritage setting is the area around and adjacent to a heritage item that is integral to its function, meaning and relationships and may include individually listed heritage items. Heritage settings include:

- a. buildings;
- b. structures or features, such as fences, walls and gates, bridges, monuments, gun emplacements, whale pots, lamp stands and public artworks;
- c. gardens, lawns, mature trees and landscaping, water features, historic landforms,
- d. access, walkways and cycle ways, circulation, paths and paving;
- e. open space; and
- f. spatial relationships.

## Heritage upgrade works

in relation to a heritage item or heritage setting, means works undertaken to satisfy or increase compliance with Building Act 2004 and Building Code requirements. Heritage upgrade works may include:

- a. structural seismic upgrades, core drilling, temporary lifting and/or moving off foundations or permanent realignment of foundations;
- b. fire protection;
- c. provision of access; and
- d. temporary lifting and/or temporary moving of a heritage item to allow for ground, foundation and retaining wall remediation.

It excludes Building Code upgrade works undertaken as part of repairs, reconstruction or restoration.

## Heritage values

means the following tangible and intangible attributes which contribute to the significance of a heritage item and its heritage setting:

- a. historical and social values;
- b. cultural and spiritual values;
- c. architectural and aesthetic values;
- d. contextual values;
- e. technological and craftsmanship values; and
- f. archaeological and scientific values.

## High Flood Hazard Management Area

means an area 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% AEP (1 in 500-year) flood event (as identified in the Canterbury Regional Policy Statement, Chapter 11) and shown on the Planning Maps.

## High technology industrial activity

means:

- a. communications technology development;
- b. computer and information technology development; and
- c. associated manufacturing, electronic data storage and processing, and research and development.

## Hill waterway

means any waterway, watercourse, gully, swale, open drain, spring or waterfall that:

- a. is not identified or defined in the District Plan under any other water body classification; and
- b. has an average gradient over a distance of 100 metres of 1 in 50 or steeper, where the gradient is measured from 50 metres upstream and 50 metres downstream from the centre of waterway where it passes through the site. Where a waterway is less than 100 metres long, the gradient shall be measured over the entire length of the waterway.

The upstream extremity of a hill waterway is at the point of channelisation of overland sheet flow.

## Historic heritage

has the same meaning as defined in s2 of the Resource Management Act 1991.

## Home occupation

means any occupation, including a profession, undertaken within a residential unit by a person who resides permanently within that residential unit.

## Horticultural structures

in relation to the Rural Chapter, means artificial crop protection structures and crop support structures.

## Hospital

means land and/or buildings used for the provision of medical or surgical treatment of, and health services for, people. It includes:

- a. helicopter landing and ambulance facilities;
- b. medical research and testing facilities;
- c. first aid and other health-related training facilities;
- d. rehabilitation facilities, including gymnasiums and pools;
- e. palliative facilities;
- f. supported residential care;
- g. hospital maintenance and service facilities;
- h. mortuaries;
- i. accessory offices and retail activities, including pharmacies, food and beverage outlets and florists; and
- j. accessory commercial services, including banks and dry cleaners.

It excludes :

- k. Hospitals within retirement villages.

## Hospital within a retirement village

means any facility providing hospital care within the meaning of the Health and Disability Services (Safety) Act 2001 within a retirement village.

## Hotel

means any building and associated land where guest accommodation is provided and which is the subject of an alcohol licence. It may include restaurants, bars, bottle stores, conference and other ancillary facilities as part of an integrated complex.

## I

## Identified building area

means an area identified on an approved plan of subdivision on which a building is anticipated.

## Impervious surface

means a continuous surface of concrete, bitumen or paving with slabs, bricks, 'gobi' or similar blocks, or hardfill (excluding gravel or other loose stone surfaces that have not been mechanically compacted) that effectively puts a physical barrier on the surface of any part of a site, but excludes shade, tunnel or greenhouses that do not have solid floors.

## Improved pasture

in relation to Sub-chapter 9.1 of the Natural and Cultural Heritage Chapter, means an area of pasture:

- a. where exotic pasture grass and herb species are the visually predominant vegetation cover; and
- b. that:
  - i. is used for livestock grazing and has been routinely so used since 1 June 1996; or
  - ii. at any time on or after 1 June 1996 was modified or enhanced for the purpose of livestock grazing by cultivation, irrigation, oversowing, top-dressing and/or direct drilling.

## Indigenous biodiversity

means organisms of New Zealand origin, the variability among these organisms and the ecological complexes of which they are a part. It includes diversity within species, between species, and of ecosystems, and includes their related indigenous biodiversity values.

## Indigenous fauna

means all animals that occur naturally in New Zealand and have evolved or arrived without any assistance from humans. Indigenous fauna includes migratory species visiting New Zealand on a regular or irregular basis.

## Indigenous vegetation

means vegetation containing plant species that are indigenous or endemic to the area/site.

## Indigenous vegetation clearance

means the felling or clearing of indigenous vegetation by cutting, crushing, cultivation, irrigation, chemical application, artificial drainage, stop banking or burning.

## Industrial activity

means the use of land and/or buildings for manufacturing, fabricating, processing, repairing, assembly, packaging, wholesaling or storage of products. It excludes high technology industrial activity, mining exploration, quarrying activity, aggregate processing activity and heavy industrial activity.

## Infrastructure (Rule 5.6)

in relation to Rule 5.6, means water mains, sewerage mains, pump stations and reservoirs, electricity networks and sub-stations, telecommunications networks, the strategic road network, other roads, rail and bulk storage fuel facilities and associated pipelines. It excludes services from the street to residential units.

## In-situ mixing

means removal or disturbance of soil on the site of a repair, in order to combine that soil with other material as part of the repair of land damaged by earthquakes.

## Installed

means permanently added to the physical structure of the building or car park.

## Integrated family health centre

means a health care facility primarily serving the local community where multiple health care services are located within one building (or networked) and function together in an integrated manner to meet the needs of the consumer. It will contain general practice clinical staff and services and may include, but not be limited to, community nursing and medical specialists, a day surgery, a pharmacy, a blood collection centre and physiotherapy, midwifery and counselling services.

## Intensive farming

means the intensive production of livestock and/or plants, or aquatic animals, within a building or structure (excluding greenhouses, shade houses and poultry hatcheries) or on animal feed lots with limited or no dependence on natural soil quality on the site and food required to be brought to the site. It includes:

- a. intensive pig farming;
- b. intensive poultry farming;
- c. animal feedlots;
- d. land-based aquaculture; and
- e. mushroom farming.

## Interment

means depositing a human body, or a container of ashes resulting from the cremation of a human body, within a grave or a vault.

## Intersection

in relation to two or more intersecting or meeting roadways or railway lines, means that area contained within the prolongation or connection of the lateral boundary lines of each roadway or railway.

## J

## K

### Key activity centres

means the following key existing and proposed commercial centres identified as focal points for employment, community activities and the transport network, and which are suitable for more intensive mixed-use development, as identified in the Canterbury Regional Policy Statement, Chapter 6, on Map A:

- a. Papanui;
- b. Shirley;
- c. Linwood;
- d. New Brighton;
- e. Belfast/Northwood;
- f. Riccarton;
- g. North Halswell;
- h. Spreydon; and
- i. Hornby.

The key activity centre in each location is land zoned Commercial Core and, where applicable, Commercial Retail Park.

### Key pedestrian frontage

means street frontages in the Commercial Core Zone defined on the planning maps.

### Key structuring elements

means the existing or proposed above ground infrastructure, such as stormwater ponds, roads and reserves, that contribute to the layout of new urban areas.

## L

### LAE

means the Sound Exposure Level (SEL) in decibels. LAE is the sound level of one second duration which has the same amount of energy as the actual noise event measured. This is usually used to measure the sound energy of a particular event, such as a train pass-by or an aircraft flyover.

### LAEq

means the equivalent continuous A-weighted sound level in decibels. This is commonly referred to as the time-average sound level. LAEq is often assessed over a reference time interval of 15 minutes, in accordance with NZS 6802:2008.

## L<sub>Amax</sub>/L<sub>AFmax</sub>

means the A-weighted maximum noise level in decibels measured with a ‘fast’ response time. It is the highest noise level that occurs during a measurement period.

## Land management activities

in relation to the Specific Purpose (Flat Land Recovery) Zone, means property clearance activities undertaken by the legally responsible entity, on behalf of the Crown. This entails:

- a. removal and disposal of all buildings, fences, paths or other debris;
- b. removal of vegetation that is not being retained;
- c. fencing of areas for safety, to deter illegal activities and to improve visual amenity; and
- d. ongoing land management responsibilities, including security and community reassurance patrols, maintaining vegetation, managing weeds and pests, and removing excessive rubbish.

## Landscaped area

(see Landscaping).

## Landscaping

means the provision of predominantly trees and/or shrub plantings. It may include some ancillary areas of lawn or other amenity features.

## Landscaping strip

(see Landscaping).

## Large format centre

means those commercial centres at Moorhouse Avenue, Shirley Homebase, Tower Junction, Langdons Road and Harewood Road zoned Commercial Retail Park on the planning maps.

## Large format retail activity

means any individual retail tenancy with a specified minimum floor area, where the tenancy is created by freehold, leasehold, licence or any other arrangement to occupy.

## L<sub>dn</sub>

means the day-night average sound level in decibels over a 24-hour period, which is calculated from the day (0700-2200) L<sub>A</sub>Eq(15h) and night (2200-0700) L<sub>A</sub>Eq(9h) values with a 10 dB penalty applied to the night-time L<sub>A</sub>Eq(9h). L<sub>dn</sub> values can be used to describe long term noise exposure by averaging over days, weeks or months.

## Level crossing

in relation to the Transport Chapter, has the same meaning as defined in s4 of the Railways Act 2005.

## Limit line

in relation to the Transport Chapter, means a line marked on the surface of the roadway to indicate the place where traffic is required to stop for the purpose of complying with a stop sign, give-way sign, pedestrian crossing, railway crossing, school crossing point or traffic signal.

## Living area

means habitable space excluding bedrooms.

## Living space

means all the lounge, dining room, kitchen, bedroom, bathroom, toilet and hallway spaces within a residential unit.

## Loading

means the loading or unloading or fuelling of a vehicle, or the adjustment or covering or tying of its load or any part or parts of its load. Load, in relation to a vehicle, has a corresponding meaning.

## Loading area

means that part of a site in which all vehicle loading facilities are accommodated. It includes all loading spaces and manoeuvring areas.

## Loading space

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 shall have vehicular access to a road or service lane.

## Local centre

means those areas zoned Commercial Local (excluding those areas at Beckenham and Wigram that are zoned Commercial Local but are categorised as a 'neighbourhood centre') and Commercial Core at Wainoni and Peer Street.

## Local roads

means any road not classified as either an arterial road, distributor or collector road in Appendix 7.12.

Note: Local roads are generally the roads classified as Typical or Slow Streets in the road classification system in the Christchurch Transport Strategic Plan.

## Low impact urban design

means using recognised best practice techniques in urban development to promote the efficient use of natural and physical resources and to reduce environmental impacts. It includes freshwater, energy use and conservation values.

