

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: 13 July 2015

Date of decision: 7 March 2016

Hearing Panel: Hon Sir John Hansen (Chair), Environment Judge John Hassan (Deputy Chair), Mr Martin Udale, Ms Jane Huria and Ms Sarah Dawson

DECISION 16

**CHAPTER 1 INTRODUCTION (PART) AND CHAPTER 2 DEFINITIONS (PART)
STAGE 1**

Outcomes: Proposals changed as per Schedules 1A (Introduction) and 1B (Definitions)

COUNSEL APPEARANCES

Mr K Viskovic and Ms A Sinclair	Christchurch City Council
Ms J Silcock	Crown
Mr B Williams	Christchurch International Airport Limited and Lyttelton Port Company Limited
Ms J Walsh	Te Rūnanga o Ngāi Tahu and Ngā Rūnanga

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INTRODUCTION

[1] This decision (‘decision’) continues the 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) (‘Replacement Plan’/‘Plan’).¹ It concerns Chapter 1 Introduction (Part) (‘Introduction’) and Chapter 2 Definitions (Part) (‘Definitions’) that were notified as part of Stage 1.

[2] In this decision, the phrase ‘Notified Version’ describes the version notified by the Christchurch City Council (‘Council’) (submitter 310). Subsequent to consideration of submissions and conferencing, a number of changes were made. This was then ultimately produced in closing by the Council as a red-line version (‘Revised Version’).²

[3] Where we refer to ‘Decision Version’, it is our redrafting of the Revised Version, as set out in Schedules 1A (Introduction) and 1B (Definitions), 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 13 July 2015. 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’).³

Effect of decision and rights of appeal

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

[6] Under the OIC, any person who made a submission (and/or further submission) on the Notified Version, the Council, and the Ministers⁵ may appeal our decision to the High Court

¹ The Panel members are Hon. Sir John Hansen (Chairperson), Environment Judge John Hassan, Ms Jane Huria, Mr Martin Udale and Ms Sarah Dawson.

² Final updated Revised Version provided with the Council’s Closing submissions dated 23 July 2015.

³ Strategic directions and strategic outcomes (and relevant definitions), 26 February 2015.

⁴ Strategic Directions decision at [5]–[9].

⁵ The Minister for Canterbury Earthquake Recovery and the Minister for the Environment, acting jointly.

(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).

Identification of parts of existing district plans to be replaced

[7] The OIC requires that our decision also identifies the parts of the existing district plans⁶ ('Existing Plan') that are to be replaced by the Introduction and Definitions. We have considered the tables prepared by the Council pursuant to cl 6(1)(b) OIC that are available on the Council's website.⁷ We have determined that it is premature to replace the Introduction and Definitions in the Existing Plan because those provisions will remain applicable to the remaining parts in the Existing Plan until such time as all provisions are replaced.

[8] The reasons for our decision follow the Preliminary Matters section.

PRELIMINARY MATTERS

Conflicts of interest

[9] We have posted notice of any potential conflicts of interest on the Independent Hearings Panel website.⁸ No submitter raised any issue in relation to this.

REASONS

STATUTORY FRAMEWORK

[10] The OIC directs that we hold a hearing on submissions on a proposal and make a decision on that proposal.⁹

⁶ Definition of 'existing district plans'. OIC, cl 3.

⁷ <http://www.proposeddistrictplan.ccc.govt.nz/PropertySearch/ContentContainer.html?page=whatschanging>.

⁸ The website address is www.chchplan.ihp.govt.nz.

⁹ OIC, cl 12(1).

[11] It sets out what we must and may consider in making that decision.¹⁰ It qualifies how the Resource Management Act 1991 (‘RMA’) is to apply and modifies some of the RMA’s provisions, both as to our decision-making criteria and processes.¹¹ It directs us to comply with s 23 of the Canterbury Earthquake Recovery Act 2011 (‘CER Act’).¹² The OIC also specifies additional matters for our consideration.

[12] Our Strategic Directions decision, which was not appealed, summarised the statutory framework for that decision, including the relevant statutory documents (‘Higher Order Documents’)¹³. As it is materially the same for this decision, we apply the analysis we gave of that framework in that decision.¹⁴ As with all our decisions, we apply our Strategic Directions decision throughout.