## M

### Maintenance

in relation to a heritage item or heritage setting, means regular and ongoing protective care of the item or setting to prevent deterioration and to retain its heritage value. Maintenance includes the following, where there is no permanent damage or loss of heritage fabric:

- a. cleaning, washing or repainting exterior or interior fabric using a method which does not damage the surface of the heritage fabric;
- b. reinstating existing exterior or interior surface treatments;
- c. temporary erection of freestanding scaffolding;
- d. laying underground services and relaying paved surfaces to the same footprint;
- e. upkeep of gardens, including pruning of trees, pruning or removal of shrubs and planting of new trees or shrubs (except planting within, or adjoining, plots within cemeteries); and
- f. in relation to crematoria and cemeteries, maintenance also includes:
  - i. protective care and routine works to enable their ordinary functioning, such as temporary and reversible modifications or additions to buildings;
  - ii. installation of plaques;
  - iii. restoration, repair and reinstatement of monuments; and
  - iv. soil disturbance for burials and interment of ashes.

### Major arterial roads

means roads classified as a major arterial road in Figure 7.17, Appendix 7.12.

Note: Major arterial roads are generally the roads classified as State Highways and District Arterials in the road classification system in the Christchurch Transport Strategic Plan.

## Major cycle route

in relation to the Transport Chapter, means a cycle route that predominantly consists of cycle ways and is at least two kilometres in continuous length.

Note: The Christchurch Transport Strategic Plan identifies Major Cycle Routes proposed by the Council.

## Major flood event

means either a 1 in 200 year (0.5% AEP) rainfall event concurrent with a 1 in 20 year (5% AEP) tidal event, or a 1 in 200 year tidal event concurrent with a 1 in 20 year rainfall event.

## Major sports facility

means a large single or multi-purpose recreation facility involving land and/or buildings used for the purposes of participating in or viewing sports, active recreation and/or entertainment, whether indoor or outdoor, public or private, and whether a charge is made for admission or not. Such facilities include:

- a. stadiums (covered and open air);
- b. indoor sports and recreation facilities where the gross floor area of a single building is more than 800m<sup>2</sup>;
- c. swimming pool complexes/aquatic centres (covered and open air);
- d. golf driving ranges and/or golf courses;
- e. showgrounds and/or equestrian raceways, including stables and servicing facilities;
- f. athletics complexes;

Major sports facilities also include:

- g. boat ramps, jetties and recreational boat launching facilities;
- h. boat storage, sheds, and repair and maintenance facilities; and
- i. accessory facilities such as club rooms/clubhouses, spectator seating and lighting and associated support structures.

## Manoeuvre area

means that part of a site used by vehicles to move from the vehicle crossing to any parking space, garage or loading space. It includes all driveways and aisles, and may be part of an access. Parking areas and loading areas may be served in whole or in part by a common manoeuvre area. Manoeuvring area has the same meaning.

## Māori land

in relation to the Papakainga/Kainga Nohoanga Zone Chapter, means land with the following status:

- a. Māori communal land gazetted as Māori reservation under s338 Te Ture Whenua Maori Act 1993; and
- b. Māori customary land and Māori freehold land as defined in s4 and s129 Te Ture Whenua Maori Act 1993.

## Marine structures

in relation to the Open Space Coastal Zone, means structures in coastal areas owned and maintained by the Council for public recreation and commercial purposes. It includes New Brighton Pier, boat ramps and jetties.

## Market garden

in relation to residential zones, means a business growing a diverse range of fruit, vegetables and flowers as cash crops for general sale.

## Mass assembly of people

in relation to the provisions relating to Runway End Protection Areas at Christchurch International Airport, means gatherings associated with recreation activities, entertainment activities, events or markets. It excludes golf course recreation.

## Mast

in relation to the Utilities and Energy Chapter, means any pole or tower designed to carry antennas and any ancillary equipment.

## Mechanical ventilation

means a mechanical system or systems designed, installed and operating so that a habitable space (with windows and doors closed) is ventilated with fresh air in accordance with the Building Code under the Building Act 2004.

## Minor arterial roads

means roads classified as a minor arterial road in Figure 7.17, Appendix 7.12.

Note: Minor arterial roads are generally the roads classified as Minor Arterials in the road classification system in the Christchurch Transport Strategic Plan.

## Minor residential unit

in relation to the Rural Chapter, means self-contained living accommodation, whether located within the primary residential unit or in a building separate to the primary residential unit on the same site.

## Minor upgrading of the existing electricity network

in relation to Rule 5.5.1, means increasing the carrying capacity, efficiency and security of electricity and associated telecommunications facilities, and utilising the existing support structures or structures of a similar scale and character. It includes the:

- a. addition of circuits and/or conductors;
- b. re-conductoring of the line with higher capacity conductors;
- c. re-sagging of conductors;
- d. addition of longer or more efficient insulators;
- e. addition of earthwires (which may contain telecommunication lines, earthpeaks and lightning rods); and
- f. replacement or alteration of existing telecommunication antennas.

Minor upgrading excludes an increase in voltage of the line.

## Mixed modal link

in relation to Rule 15.2.4.2.1.1 P1, means streets, lane ways, paths or access ways that provide for shared movement, which may include facilities for a combination of walking, cycling, motor vehicles and public transport.

## Mixed-use

means development which combines, within a building, buildings or development area, a range of activities, including residential activity, commercial activities and/or community facilities.

## Mobile irrigators

in relation to the Rural Chapter, means irrigators that are vehicles. It includes pivot or linear irrigators.

## Mobility parking space

in relation to the Transport Chapter, means a parking space designed and reserved for the exclusive use of people whose mobility is restricted and who have a mobility permit issued. Mobility parking space also means 'accessible park/parking' and 'disabled/disability park/parking' as referred to in various external standards and guidance documents.

## Monument

means any headstone, plaque, panel, memorial or associated concrete kerbing.

## Motorised water craft

means any boat or water craft powered by an engine exceeding 1.5 horse power.

## Motorised sports facility

means a recreation facility used for participating in or viewing land-based motor sports. It includes 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.

## Motor racing vehicle

means a vehicle purpose-built or modified to compete in motor racing.

## Motor-servicing facility

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).

## Multi-unit residential complex

means a group of two or more residential units where the group is either held under one title or unit titles under the Unit Titles Act 2010 with a body corporate.

## N

### National Grid

means the national grid as defined in the National Policy Statement on Electricity Transmission 2008.

### Navigation aid

means:

- a. a device or system (such as a radar beacon) that provides an aviation operator with data to support navigation of aircraft; or
- b. “navigational aid” as defined in the Maritime Transport Act 1994 (as amended).

### Neighbourhood centre

means:

- a. the Commercial Core Zone at Addington, Aranui, Avonhead, Bishopdale, Bush Inn/Church Corner, Colombo/Beaumont, Cranford, Edgware, Fendalton, Ferrymead, Halswell, Ilam/Clyde, Merivale, New Brighton, North West Belfast, Parklands, Prestons (emerging), Redcliffs, Richmond, Stanmore/Worcester, Spreydon (Barrington), St Martins, Sumner, Sydenham, Sydenham South, Wairakei/Greers Road, West Spreydon (Lincoln Road), Wigram (emerging), Woolston and Yaldhurst (emerging);
- b. the Commercial Local Zone at Beckenham and Wigram; and
- c. the Commercial Banks Peninsula Zone at Lyttelton and Akaroa.

## Neighbourhood plan

in relation to the Meadowlands New Neighbourhood Zone, means a plan covering an area of no less than 8 hectares which identifies the expected residential development for that land.

## Net density

means the number of lots or household units per hectare (whichever is the greater). The area (ha) includes land for:

- a. residential purposes, including all open space and on-site parking associated with residential development;
- b. local roads and roading corridors, including pedestrian access ways and cycle ways, but excluding State Highways and major arterial roads; and
- c. local (neighbourhood) reserves.

The area (ha) excludes land that is:

- d. stormwater retention and treatment areas;
- e. geotechnically constrained (such as land subject to subsidence or inundation);
- f. set aside to protect significant ecological, cultural, historic heritage or landscape values;
- g. set aside for esplanade reserves or access strips that form part of a larger regional or sub-regional reserve network;
- h. for local community facilities and retail activities, or for schools, hospitals or other district, regional or sub-regional facilities; and
- i. identified on an outline development plan as an area that is subject to development constraints.

## Net floor area

unless otherwise specified, means the sum of the floor areas, each measured to the inside of the exterior walls of the building or buildings. It includes the net floor area of any accessory building, but excludes any floor area used for:

- a. lift wells, including the assembly area immediately outside the lift doors for a maximum depth of 2 metres;
- b. tank rooms, boiler and heating rooms, machine rooms and bank vaults;
- c. those parts of any basement not used for residential activities, commercial activities or industrial activities;
- d. parking areas and/or loading areas, including basement parking which extends no more than 1 metre above ground level;
- e. 50% of any pedestrian arcade, or ground floor foyer, which is available for public thoroughfare;
- f. covered access ways;
- g. roof terraces that are for residential or staff use only, are uncovered and open (apart from a balustrade) to the outside air on at least three sides; and
- h. decks that are for residential or staff use only, are uncovered and open (apart from a balustrade) to the outside air on at least three sides and which do not extend more than 800 millimetres in height above ground level and cover less than 15% of the net site area.

It excludes the following for commercial activities (including guest accommodation) only:

- i. all stairwells (including landing areas);
- j. toilets and bathrooms, provided that in the case of any guest accommodation the maximum area permitted to be excluded for each unit shall be 3m<sup>2</sup>; and
- k. that part of a balcony that is within 2 metres from an exterior wall of a building, provided that the balcony is open to the outside air (apart from a balustrade) on at least one side.

It excludes the following for residential activities only:

- l. shared stairwells;
- m. garages and carports; and
- n. all balconies.

## Net site area

in relation to a site or allotment, means the total area of the site or allotment less:

- a. any area subject to a designation intended to be taken under the Public Works Act 1981 for any purpose;
- b. any entry/exit strip of land 6 metres or less in width; and/or
- c. any area of land where that land is the shared access for more than one site.

## Network infrastructure

has the same meaning as defined in s197 of the Local Government Act 2002.

## Network utility operator

has the same meaning as defined in s166 of the Resource Management Act 1991.

## Network waterway

means any man-made open channel within the ground, whether containing a continuous flow of water or not, and which:

- a. is for the purposes of capturing and/or directing water (excluding sewerage); and
- b. forms part of, or drains into, the public stormwater network or the coastal environment; and
- c. has not otherwise been classified under the District Plan.

It includes water races not otherwise classified by the District Plan.

## No complaints covenant

in relation to the Port Influences Overlay Area, means a covenant which is:

- a. registered against the title(s) of the land upon which the proposal is situated; and
- b. entered into by the resource consent applicant, in favour of the Lyttelton Port Company Limited, to the effect that no owner or occupier or successor in title of the covenanted land shall object to, complain about, bring or contribute to any proceedings under any statute or otherwise oppose any relevant adverse environmental effects (for example noise, dust, traffic, vibration, glare or odour) resulting from any lawfully established port activities.

## Noise-sensitive activities

in relation to the Specific Purpose (Ruapuna Motorsport) Zone, means:

- a. residential activities other than those existing in conjunction with rural activities that comply with the rules in the relevant District Plan as at 23 August 2008;
- b. education activities including preschools, but excluding flight training, trade training or other industry-related training facilities;
- c. guest accommodation except that which is designed, constructed and operated to a standard that mitigates the effects of noise on occupants; and
- d. health care facilities and any elderly person's housing unit.

## No net loss

in relation to indigenous biodiversity, means no reasonably measurable overall reduction in:

- a. the diversity of indigenous species or recognised taxonomic units; and
- b. indigenous species' population sizes (taking into account natural fluctuations) and long term viability; and
- c. the natural range inhabited by indigenous species; and
- d. the range and ecological health and functioning of assemblages of indigenous species, community types and ecosystems.

## Notional boundary

in relation to the General Rules and Procedures Chapter, means a line 20 metres from any wall of a residential unit or a building occupied by a sensitive activity, or the site boundary where this is closer to the residential unit.

## O

### Office

means any of the following:

- a. administrative offices where the administration of an organisation, whether trading or non-trading, is conducted and includes bank administration offices; and
- b. professional offices where professional services are available and carried out. These include the offices of accountants, solicitors, architects, surveyors, engineers and consultants.

### Off-site sign

means a sign which is used to advertise activities, goods, services, products or events that are not directly related to the use or activities occurring at the site on which the sign is physically located. An off-site sign includes posters and poster boards and any other associated supporting device whether permanent, temporary or moveable.

### Older person

means a person over the age of 60 years or a person who qualifies for a permanent supported living payment on health grounds. It includes the partner, spouse, dependants or caregiver of such a person, notwithstanding that the partner, spouse, dependents or caregiver may be under the age of 60 years.

### Older person's housing unit

means one of a group of residential units developed or used for the accommodation of older persons, where the group is held under either one title or unit titles under the Unit Titles Act 2010 with a body corporate, and which is encumbered by a bond or other appropriate legal instrument which ensures that the use of the unit is confined to older persons. It includes any unit previously defined as an elderly person's housing unit.

### Outdoor living space

means an area of open space for the exclusive use of the occupants of the residential unit to which the space is allocated. In the Residential Medium Density Zone, outdoor living space may include indoor communal recreation and leisure areas for the benefit of all residents of the site.

### Outdoor service space

means the area identified on a site for outdoor drying of washing and the storage of items such as BBQs and gardening tools and equipment.

## Outdoor storage area

means any land used for the purpose of storing vehicles, equipment, machinery and/or natural or processed products outside of fully enclosed buildings for periods in excess of 12 weeks in any year. It excludes yard-based suppliers and vehicle parking associated with to an activity.

## Outline development plan

means a plan (including any associated narrative description provided) which guides the form and staging, where applicable, of subdivision and development in the Residential New Neighbourhood Zone and/or Greenfield Priority Areas identified in the Canterbury Regional Policy Statement, Chapter 6, Map A.

## P

### Park and ride facilities

means a parking building and/or parking lot (and associated facilities, including any cycle parking) provided primarily for the patrons of a nearby public transport service to assist their modal transfer to the public transport service.

### Parking area

means that part of a site or building within which vehicle parking spaces and manoeuvring areas are accommodated.

### Parking building

means a building that has multiple storeys used primarily for parking of motor vehicles and which is not provided to meet demand associated with an activity or development on the same site. A parking building includes parking areas, access and landscaped areas associated with the parking.

### Parking lot

means stand-alone single level parking facilities at ground level used primarily for parking of motor vehicles and which are not provided to meet demand associated with an activity or development on the same site. A parking lot includes parking areas, access and landscaped areas associated with the parking.

### Parking space

means an area capable of accommodating one stationary 85 percentile motor vehicle and which is provided and used solely for the purpose of accommodating vehicles (excluding any spaces set aside for the display of vehicles).

## Park management activities

means the day to day management, operations and maintenance of parks and reserves. It includes:

- a. vegetation and amenity tree planting, maintenance and removal;
- b. removal/control of exotic, noxious or nuisance species;
- c. wild animal and pest control operations;
- d. maintenance of walkways, cycle ways or vehicle tracks and associated earthworks; and
- e. maintenance of public amenities.

## Park management facility

means land and/or buildings used for, and ancillary to, park management activities. It includes:

- a. vehicle, machinery and equipment depots;
- b. storage sheds;
- c. greenhouses and propagation sheds; and
- d. offices.

## Partial demolition

in relation to a heritage item, means the permanent destruction of part of heritage item which does not result in the complete or significant loss of the heritage fabric and form which makes the heritage item significant.

## Peripheral boundary length

means the length of the entire peripheral boundary of an area of land that is completely enclosed by other land and to which the general public have a permanent right of access.

## Place of assembly

means land and/or buildings used principally for the public or private assembly of people for recreation activities, cultural activities or entertainment activities and community centres and halls.

## Plantation forestry

means the use of land and buildings for planting, maintenance and harvesting of timber tree species for commercial wood production.

## Plot

in relation to the Specific Purpose (Cemetery) Zone, means a numbered lot within a cemetery where an interment can occur.

## Plot ratio

means the relationship between net floor area of the building and the net site area, expressed by the formula:

$$\text{plot ratio} = \frac{\text{net floor area}}{\text{net site area}}$$

## Pool area

in relation to calculating loading, car and cycle parking requirements in the Transport Chapter for a swimming pool, means the surface area of water within a swimming pool. It excludes any associated poolside area, changing room facilities or storage areas.

## Port activities

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, and passenger or cruise ship terminals;
- c. maintenance and repair activities, including the maintenance and repair of vessels;
- d. port administration;
- e. marine-related trade and industry training activities;
- f. marine-related industrial activities, including ship and boat building;
- g. warehousing in support of (a)-(f), (h) and (i), and distribution activities, including bulk fuel storage and ancillary pipeline networks;
- h. facilities for recreational boating, including yachting;
- i. activities associated with the surface navigation, berthing, manoeuvring, refuelling, storage, servicing and providing of vessels;
- j. ancillary transport infrastructure, buildings, structures, signs, utilities, parking areas, landscaping, hazardous facilities, offices and other facilities, and earthworks; and
- k. ancillary food and beverage outlets in support of the above.

## Port quarrying activity

in relation to the Specific Purpose (Lyttelton Port) Zone, means the use of land, buildings and plant for the extraction of rock. It may include the associated processing, storage and transportation of the same material and:

- a. earthworks associated with the removal and storage of over-burden or the creation of platforms for buildings and plant;
- b. extraction of rock materials by excavation or blasting;
- c. landscaping;
- d. quarry site rehabilitation and ecological restoration;
- e. hazard mitigation works; and
- f. the maintenance, upgrading and realignment of a haul road.

## Potentially contaminated

means that part of a site where an activity or industry described in Schedule 3 of the Canterbury Land and Water Regional Plan (refer Section 16, Schedule 3-Hazardous Industries and Activities, pp 16-9 to 16-11) has been or is being undertaken on it or where it is more likely than not that an activity or industry in the list is being or has been undertaken on it. Potentially contaminated excludes any site where a detailed site investigation has been completed and reported and which demonstrates that any contaminants within or on the site are at, or below, background concentrations.

## Preschool

means the use of land and/or buildings for early childhood education or care of three or more children (in addition to any children resident on the site or the children of the persons providing the education or care) under the age of six years by the day or part of a day, but not for any continuous period of more than seven consecutive days. Preschools include a crèche, kindergarten, play centre, education and care service or kohanga reo.

## Primary building frontage

in relation to the signs and signage only, means any building frontage facing towards a public road or customer car park.

## Primary living level

means the level within a residential unit on which the kitchen is contained.

## Principal building

means a building, buildings or part of a building accommodating the activity for which the site is primarily used.

## Private parking area

in relation to the Transport Chapter, means a parking area which is not open to the general public or casual users.

## Private way

has the same meaning as in s 315 of the Local Government Act 1974.

## Property

in relation to quarrying activity, means any contiguous area of land, including land separated by a road, railway, drain, water race, river or stream held in one or more than one ownership, that is utilised as a single site or operating unit, and may include one or more certificates of title.

## Public amenities

means land, buildings and/or structures used to provide amenity and assist the public. It includes:

- a. public toilets;
- b. changing rooms;
- c. visitor information centres;
- d. erection of information and directional signs (excluding billboards);
- e. shelters and shade structures;
- f. exterior security and amenity lighting (excluding training or flood lights);
- g. outdoor furniture and structures such as seats, picnic or barbeque area equipment, rubbish bins, pergolas, fences (including predator and animal enclosure fences), steps, retaining walls, viewing platforms and boardwalks;
- h. walking, cycling and maintenance tracks and cycle ways;
- i. bridges;
- j. playground and outdoor fitness equipment; and
- k. public memorials.

## 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). Public artwork excludes use as a sign or for any purpose other than as public artwork.

## Public floor area

in relation to the Transport Chapter, means the sum of the total area of all floors contained within the external walls of any building or within the boundaries of any outdoor area available for the use of the general public in association with the activity, excluding any areas used for:

- a. lift wells, including the assembly area outside the lift doors for a maximum depth of 2 metres;
- b. stairwells, including landing areas;
- c. toilets and bathrooms;
- d. parking areas and/or loading areas; and
- e. all areas used exclusively by staff, such as kitchens, storage areas, internal loading areas/unloading areas, rubbish areas, staff rooms/offices and amenities.

## Publicly accessible space

means courtyards, lane ways, access ways or areas that are in private or public ownership, through which the public can commonly pass, and which are free of physical barriers such as gates.

## Public open space

means any open space, including parks and reserves (but excluding utility reserves), accessible to the public either freely or in accordance with a charge via the Reserves Act 1977.

## Public transport facility

means land and/or buildings used for, or ancillary to, scheduled passenger transport services. 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.

## Public transport interchange

means a public transport facility with a building that provides shelter for waiting passengers, where two or more public transport routes and/or modes converge and which enables passengers to change between different routes and modes, including public transport, walking and cycling.

## Q

### Quarry

means a site or property where quarrying activity is undertaken.

### Quarrying activity

means the use of land, buildings and plant for the purpose of the extraction of natural sand, gravel, clay, silt and rock and the associated processing, storage, sale and transportation of those same materials and quarry site rehabilitation. It may include:

- a. earthworks associated with the removal and storage of over-burden;
- b. extraction of natural sand, gravel, clay, silt and rock materials by excavation or blasting;
- c. processing of those extracted materials by screening, crushing, washing and/or mixing them together;
- d. the addition of clay, lime, cement and recycled/recovered aggregate to extracted materials;
- e. ancillary aggregates-processing activity;
- f. workshops required for the repair of equipment used on the same property;
- g. site management offices;
- h. car parking;
- i. landscaping; and
- j. quarry site rehabilitation and any associated clean-filling.

## Quarry site rehabilitation

in relation to the Rural Quarry and Rural Quarry Templeton Zones, means returning the land to a stable and free-draining landform capable of supporting light pastoral farming or an alternative permitted or consented activity.

## Queuing space

means the length of an access internal to the site, between the site boundary and the vehicle control point, available for the circulation and queuing of vehicles.

## R

### Radiocommunications

means any transmission or reception of signs, signals, writing, images, sounds or intelligence of any nature by radio waves.

### Rail siding

means a (generally short) section of rail, off a main rail line, that provides access to and from a site, yard or development (including industrial activities, quarries and wharves) and which is used to store stationary rolling stock whilst it is loaded or unloaded.

### Rear site

means a site which is situated generally to the rear of another site, both sites having access to the same road or private road. The rear site shall have access to such road or private road by means of an access strip.

### Reconstruction

in relation to a heritage item or heritage setting, means to rebuild part of a building, structure or feature which has been lost or damaged, as closely as possible to a documented earlier form and using mainly new materials. Reconstruction includes:

- a. deconstruction for the purposes of reconstruction; and
- b. Building Code upgrades which may be needed to meet relevant standards as part of the reconstruction.

### Recreation activity

means the use of land, water bodies and/or buildings for the purpose of the active or passive enjoyment of sports, recreation or leisure, whether competitive or non-competitive, casual or organised, and whether a charge is made for admission or not.

## Recreation facility

means land and/or buildings used for recreation activities.

## Relocatable building

means a building easily capable of and intended for relocation, either in part or whole, to another site.

## Relocation of a building

means the removal and re-siting of any building from any site to a new permanent site, but excludes new (i.e. immediately habitable) buildings constructed elsewhere specifically for, and subsequently relocated permanently onto, another site.

## Relocation of a heritage item

in relation to a heritage item or heritage setting, means permanently moving part or all of a structure either within or beyond the heritage setting. Relocation of a heritage item excludes:

- a. temporary lifting and/or temporary moving of a heritage item off its foundations; or
- b. permanent realignment of foundations of a heritage item where this is required for heritage upgrade works.

## Renewable electricity generation

in relation to the Utilities and Energy Chapter, means the generation of electricity through either solar or wind energy.

## Renewable electricity generation activities

in relation to the Utilities and Energy Chapter, means the construction, operation and maintenance of structures associated with renewable electricity generation. This includes small or community-scale renewable electricity generation activities, 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.

## Repair and maintenance of existing infrastructure (Rule 5.6)

in relation to Rule 5.6, means repairing and keeping a structure, land or vegetation in good and safe condition. It includes upgrading and minor alterations provided that any upgrading or minor alteration does not materially increase the footprint, height or external envelope of the structure.

## Repairs

in relation to a heritage item or heritage setting, means to replace or mend in situ decayed or damaged heritage fabric, using materials (including identical, closely similar or otherwise appropriate material) which resemble the form, appearance and profile of the heritage fabric as closely as possible. Repairs include:

- a. temporary securing of heritage fabric for purposes such as making a structure safe or weathertight; and
- b. Building Code upgrades which may be needed to meet relevant standards, as part of the repairs.

## Reserve

means a reserve within the meaning of the Reserves Act 1977.

## Residential activity

means the use of land and/or buildings for the purpose of living accommodation. It includes:

- a. a residential unit, boarding house, student hostel or a family flat (including accessory buildings);
- b. emergency and refuge accommodation; and
- c. sheltered housing; but
- d. excludes:
- e. guest accommodation;
- f. the use of land and/or buildings for custodial and/or supervised living accommodation where the residents are detained on the site; and
- g. accommodation associated with a fire station.

## Residential building platform

in relation to Rules 5.4.1 and 5.4.2, means that area of a site equal to the ground floor area of the residential unit plus up to 1.8 metres extending at ground level beyond its foundations.

Note: This definition differs from the clarification of ‘building consent platform’ provided in Rules 5.4.4 and 8.8.2 P2.

## Residential thoroughfare

means a way through the residential unit linking two or more of a lounge, dining room, bedroom, bathroom, toilet and hallway or passageway.

## Residential unit

means a self-contained building or unit (or group of buildings including accessory buildings) used for a residential activity by one or more persons who form a single household. For the purposes of this definition:

- a. a building used for emergency or refuge accommodation shall be deemed to be used by a single household;
- b. where there is more than one kitchen on a site (other than a kitchen within a family flat or a kitchenette provided as part of a bed and breakfast or farm stay) there shall be deemed to be more than one residential unit;
- c. a residential unit may include no more than one family flat as part of that residential unit;
- d. a residential unit may be used as a holiday home provided it does not involve the sale of alcohol, food or other goods; and
- e. a residential unit may be used as a bed and breakfast or farm stay.

## Residual risk

in relation to the Hazardous Substances and Contaminated Land Chapter, means any risk of an adverse effect that remains after other industry controls and legislation, such as the Hazardous Substances and New Organisms Act 1996, the Land Transport Act 1998 and regional planning instruments, have been complied with.

## Resort apartment

in relation to the Specific Purpose (Golf Resort) Zone, means a self-contained apartment, within a building or buildings, normally used for a residential activity by one or more persons who form a single household unit. Resort apartments may be leased by a management company to visitors for short term stays at the resort hotel.

## Resort hotel

in relation to the Specific Purpose (Golf Resort) Zone, means a hotel including any land and/or buildings associated with facilities or amenities that operate and are serviced regularly under a hotel management agreement or hotel lease, having for their primary purpose the attraction to, and/or accommodation of people for, conferences, visits or stays.

## Restaurant

means any land and/or buildings, or part thereof, principally used for the sale of meals to the general public and the consumption of those meals on the premises. Such premises may be licensed under the Sale and Supply of Alcohol Act 2012.

## Restoration

in relation to a heritage item or heritage setting, means to return the item or setting to a known earlier form, using mainly existing materials, by reassembly and reinstatement. It may include removal of heritage fabric that detracts from its heritage value and Building Code upgrades which may be needed to meet relevant standards, as part of the restored area. Restoration includes deconstruction for the purposes of restoration.

## Retail activity

means the use of land and/or buildings for displaying or offering goods for sale or hire to the public. It includes food and beverage outlets, second-hand goods outlets, food courts and commercial mail order or internet-based transactions. It excludes trade suppliers, yard-based suppliers and service stations.

## Retailing

means both retail activities and commercial services.

## Retirement village

means any land, building or site that:

- a. is used for accommodation predominantly for persons in their retirement, or persons in their retirement and their spouses or partners; and
- b. satisfies either of the following:
  - i. it is registered as a retirement village under the Retirement Villages Act 2003 or will be so registered prior to it being occupied by any resident; or
  - ii. it is a rest home within the meaning of s58(4) of the Health and Disability Services (Safety) Act 2001; and
- c. includes not less than two residential units; and
- d. may include any or all of the following facilities or services for residents on the site:
  - i. a care home within a retirement village;
  - ii. a hospital within a retirement village;
  - iii. nursing, medical care, welfare, accessory non-residential and/or recreation facilities and/or services.

## Reverse sensitivity

means the effect on existing lawful activities from the introduction of new activities, or the intensification of existing activities in the same environment, that may lead to restrictions on existing lawful activities as a consequence of complaints.

## Right-of-way

(see Access)

## Right turn offset

means a situation where a vehicle waiting to turn right at an intersection may queue in such a way as not to obstruct the path of vehicles turning left or heading straight through the intersection.

## Road

has the same meaning as defined in s315 of the Local Government Act 1974.

## Road boundary

(see [Boundary](#))

## Road reserve

means a Local Purpose Reserve (Road) within the meaning of the Reserves Act 1977.

## Road safety testing

in relation to the Specific Purpose (Ruapuna Motorsport) Zone, means the physical testing of safety hardware for road use. It includes the impact of motor vehicles against the hardware.

## Roadway

(see [Carriageway](#))

## Ruapuna club rooms

in relation to the Specific Purpose (Ruapuna Motorsport) Zone, means any [building](#) or part thereof which is accessory to motorsport and which is intended to be used by members of a motorsport club for locker facilities, amenities, meetings and/or social events.

## Rural produce

means fruit, vegetables, flowers or other similar farm products primarily grown and/or processed on a property in a rural zone.

## Rural produce manufacturing

means the use of land and/or [buildings](#) for the manufacturing of products from [rural produce](#) grown on the same [site](#) or:

- a. on other [sites](#) in the same ownership; or
- b. on other [sites](#) leased by the owner of the primary [site](#).

## Rural produce retail

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.

## Rural productive activities

means farming, plantation forestry, intensive farming and quarrying activities.

## Rural roads

means all roads outside the existing urban area as shown on Map A of Chapter 6 of the Canterbury Regional Policy Statement, except for roads adjoining any residential and/or commercial zone in Christchurch District.

Note: Rural roads are generally the roads classified as Rural or Semi-rural in the road classification system in the Christchurch Transport Strategic Plan.

## Rural tourism activity

means the use of land and/or buildings for agri-tourism, eco-tourism, nature tourism, wine tourism and adventure tourism activities, which may be provided at a tariff, with participants attracted to experience farming or conservation activities and/or the rural or natural environment. It includes:

- a. guiding, training, education and instructing;
- b. ancillary services such as booking offices and transportation;
- c. ancillary retail activity, including sale of alcohol to participants;
- d. walking and cycling tracks; and
- e. facilities to provide opportunities for viewing scenery.

## S

## Second-hand goods outlet

means a retail activity primarily engaged in selling pre-used merchandise. It includes:

- a. antique dealers;
- b. auctioneers;
- c. charity shops;
- d. pawnbrokers; and
- e. suppliers of:
  - i. demolition goods and materials; and
  - ii. trade-in goods.

## Sensitive activities

means:

- a. residential activities, unless specified below;
- b. care facilities;
- c. education activities and preschools, unless specified below;
- d. guest accommodation, unless specified below;
- e. health care facilities which include accommodation for overnight care;
- f. hospitals; and
- g. custodial and/or supervised living accommodation where the residents are detained on the site; but excludes in relation to airport noise:
  - h. any residential activities, in conjunction with rural activities that comply with the rules in the relevant district plans as at 23 August 2008;
  - i. flight training or other trade and industry training activities located on land zoned or legally used for commercial activities or industrial activities, including the Specific Purpose (Airport) Zone; and
  - j. guest accommodation which is designed, constructed and operated to a standard to mitigate the effects of aircraft noise on occupants.

## Service industry

means the use of land and/or buildings for the transport, storage, maintenance or repair of goods and vehicles and the hire of commercial and industrial equipment and machinery.

## Service lane

means any lane laid out or constructed either by the authority of the Council or the Minister of Transport for the purpose of providing the public with a side or rear access for vehicular traffic to any land.

## Service station

means any site where the primary activity is the retail sale of motor vehicle fuels, including petrol, LPG, CNG and diesel. It may include any one or more of the following ancillary activities:

- a. the sale or hire of kerosene, alcohol-based fuels, lubricating oils, tyres, batteries, vehicle spare parts, trailers and other accessories normally associated with motor vehicles;
- b. the mechanical repair, servicing and cleaning of motor vehicles (other than heavy vehicles) and domestic garden equipment, but not panel beating, spray painting and heavy engineering such as engine reboring and crankshaft grinding;
- c. truck stops;
- d. inspection and certification of motor vehicles; and
- e. the sale of other goods for the convenience and comfort of service station customers; but

excludes any industrial activity. In relation to Rule 6.5, service station includes both the activities set out above and activities that would otherwise meet this definition but do not rely on the retail sale of motor vehicle fuels as the primary activity (e.g. mechanics, tyre shops and inspection centres).

## Setback

means the distance between a building and the boundary of its site or other specified item.

## Shared space street

in relation to the Central City, means a street where there is no delineation between traffic lanes or any areas for walking and cycling, and is designed so that vehicles and people walking or cycling can safely share and mix in the same physical space.

## Sheltered housing

means a residential unit or units used solely for the accommodation of persons for whom on-site professional emergency care, assistance or response is available, but not where residents are detained on the site.

## Show home

means a building or part of a building constructed as a residential unit, that is displayed and promoted to encourage people to buy or construct similar residential units at a different site (although upon sale, a show home may remain on the same site or be relocated).

## Sign/Signage

means any device, graphics or display of whatever nature visible from a public place, for the purposes of:

- a. identification of, and provision of information about, any activity, site or building;
- b. providing directions;
- c. promoting goods, services or forthcoming events; or
- d. containing a message directed at the general public, whether temporary or otherwise.

Signs may be three-dimensional or otherwise, that is manufactured, painted, written, printed, carved, embossed, inflated, projected onto or otherwise fixed to or attached upon any external surface of any building or, in the open, on any site, wall, pole, hoarding or structure, or onto any rock, stone, tree or other object. Signs include:

- e. any method of illumination, whether by an internal or external non-neutral light source;
- f. any sign displayed upon any parked vehicle and/or trailer for the express purpose of directing attention to any activity, site or building; and
- g. any tethered balloon of more than 0.5m in diameter.

## Significant indigenous vegetation

means indigenous vegetation that has been assessed as meeting any one or more of the criteria set out in Appendix 3 of the Canterbury Regional Policy Statement.

## Site

means an area of land or volume of space shown on a plan with defined boundaries, whether legally or otherwise defined boundaries. It includes:

- a. an area of land which is:
  - i. comprised in a single allotment, or other legally defined parcel of land, and held in a single certificate of title; or
  - ii. comprised in a single allotment or legally defined parcel of land for which a separate certificate of title could be issued without further consent of the Council; being

in any case the smaller land area of (i) or (ii); or

- b. an area of land which comprises two or more adjoining legally defined parcels of land held together in one certificate of title in such a way that the lots cannot be dealt with separately without prior consent of the Council; or
- c. an area of land which is comprised of two or more adjoining certificates of title where such titles are:
  - i. subject to a condition imposed under Section 77 of the Building Act 2004; or
  - ii. held together in such a way that they cannot be dealt with separately without the prior consent of the Council; or
- d. in the case of land subdivided under the cross-lease or company lease systems (other than strata titles), site shall mean an area of land containing:
  - i. a building or buildings for residential or business purposes with any accessory building/s, plus any land exclusively restricted to the users of that/those building/s; or
  - ii. a remaining share or shares in the fee simple creating a vacant part/s of the whole for future cross-lease or company lease purposes; or
- e. in the case of land subdivided under the Unit Titles Act 1972 and Unit Titles Act 2010 (other than strata titles), site shall mean an area of land containing a principal unit or proposed unit on a unit plan together with its accessory units; or
- f. in the case of strata titles, or where one or more residential unit is proposed to be erected above another residential unit, site shall mean the underlying certificate of title of the entire land containing the strata titles, immediately prior to subdivision; or
- g. for the purposes of the activity standards (but not the built form or general city-wide standards) in the Specific Purpose (School) and Specific Purpose (Tertiary Education) Zones, site means all of the land used by a particular education facility and tertiary education or research activity, whether or not those parcels of land are contiguous with each other. For the purposes of car parking requirements at the University of Canterbury Specific Purpose (Tertiary Education) Zone, Appendix 7.1 (9) applies.

Site includes the access to the site.

## Sites of Ngāi Tahu Cultural Significance

means sites identified in Appendix 9.5.6 Schedules of Sites of Ngāi Tahu Cultural Significance and Appendix 9.5.7 Aerial Maps of Sites of Ngāi Tahu Cultural Significance, and shown on the planning maps, as

- a. Wāhi Tapu / Wāhi Taonga;
- b. Mahaanui Iwi Management Plan Silent Files and Kaitōrete Spit;
- c. Ngā Tūranga Tūpuna; and
- d. Ngā Wai.

## Sleep-out

means an accessory building or part of an accessory building designed for sleeping accommodation only, which is not self-contained except for the provision of a toilet and/or bathroom, and which is located no more than 40 metres from the residential unit on the same site, to which it is accessory.

## Social housing complex

means a group of residential units that are:

- a. owned or operated by Housing New Zealand Corporation, the Christchurch City Council, a not-for-profit housing entity or a registered community housing provider (under Part 1 of the Housing Restructuring and Tenancy Matters Act 1992), including where one of these parties is in a public/private development relationship to provide mixed tenure housing; and
- b. provided to help low and modest income households and other disadvantaged groups to access appropriate and secure housing that is affordable.

## Soil mixing

means removal or disturbance of soil in order to combine that soil with other material as part of the repair of land damaged by earthquakes, either on or off the site of the repair.

## Sound amplified activity

in relation to Rule 6.1, means any activity undertaken outside any buildings which involves the use of sound amplification, including any amplification system checks, which is clearly audible at any other site.

## Special interest vehicle

means historical vehicles for which it is impracticable to achieve noise limits associated with standard racing vehicles. It includes a F5000 vehicle.

## Spiritual activity

means the use of land and/or buildings primarily for worship and spiritual meditation and deliberation purposes. It includes:

- a. ancillary social and community support services associated with the spiritual activity; and
- b. ancillary hire/use of church buildings for community groups and activities.

## Spring

means the point where groundwater driven by artesian pressure emerges to the surface and forms a pool, the head of a water body, or discharges within or into a water body on a permanent or intermittent basis.

## Standalone house

means a single residential unit that is unattached to another residential unit.

## Strategic infrastructure

means those necessary infrastructure facilities, services and installations which are of greater than local importance. It includes infrastructure that is nationally significant.

Note: The following are non-exclusive examples of strategic infrastructure:

- a. strategic transport networks;
- b. Christchurch International Airport;
- c. Lyttelton Port of Christchurch;
- d. bulk fuel supply and storage infrastructure, including terminals, wharf lines and pipelines;
- e. defence facilities;
- f. strategic telecommunication and radiocommunication facilities;
- g. the National Grid;
- h. the 66kV and 33kV electricity distribution lines and the Heathcote to Lyttelton 11kV electricity distribution line, as identified on the planning maps; and
- i. public water supply, wastewater and stormwater networks and associated facilities.

## Strategic road network

means State highways and major arterial roads.

## Strategic transport networks

means:

- a. the strategic road network;
- b. the rail network;
- c. the region's core public passenger transport operations and significant regional transport hubs (including freight hubs), such as Christchurch International Airport and Lyttelton Port of Christchurch; and
- d. the strategic cycle network of major cycle routes.

## Street furniture

in relation to the Transport Chapter, means seating, rubbish bins, cycle facilities and café-related outdoor dining furniture in the street environment.

## Student hostel accommodation

in relation to calculating parking space and loading space requirements in the Transport Chapter, means hostels that are not ancillary and/or accessory to an education activity, including a tertiary education and research activity.

## Subdivision

has the same meaning as defined in s218 of the Resource Management Act 1991.

## Substance

has the same meaning as defined in s2(1) of the Hazardous Substances and New Organisms Act 1996.

## Supermarket

means an individual retail outlet that sells a comprehensive range of food, beverage and other disposable goods such as fresh meat and produce; chilled, frozen, packaged, canned and bottled foodstuffs and beverages; and general housekeeping and personal goods.

## Support structure

means a utility pole or tower that supports conductors as part of an electricity distribution line or transmission line which forms part of the electricity distribution network or National Grid.

## Supportive housing

in relation to the Salvation Army site in Addington, means housing (either individual or shared housing) for individuals supported by the Salvation Army. Individual housing means all inclusive facilities (kitchen and ablutions). Shared housing provides for shared meals and recreation rooms. Supportive housing includes reintegration housing for recently released inmates supported by the Salvation Army.

## T

## Tavern

means any land or building which is the subject of an alcohol licence authorising the sale to, and consumption of alcohol by, the general public on the premises. A tavern may include a bottle store, restaurant and staff accommodation (but not guest accommodation).

## Technician arborist

in relation to sub-chapter 9.4, means a person who:

- a. by possession of a recognised arboricultural degree or diploma and on the job experience is familiar with the tasks, equipment and hazards involved in arboricultural operations; and
- b. has demonstrated proficiency in tree inspection and evaluating and treating hazardous trees; and
- c. has demonstrated competency to Level 6 NZQA Diploma in Arboriculture standard (or be of an equivalent arboricultural standard).

## Telecommunication

means the conveyance by electromagnetic means from one device to another of any encrypted or non-encrypted sign, signal, impulse, writing, image, sound, instruction, information, or intelligence of any nature, whether for the information of any person using the device or not, but does not include any conveyance that constitutes broadcasting.

## Templeton rural activity

means the use of land and/or buildings within the Rural Templeton Zone for:

- a. farming;
- b. activities that directly and primarily service farming, including offices and the warehousing (excluding general freight or distribution activities), wholesale and retail activity of rural supplies or rural produce;
- c. food and beverage outlets, excluding taverns;
- d. private parks, reserves and recreation facilities;
- e. a limited number of residential units for security/custodial purposes;
- f. boarding of domestic animals; and
- g. rural research facilities and laboratories that do not have an education or health care component.

## Templeton strategic infrastructure

in relation to the Rural Templeton Zone, means the use of land and/or buildings for small-scale facilities, services and installations ancillary to strategic infrastructure.

## Temporary activities and buildings

in relation to the General Rules and Procedures Chapter, means activities and their ancillary buildings that are intended to have a limited duration and incidence (one-off, infrequent, transitional or with a defined end date, as opposed to regular and ongoing) and:

- a. are not part of a permanent activity that occurs on the site; and
- b. create no, or only negligible, lasting alteration or disturbance to any site, building or vegetation.

Temporary activities and buildings includes:

- c. temporary activities and buildings following, and to assist in recovery from, a natural disaster, such as the temporary relocation of activities and buildings, storage yards, workers' temporary accommodation and the temporary raising of buildings for foundation repairs;
- d. public artworks, recreation activities and entertainment activities; and
- e. the provision of car parking ancillary to a temporary activity, whether sealed or unsealed, provided in accordance with an approved Traffic Management Plan, except as otherwise specified in Section 6.4.

Temporary activities and buildings excludes:

- f. temporary utilities, which must comply with the relevant provisions in Chapter 11.

Note: Temporary buildings are required to comply with the provisions of the Building Act 2004.

## Temporary military training activities

means training activities undertaken for defence purposes as described by section 5 of the Defence Act 1990.

## Terrace

means a single residential building:

- a. that contains three or more residential units;
- b. where the residential units are aligned horizontally side by side; and
- c. where each residential unit has its own entrance and habitable rooms on the ground floor.

## Tertiary education and research activity

means the use of land and/or buildings for:

- a. the provision of teaching or training and/or related research;
- b. commercial research and laboratories; and
- c. ancillary retailing, cultural, recreation and entertainment activities, offices and accommodation facilities.

## Tertiary education and research facility

means land and/or buildings used for tertiary education and research activities.

## Total area of a sign

means that area of an imaginary rectangle enclosing the sign (Appendix 6.11.8, Diagram 1).

## Trade and industry training activity

means land and/or buildings used for occupational training in the skills of engineering, building, aviation, manufacturing and other industrial activities. It includes ancillary offices, cultural activities and recreation activities.

## Trade supplier

means a business engaged in sales to businesses and institutional customers ( but may also include sales to the general public) and consists only of suppliers of goods in one or more of the following categories:

- a. automotive and/or marine suppliers;
- b. building suppliers;
- c. catering equipment suppliers;
- d. farming and agricultural suppliers;
- e. garden and patio suppliers;
- f. hire services (except hire or loan of books, videos, DVDs and other similar home entertainment items);
- g. industrial clothing and safety equipment suppliers; and
- h. office furniture, equipment and systems suppliers.

## Transmission line

has the same meaning as defined in the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

## Transport infrastructure

means any infrastructure, building, equipment or device which supports the operation of the transport system. It includes:

- a. cycle ways, cycle parking, cycle hire stations and cycle maintenance stands;
- b. railway signalling, railway tracks and facilities;
- c. roads and pedestrian access ways;
- d. street lighting, traffic signals and signs, hand rails, safety cameras, bollards and crash barriers; and
- e. ancillary facilities such as poles.

It excludes bus depots that are not located on road reserve where buses are parked overnight.

## Transport system

means all transport infrastructure, services, mechanisms and institutions that contribute to providing for transport. It includes key transport hubs, such as ports, airports and bus interchanges.

## Travel demand management

in relation to the Transport Chapter, means using a range of methods to change travel behaviour (i.e. how, when and where people travel).

## Travel plan

in relation to the Transport Chapter, means a plan which sets out how travel demand is to be managed for a site or activity to:

- a. maximise the efficient use of the transport system; and
- b. to promote the use of more sustainable transport modes such as active transport, public transport and carpooling as alternatives to sole occupancy private cars.

## U

## Unformed legal road

means land that has been legally established as a public road prior to 1996 but which is not formed or maintained by the Council or the New Zealand Transport Agency as a public road.

## Urban activities

means activities of a size, function, intensity or character typical of those in urban areas. It includes:

- a. residential units at a density equivalent to more than one residential unit per 4 hectares of site area;
- b. industrial activities and commercial activities, except rural activities;
- c. sports fields and recreation facilities that service the urban population (but excluding activities that require a rural location); and
- d. any other land use that is to be located in the existing urban area or Greenfield Priority Areas identified in the Canterbury Regional Policy Statement, Chapter 6, on Map A.

## Urban block

means the area of land enclosed by public open space or streets.

## Urban roads

in relation to the Transport Chapter, means all roads in the existing urban area as shown on Map A of Chapter 6 of the Canterbury Regional Policy Statement, as well as roads adjoining any residential and/or commercial zone in Christchurch District (i.e. roads classified in the urban 'place function category' in Appendix 7.12).

## Utility

means:

- a. transformation, transmission, generation or distribution of electricity provided by network utility operators or requiring authorities, including:
  - i. transmission lines and electricity distribution lines and associated equipment; and
  - ii. private connections to such utilities;
- b. telecommunication and radiocommunication facilities, including:
  - i. transmitting/receiving devices such as aerials, antennas, dishes (including cables), insulators, castings, tunnels and associated equipment; and
  - ii. support structures such as towers, masts and poles accessory buildings and private receiving dish antennas;
- c. storage tanks and pipes for the distribution or transmission of petroleum or natural or manufactured gas, including necessary incidental equipment provided by network utility operators or requiring authorities, and private connections to such utilities;
- d. reticulated water for supply or irrigation, stormwater management basins, swales or reticulated open channelised drainage, and reticulated sewerage provided by network utility operators or requiring authorities, including:
  - i. private stormwater facilities connecting to such utilities; and
  - ii. necessary incidental equipment, including pumping stations provided by network utility operators or requiring authorities, and private connections to such utilities; and
- e. lighthouses, meteorological facilities, navigation aids and beacons, including approach control services within the meaning of the Civil Aviation Act 1990.

## Utility structure

means a power pole, telecommunications pole, street light pole or similar structure.

## V

## Vault

means a structure approved by the Council for the deposit of specially sealed coffins containing a human body, or containers of ashes resulting from the cremation of a human body.

## Vehicle access

(see Access)

## Vehicle control point

in relation to the Transport Chapter, means a point on a vehicle access route controlled by a barrier (or similar means) at which a vehicle is required to stop, or a point where conflict with vehicles already on the site may arise (e.g. a point where vehicles on the access route may need to stop to wait for a vehicle reversing from a parking space on the site).

## Vehicle crossing

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 trip

(See Vehicle movement)

## Veterinary care facility

means land and/or buildings used for the provision of specialist care and/or surgery for animals, under the supervision of a qualified veterinarian.

## Visibility splay

means an area to be kept clear from obstruction to allow good visibility of other [road](#) users.

## W

## Warehousing and distribution activities

means the storage and sorting of materials, goods or products pending distribution.

## Waste management area

means the area identified on a [site](#) for the storage of rubbish and recycling for collection.

## Water body

means fresh water or geothermal water in the form of a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located in the coastal marine area. It includes waipuna/[springs](#).

## Water body bank maintenance or enhancement work

means works required to either maintain or enhance the banks of [water bodies](#) for ecological or amenity reasons. It includes:

- a. margin and berm planting;
- b. bank [excavation](#) and regrading;
- c. bank and toe protection;
- d. beach formation;
- e. temporary and permanent channel realignment, placement of geotextiles, gabions and other features that provide hydraulic variation for ecological purposes and rock placement for the purposes of habitat improvement; and
- f. amenity features such as [public artworks](#), interpretation panels and seating along or around [water bodies](#).

## Water body margin

means land adjacent to the bank of a [water body](#) or estuary which is affected by water table variations, flooding, erosion and/or sedimentation processes, and often contains distinctive vegetation which helps protect aquatic environments and control sedimentation while supporting a diversity of species. The size of the margin will vary but may extend to the limits demarcated by natural river terraces and constructed stop banks. For the purposes of the [water body setback](#) provisions in Section 6.6, water body margin means the identified [water body setback](#) area.

## Water body setback

in relation to Section 6.6, means an area of defined width running parallel to the bank of a water body from an origin point set out in Appendix 6.11.5.3 in which specified activities, including building and earthworks, are controlled or restricted. For the purposes of this definition, water body means any downstream waterway, upstream waterway, environmental asset waterway or environmental asset standing water body identified on the planning maps and any Banks Peninsula waterway (see Rules 6.6.2.3.1(a)(vii) and 6.6.2.4.1(a)(vii)), hill waterway or network waterway.

## Wetland

has the same meaning as defined in s2 of the Resource Management Act 1991.

## Wildlife park/zoo

means the use of land, buildings and/or structures to provide a sanctuary to and/or maintain a collection of wild animals and/or birds, typically within a park or gardens, for study, conservation, or display to the public.

## Window

means a glazed section within any exterior wall of a building where the sill is less than 1.6 metres vertically from the floor.

## Work bay

in relation to the Transport Chapter, means the area, including access, within a service station or motor-servicing facility used for the repair and/or maintenance of motor vehicles.

## Works arborist

in relation to sub-chapter 9.4, means a person who:

- a. by possession of a recognised arboricultural degree, diploma or certificate and on the job experience, is familiar with the tasks, equipment and hazards involved in arboricultural operations; and
- b. has demonstrated competency to Level 4 NZQA Certificate in Horticulture (Arboriculture standard (or be of an equivalent arboricultural standard).

**X****Y****Yard-based supplier**

means the use of any land and/or **building** for selling or hiring products for construction or external use (which includes activities such as sale of vehicles and garden supplies), where more than 50% of the area devoted to sales or display is located within covered or uncovered external yard or forecourt space as distinct from within a secured and weatherproof **building**. Drive-in or drive-through covered areas devoted to storage and display of construction materials (including covered vehicle lanes) will be deemed yard area for the purpose of this definition.

**Yard-based supplier parking**

in relation to calculating parking and **loading** requirements in the Transport Chapter for **yard-based suppliers**, means areas of a **site** providing rear **access** and all other areas devoted to customer, staff and service **vehicle access** and parking (including parking driveways) which are excluded from the extent of yard area devoted to sales or display.

**Z**

## SCHEDULE 2

The following table sets out the definition related consequential changes to other chapters that the Panel will make in its Supplementary Decision that differ from the Council's closing legal submissions, 11 August 2016, Appendix C. We also set out the reasons for these changes.

Definition/Chapter/Provision	Changes and Reasoning
<p><b>Definition: Preschool</b></p> <p><b>Chapter 14</b>            Rules 14.2.2.1 P17, 14.2.2.3 RD30, 14.3.2.1 P8, 14.3.2.3 RD8, 14.4.2.1 P9, 14.4.2.3 RD11, 14.5.2.1 P12, 14.5.2.3 RD19, 14.7.2.1 P9, 14.7.2.3 RD6, 14.8.2.1 P8, 14.8.2.3 RD8, 14.9.2.1 P9, 14.9.2.3 RD16, 14.13.2.1 P9 &amp; P10, 14.13.2.4 D2, 14.13.2.5 NC5 and NC6.</p>	<p>See Decision at [103].</p> <p>We have accepted the Council's request to alter the definition of preschool so that it aligns with the Education Act. The amended decision now includes the 'care of three or more' children, instead of 'more than four children'.</p> <p>The definition change has resulted in an overlap in certain residential zones where the 'care of non-resident children within a residential unit in return for monetary payment to the carer' is provided for up to a maximum of four non-resident children. To address this overlap, we have introduced exemptions from the preschool rules for these non-resident care activities, including consequential amendments to related rules.</p>
<p><b>Definition: Preschool</b>            All chapters</p>	<p>For consistency we have removed any remaining hyphens from the defined term 'preschool'.</p>
<p><b>Definition: Office</b></p> <p><b>Chapter 4</b>            Rule 4.2.2.1 P11</p> <p><b>Chapter 7</b>            Rule 7.4.1.1 P12</p> <p><b>Chapter 14</b>            Rule 14.3.2.1 P19</p> <p><b>Chapter 15</b>            Policy 15.2.2.1 a. D.            Rules 15.4.1.1 P10, 15.4.3.1.3.5, 15.4.3.1.1.2 D1, 15.4.3.3.1.2 D1, 15.4.3.1.2.6, 15.4.3.2.3.3, 15.4.3.3.2.3, 15.5.1.1 P10, 15.6.1.1 P7, 15.7.1.1 P9 and P19, 15.7.2.2, 15.8.1.1 P2, 15.9.1.1</p>	<p>A number of rules throughout the plan refer to 'office activity'. However, the defined term is simply 'office'. Accordingly the term 'activity' is redundant and we have deleted it. Where required for grammatical purposes and implement the intention of the rule, we also use the word 'offices'.</p>

<p>P10 &amp; P11, 15.11.1.1 P6, 15.11.1.5 NC2, 15.12.1.1 P3, 15.12.1.3 RD3, 15.12.1.5 NC2, 15.13.2.5 f.</p> <p><b>Chapter 16</b> Rules 16.4.1.1 P14, 16.4.3.1.1 P4, 16.4.8.2.1, 16.5.1.1 P11, 16.6.1.1 P11 &amp; P12, 16.7.1.7,</p> <p><b>Chapter 18</b> Rules 18.2.2.1 P9, 18.3.2.1 P11, 18.4.2.1 P5, 18.5.2.1 P14, 18.6.2.1 P8, 18.6.2.3 RD9 iv.</p> <p><b>Chapter 21</b> Rule 21.5.4.1.1 P3</p>	
<p><b>Definition: Recreation Activity and/or Facility</b> <b>Chapter 18</b> Rules 18.2.2.1 P1, 18.3.2.1 P2, 18.4.2.1 P2, 18.5.2.1 P2, 18.6.2.1 P4</p>	<p>For reasons of consistency with other chapters, we have adopted the alternative way of redrafting these rules (with some drafting amendments), as put forward by the Council (Council’s closing legal submission Appendix C, p102).</p>
<p><b>Chapter 18</b> Rule 18.2.3.4 D4</p>	<p>This rule to be redundant as there is no related P1. Therefore we delete it.</p>
<p><b>Chapters 17</b> Rules 17.4.2.1 P11, 17.8.2.1 h.</p> <p><b>Chapter 18</b> Rules 18.4.2.1 P2 and P4, 18.4.2.3 RD10</p>	<p>We have made consequential changes for consistency to Chapter 17 rules in accordance with the Memoranda of Counsel on behalf of the Isaac Conservation and Wildlife Trust of 29 and 30 August and 13 September 2016.</p>
<p><b>Definition: Sleep-out</b></p>	<p>We have made no change to the Rules see Decision at [146] – [147].</p>

**SCHEDULE 3**

Definitions previously decided in Stage 2 and 3

<b>Decision 12 – Transport (Part) (and relevant definitions)</b>
Transport system

<b>Decision 14 – Specific Purpose (Burwood Landfill and Resource Recovery Park) Proposal – Stage 3</b>
Earthquake waste
Earthquake waste processing activities

<b>Decision 18 – Chapter 12 Hazardous Substances and Contaminated Land – Stages 1 and 2 (and relevant definitions)</b>
Hazardous substance
Location (deleted)
Potentially contaminated
Residual risk
Substance

<b>Decision 19 – Chapter 21 Specific Purposes Zones – Stage 2 (and relevant definitions and associated planning maps)</b>
Cemetery
Comprehensive consent

<b>Decision 32 -Specific Purpose (Ruapuna Motorsport) Zone (and relevant definitions associated planning maps)</b>
Road safety testing
Ruapuna club rooms

<b>Decision 34 – Chapter 17 Rural Stage 2 (and relevant definitions and associated planning maps)</b>
Aggregate processing activity
Ancillary aggregate processing activity
Artificial crop protection structures
Boarding of domestic animals
Clean fill
Crop support structures
Equestrian facility
Existing forestry
Exposed excavation (deleted)
Farm stay
Farming
Greenhouse
Horticultural structures

Intensive farming
Minor residential unit
Mobile irrigators
Property
Quarry
Quarry site rehabilitation
Quarrying activity
Rural produce manufacturing
Rural produce retail
Rural productive activities
Rural tourism activity
Rural tourism facility (deleted)
Templeton rural activity
Templeton strategic infrastructure

**Decision 37 – Papakainga/Kainga Nohoanga Zone and Specific Purpose  
(Nga Hau e Wha) Zone (and relevant definitions and planning maps)**

Maori land

**Decision 40 – Chapter 11 Utilities, Energy and Infrastructure including  
Stage 3 Rule 11.3.4.1 P1 (and relevant definitions)**

Communication kiosk

Large-scale renewable electricity generation (deleted)

Small or community scale renewable electricity generation (deleted)

**Decision 44 – Chapter 9 Natural and Cultural Heritage (Part)  
Topic 9.4 – Significant Trees**

Dripline

Technician arborist

Works arborist

**Decision 45 – Chapter 9 Natural and Cultural Heritage (Part)  
Chapter 9.3 Historic Heritage**

Alteration of a heritage item

Deconstruction

Demolition

Heritage area

Heritage fabric

Heritage investigative and temporary works

Heritage item

Heritage professional

Heritage setting

Heritage upgrade works

Heritage values

Historic heritage

Historic heritage place (deleted)
Maintenance
Partial demolition
Reconstruction
Relocation of heritage item
Repairs
Restoration

**Decision 47 – Supplementary Decision to Chapter 11 Utilities, Energy and Infrastructure including minor corrections to Decision 40**

Communication facility
Communication kiosk
Small or community scale renewable electricity generation (deleted)
Telecommunication

**Decision 50 – Chapter 9 Natural and Cultural Heritage (Part)  
Sub-chapter 9.1 Indigenous Biodiversity and Ecosystems**

Biodiversity offset
Customary harvesting
Improved pasture
Indigenous biodiversity
Indigenous fauna
Indigenous vegetation
Indigenous vegetation clearance
No net loss
Significant indigenous vegetation

**Decision 51 – Chapter 9 Natural and Cultural Heritage (Part)  
Sub-chapter 9.5 Ngai Tahu Values**

Sites of Ngai Tahu Cultural Significance
Spring

**Decision 52 - Coastal Environment and Open Space Coastal Zone  
(and relevant definitions and associated planning maps)**

Bach
Marine structures

**Decision 53 – Natural Hazards – Stage 3 (and relevant definitions  
and associated planning maps)**

High Flood Hazard Management Area
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**Decision 56 – Chapter 6 General Rules and Procedures (Part) excluding Noise, Airport matters and Hagley Park (and relevant definitions and associated planning maps)**

Billboard
Free-standing sign

Guest accommodation
Off-site sign
Primary building frontage
Total area of sign
Digital sign

**Decision 57 - Chapter 6 General Rules and Procedures (Part) – Noise, Airport matters and Hagley Park (and relevant definitions and associated planning maps)**

Aircraft operations
Notional boundary
Air Noise Boundary
LAE
LAEq
Lamax/LAFmax
Sign/Signage
Air Noise Boundary
Airport operator
Engine testing
Ldn

**SCHEDULE 4**

## Decided Definitions Reconsidered under OIC cl 13(5)

<b>Decision 1 – Strategic directions and strategic outcomes</b>	
<b>Definitions reconsidered</b>	<b>Reason</b>
Strategic infrastructure	Standardisation of language and add Orion 66, 33, 15 Kv electricity distribution lines,
Strategic transport networks	Typo/grammar

<b>Decision 4 – Rezoning of exemplar housing areas</b>	
<b>Definitions reconsidered</b>	<b>Reason</b>
Access (M.E.D.)	Not needed MED
Allotment (M.E.D.)	Not needed MED
Apartment (M.E.D.)	Not needed MED
Boundary (M.E.D.)	Not needed MED
Building (M.E.D.)	Not needed MED
Council (M.E.D.)	Not needed MED
Development (M.E.D.)	Not needed MED
Duplex (M.E.D.)	Not needed MED
Future development allotment (M.E.D.)	Not needed MED
Garage (M.E.D.)	Not needed MED
Height (M.E.D.)	Not needed MED
Key activity centres (M.E.D.)	Not needed MED
Neighbourhood plan (M.E.D.)	Qualifier MED
Residential unit (M.E.D.)	Not needed MED
Setback (M.E.D.)	Not needed MED
Sheltered housing (M.E.D.)	Not needed MED
Standalone house (M.E.D.)	Not needed MED
Subdivision (M.E.D.)	Not needed MED
Terrace (M.E.D.)	Not needed MED

<b>Decision 6 - Natural hazards (Part)</b>	
<b>Definitions reconsidered</b>	<b>Reason</b>
Critical infrastructure	Standardisation of language
Hazard mitigation works	Qualifiers and Standardisation of language
High flood hazard	Standardisation of language and amend to High Flood Hazard Management Area
Minor upgrading of the existing electricity network	Qualifiers
Pressurised injection	Not needed as consequence of Decision 28 Subdivision
Repair and maintenance of existing infrastructure	Qualifiers and Standardisation of language

<b>Decision 7 – Transport (Part)</b>	
<b>Definitions reconsidered</b>	<b>Reason</b>
Food and beverage outlet	Standardisation of language
Gross floor area (GFA)	Standardisation of language
Gross leasable floor area (GLFA)	Standardisation of language
Mobility parking space	Qualifiers
Pool area	Qualifiers
Private car park	Amended to be private parking area for consistency
Public floor area (PFA)	Qualifiers
Student hostel accommodation	Qualifiers and clarity
Yard-based supplier	Standardisation of language
Yard-based supplier parking	Qualifiers

<b>Decision 14 – Specific Purpose Zone (Burwood Landfill and Resource Recovery Park) Proposal</b>	
<b>Definitions reconsidered</b>	<b>Reason</b>
Earthquake waste	Qualifiers and Standardisation of language
Earthquake waste processing activities	Qualifiers and Standardisation of language

<b>Decision 16 – Chapter 1 Introduction (Part) and Chapter 2 Definitions (Part)</b>	
<b>Definitions reconsidered</b>	<b>Reason</b>
Access	Standardisation of language
Access lot	Technical correction
Access strip	Technical correction
Accessibility	Standardisation of language
Accessible	Standardisation of language
Accessory building (non-residential activity)	Combined with Accessory building in Stage 2
Accessory building (residential activity)	Combined with Accessory building in Stage 2
Addiction services	Standardisation of language
Allotment	Technical correction
Amenity values	Technical correction
Ancillary	Amended for clarity <sup>85</sup>
Annual exceedance probability (AEP)	Technical correction
Apartment	Technical correction
Approved building	Standardisation of language
Archaeological site	Technical correction
Automotive and/or marine supplier	Standardisation of language
Balcony	Typo/grammar
Banks Peninsula	Standardisation of language
Bed and breakfast	Standardisation of language
Boarding house	Standardisation of language
Boarding room	Standardisation of language
Boundary	Standardisation of language

<sup>85</sup> Decision at [44].

<b>Decision 16 – Chapter 1 Introduction (Part) and Chapter 2 Definitions (Part)</b>	
<b>Definitions reconsidered</b>	<b>Reason</b>
Building	Standardisation of language
Building line restriction	Standardisation of language
Building supplier	Standardisation of language
Café	Standardisation of language
Carriageway	Standardisation of language
Christchurch City Council Datum	Standardisation of language
Civic park	Not needed
Commercial activities	Standardisation of language
Commercial services	Standardisation of language
Community corrections facility	No change
Community facility	Standardisation of language and add reference to Open Space
Community garden	Amend to include 'not for profit'
Community infrastructure	Technical correction
Community welfare facility	Standardisation of language
Contaminated land	Technical correction
Convenience activities	Typo/grammar
Core public transport route	Consequential change
Cycle lane	Standardisation of language
Development contribution	Technical correction
District Centre	Qualifiers and add Northwood
Dripline	Qualifiers removed
Drive-through services	Standardisation of language
Dtr,2m,nTw+Ctr	Correction
Duplex	Qualifiers
Earthworks	Standardisation of language and clarity
EDM core public transport route	Consequential change
EDM qualifying supermarket	Not needed
EDM walking distance	Typo/grammar
Education activity	Clarity
Elderly person's housing unit	Typo/grammar
Electricity distribution	Standardisation of language and amendments from Utilities
Electricity distribution line	Standardisation of language
Emergency service facilities	Standardisation of language
Entertainment activity	Standardisation of language
Entertainment facility	Not needed
Esplanade reserve	Technical correction
Family flat	Standardisation of language
Financial contribution	Technical correction
Flood management areas	Typo/grammar
Freeboard	Standardisation of language
Full-time equivalent student	Qualifiers

<b>Decision 16 – Chapter 1 Introduction (Part) and Chapter 2 Definitions (Part)</b>	
<b>Definitions reconsidered</b>	<b>Reason</b>
Garage	Standardisation of language
Greenfield	Standardisation of language and delete urban
Gross floor area of the habitable space	Typo/grammar
Grout	Qualifier removed
Guest accommodation	Combined with Guest Accommodation stage 2
Gymnasium	Typo/grammar
Health care facility	No change
Heavy industrial activity	Typo/grammar
Heavy vehicle	Standardisation of language
Height	Standardisation of language
High technology industrial activity	No Change
Home occupation	Standardisation of language
Hospital	Superceded by Stage 2 definition <sup>86</sup>
Hotel	Standardisation of language
Impervious surface	Consequential <sup>87</sup>
Industrial activity	Consequential change to include 'aggregate processing activity'
Infrastructure (Rule 5.5.1 )	Qualifier and Standardisation of language
Integrated family health centre	Standardisation of language
Key activity centres	Standardisation of language
Key pedestrian frontage	Standardisation of language
Landscaping	Typo/grammar
Lane way	Not needed
Large format retail/large format retail activity	No change
Level crossing	Technical correction
Limit line	Qualifiers
Loading area	Standardisation of language
Local centre	Typo/grammar
Local roads	Consequential change
Low impact urban design	Standardisation of language
Major cycle route	Qualifiers
Manoeuvre area	Standardisation of language
Mixed modal link	Qualifiers
Mixed-use	Standardisation of language
Neighbourhood centre	Consequential change to include New Brighton
Net floor area	Standardisation of language
Net site area	Standardisation of language
Network infrastructure	Technical correction
Network utility operator	Technical correction
Office	Standardisation of language

<sup>86</sup> Decision at [82].

<sup>87</sup> Decision at [83].

<b>Decision 16 – Chapter 1 Introduction (Part) and Chapter 2 Definitions (Part)</b>	
<b>Definitions reconsidered</b>	<b>Reason</b>
Office activity	Not needed
Older person	Standardisation of language
Outdoor advertisement	Not needed
Outdoor living space	Standardisation of language
Outdoor storage area	No change
Park and ride facilities	No change
Parking building	No change
Parking lot	No change
Pedestrian access way	Not needed
Place of assembly	Standardisation of language
Plot ratio	Standardisation of language
Pre-school	Amended for consistency with Education Act 1989
Primary living level	Standardisation of language
Private way	Technical correction
Public area	Not needed
Public artwork	Standardisation of language
Public transport facility	Typo/grammar
Recreation activity	Standardisation of language
Residential activity	No change
Residential building platform	Qualifiers and consequential change
Residential unit	Standardisation of language and consequential change from Decision 34 to include 'farm stay' <sup>88</sup>
Retail activity	Standardisation of language
Retirement village	Standardisation of language and technical correction <sup>89</sup>
Reverse sensitivity	Typo/grammar
Road	Technical correction
Rural selling place	Not needed
Second-hand goods outlet	Standardisation of language
Sensitive activities	Standardisation of language and Stage 2 amendments
Service station	Standardisation of language and consequential changes from General Rules
Show home	Typo/grammar
Site	Standardisation of language and amendments from Decision 19
Site boundary	Not needed
Sleep-out	'Delete' with gross floor area of 25m <sup>90</sup>
Spiritual activity	No change
Spiritual facility	Not needed
Subdivision	Technical correction
Supermarket	Amend to remove 'with a specified minimum specific area'

<sup>88</sup> Decision at [129].

<sup>89</sup> Decision at [132].

<sup>90</sup> Decision at [146].

<b>Decision 16 – Chapter 1 Introduction (Part) and Chapter 2 Definitions (Part)</b>	
<b>Definitions reconsidered</b>	<b>Reason</b>
Support structure	Standardisation of language
Supportive housing	Qualifiers and Standardisation of language
Tavern	Typo/grammar
Temporary buildings and activities	Not needed
Tertiary education and research activity	No change
Trade and industry training facility	Standardisation of language and amend to activity <sup>91</sup>
Trade supplier	Typo/grammar
Transmission line	Replaced with stage 2 version
Transport system	Replaced with Decision 12 and standardisation of language
Travel demand management	Qualifiers
Travel plan	Standardisation of language
Urban activities	Typo/grammar
Urban roads	Standardisation of language
Utility	Standardisation of language and consequential amendments from Decision 40
Vehicle control point	Qualifiers
Vehicle crossing	Typo/grammar
Vehicle movement	Typo/grammar
Water body	Standardisation of language
Wetland	Technical correction
Window	Standardisation of language
Work bay	Qualifiers

<b>Decision 18 – Chapter 12: Hazardous Substances and Contaminated Land</b>	
<b>Definitions reconsidered</b>	<b>Reason</b>
Hazardous substance	Consequential change for consistency with Lyttelton Port Recovery Plan <sup>92</sup>
Potentially contaminated	Standardisation of language
Residual risk	Qualifiers
Substance	Technical correction

<b>Decision 19 – Chapter 21: Specific Purpose Zones – Stage 2</b>	
<b>Definitions reconsidered</b>	<b>Reason</b>
Cemetery	Technical correction

<b>Decision 29 – Residential New Neighbourhood Zone</b>	
<b>Definitions reconsidered</b>	<b>Reason</b>
New neighbourhood net density	Not needed in RNN
New neighbourhood target yield	Not needed in RNN

<sup>91</sup> Decision at [69].

<sup>92</sup> Decision at [79].

<b>Decision 32 – Specific Purpose (Ruapuna Motorsport) Zone</b>	
<b>Definitions reconsidered</b>	<b>Reason</b>
Road safety testing	Standardisation of language
Ruapuna club rooms	No change

<b>Decision 34 – Chapter 17: Rural</b>	
<b>Definitions reconsidered</b>	<b>Reason</b>
Aggregate processing activity	No change
Artificial crop protection structure	Qualifiers
Existing forestry	Consistency of language
Farming	Consistency of language
Intensive farming	Consistency of language
Minor residential unit	Consistency of language
Mobile irrigators	Consistency of language
Rural produce retail	Typo/grammar
Rural tourism activity	Addition of e. omitted in error

<b>Decision 37 – Papakainga/Kainga Nohoanga Zone and Specific Purpose (Nga Hau e Wha) Zone</b>	
<b>Definitions reconsidered</b>	<b>Reason</b>
Maori land	Consistency of language

<b>Decision 44 – Chapter 9: Natural and Cultural Heritage (Part) 9.4 Trees</b>	
<b>Definitions reconsidered</b>	<b>Reason</b>
Technician arborist	Consistency of language
Works arborist	Consistency of language

<b>Decision 45 – Chapter 9: Natural and Cultural Heritage (Part) 9.3 Historic Heritage</b>	
<b>Definitions reconsidered</b>	<b>Reason</b>
Alteration of a heritage item	Clarity and consistent language
Heritage investigative and temporary works	Typo/grammar
Historic Heritage	Consistency of language
Maintenance	Consistency of language
Restoration	Consistency of language

<b>Decision 47 – Supplementary Decision to Chapter 11: Utilities, Energy and Infrastructure</b>	
<b>Definitions reconsidered</b>	<b>Reason</b>
Communication facility	Delete final sentence for consistency

<b>Decision 50 – Chapter 9: Natural and Cultural Heritage (Part) 9.1 Indigenous Biodiversity and Ecosystems</b>	
<b>Definitions reconsidered</b>	<b>Reason</b>
Customary harvesting	Consistency of language
Improved pasture	Consistency of language

**Decision 51 – Chapter 9: Natural and Cultural Heritage (Part) 9.5 Ngai Tahu Values**

<b>Definitions reconsidered</b>	<b>Reason</b>
Spring	Consistency of language

**Decision 56 – Chapter 6: General Rules and Procedures (Part) – excluding Noise, Airport matters, and Hagley Park**

<b>Definitions reconsidered</b>	<b>Reason</b>
Billboard	Panel – clarity and consistent language

**Decision 57 – Chapter 6: General Rules and Procedures (Part) – Noise, Airport matters, and Hagley Park**

<b>Definitions reconsidered</b>	<b>Reason</b>
Aircraft operations	Panel – remove duplication in e.
Notional boundary	Panel – consistency of language

**Lyttelton Port Recovery Plan**

<b>Definitions reconsidered</b>	<b>Reason</b>
Port quarrying activity	No change

**Plan Change 52 Ruapuna**

<b>Definitions reconsidered</b>	<b>Reason</b>
Motor racing vehicle	Typo/grammar
Noise sensitive activities	Standardisation of language

**SCHEDULE 5**

Submitter appearances and evidence filed for the hearing which took place on 31 March and 1 April 2016.

Submitter Name	No.	Person	Expertise or Role of Witness	Filed/Appeared
Christchurch City Council	2123	Kelly Andrew	Planner	Filed
		Scott Blair	Planner	Filed/Appeared
		Janice Carter	Planner	Filed/Appeared
		Glenda Dixon	Planner	Filed/Appeared
		Peter Eman	Planner	Filed
		Ruth Evans	Planner	Filed
		David Falconer	Planner	Filed
		Shirley Ferguson	Planner	Filed
		Deborah Hogan	Planner	Filed/Appeared
		Sarah Jenkins	Planner	Filed
		Andrew Long	Planner	Filed
		Alan Matheson	Planner	Filed
		Alison McLaughlin	Planner	Filed/Appeared
		Sarah Oliver	Planner	Filed
		Caroline Rachlin	Planner	Filed
		Adele Radburnd	Planner	Filed
		Kimberley Rolton	Planner	Filed
Janine Sowerby	Planner	Filed/Appeared		
Mark Stevenson	Planner	Filed		
Crown	2387	Vicki Barker	Planner	Filed
Christchurch International Airport Limited (CIAL)	2348	Rhys Boswell		Filed
		Iain Munro		Filed
Christchurch International Airport Limited (CIAL); Lyttelton Port Company Ltd	2348/FS2817 2367/FS2808	Matt Bonis	Planner	Filed/Appeared
David Lawry	2514	David Lawry		Filed/Appeared
Federated Farmers of New Zealand	2788	Fiona MacKenzie		Filed/Appeared
		Richard Holloway		Appeared
Hands Off Hagley Inc	2302/3711	Professor Chris Kissling		Filed/Appeared
		Anne Dingwall		
Orion New Zealand Limited	2340	Penelope Lemon	Planner	Filed
Radford Family	660, FS1345, 2349, FS2792, 3622, FS5003	Fiona Aston	Planner	Filed
Te Runanga o Ngai Tahu and Nga Runanga	3722	Yvonne Legarth	Planner	Filed

Submitter Name	No.	Person	Expertise or Role of Witness	Filed/Appeared
The Isaac Conservation and Wildlife Trust	2146	Kim Seaton	Planner	Filed/Appeared
Victoria Neighbourhood Association Inc.	3611	Marjorie Manthei		Filed
Z Energy Limited, BP Oil Limited and Mobil Oil NZ Limited (Oil Companies)	2185	David le Marquand	Planner	Filed
Riccarton/Wigram Community Board	2363	Mike Mora		Appeared