The required “s 32” and “s 32AA” RMA evaluation

[13] Again, this is a matter referred to in earlier decisions. We adopt and endorse [48]–[54] of our Natural Hazards decision.¹⁵ For both the Introduction and Definitions, where relevant, we adopt and apply our findings in our related Stage 1 decisions including our s 32 and 32AA evaluations. In the context of our decision on the Introduction, the role of s 32 is more limited because the Introduction does not contain any objectives, policies or rules. Rather, it provides background and explanatory material to assist plan users to understand the overall statutory context and content of the CRDP. Our application of s 32 considerations to the Definitions is also more limited in this decision. The Definitions provide the meaning of words used in the other Stage 1 Proposals of the CRDP, they are not stand alone. Our consideration of Definitions has not been in isolation from the evaluations that we have already undertaken in the individual Stage 1 Proposal decisions. In the context of the Introduction and Definitions, we have been particularly focused on ensuring that they give effect to Schedule 4 to the OIC Statement of Expectations, in particular matters (a) and (i), and that they achieve Strategic Directions Objective 3.3.2 with regard to their clarity, consistency and ease of use.

¹⁰ OIC, cl 14(1) .

¹¹ OIC, cl 5.

¹² Our decision does not set out the text of various statutory provisions it refers to, as this would significantly lengthen it. However, the electronic version of our decision includes hyperlinks to the New Zealand Legislation website. By clicking the hyperlink, you will be taken to the section referred to on that website.

¹³ At [39]–[45] and as updated in our Stage 1 Residential and Commercial/Industrial Decisions.

¹⁴ At [25]–[28] and [40]–[62].

¹⁵ Natural Hazards (Part) (and relevant definitions and associated planning maps), 17 July 2015, pages 20–21.

Chapter 1 Introduction

[14] We heard and determined part of the Introduction as part of our Strategic Directions decision because those matters were of a strategic nature.¹⁶ We have not revisited those matters in this decision. The contents of the remaining parts of the Introduction were subject to an informal mediation between a number of the submitters. A list of the submitters who participated in the mediation is set out in Schedule 2. Those parties filed a joint memorandum setting out the agreements they had reached and provided a Revised Version of the Proposal (‘Introduction Joint Memorandum’).¹⁷ Many of the submitters who signed the Introduction Joint Memorandum were satisfied with the outcomes of mediation and considered that their submission points had generally been addressed in the Strategic Directions decision.¹⁸

[15] The Introduction Joint Memorandum also records the position of a number of submitters who did not sign it. Eliot Sinclair (further submitter 1420) advised the Council it was neutral with regard to the Revised Version.¹⁹ Victoria Foxton and Creag McCulloch (representing Castle Rock Estate Limited (FS1202)), and Fox and Associates Limited (FS1422) were provided with a copy of the Revised Version, but did not respond to the Council. Therefore, they cannot be taken to have agreed to the position outlined in the Introduction Joint Memorandum. We have considered their written submissions. Ray Wood (FS1344), Radford Family (FS1345), Quaiques Road Developments Limited (FS1353), Kristy Inwood (FS1449) and Halswell Trust (FS1451), submitting in opposition to the Te Rūnanga o Ngāi Tahu and Ngā Rūnanga (‘Ngāi Tahu’) submission (1145), had expressed concerns about the accuracy of the Mahaanui Iwi Management Plan. They did not wish to see its status elevated.²⁰ None of those submitters attended the hearing.

[16] In its opening legal submissions, the Council confirmed that it supported the Revised Version of the Introduction, subject to some restructuring of the chapter. In particular, it recommended that the appendices be relocated to the end of the chapter.²¹

¹⁶ Strategic Directions decision at [141] and [142].

¹⁷ Joint Memorandum of Counsel regarding agreement reached in relation to the Introduction Proposal (Part), dated July 2015. The Revised Version is provided in Annexure A to the Memorandum.

¹⁸ Ibid at 14, 16, 22, 29-34.

¹⁹ Ibid at 38.

²⁰ Ibid at 41

²¹ Opening submissions for CCC at 3.1.

[17] We asked Ms Murchison, planner for Ngāi Tahu, about a number of Ngāi Tahu terms that have been relocated from the Definitions to the Introduction. We also sought clarification from her in a supplementary supporting statement regarding the references to the Waitangi Tribunal findings in paragraph 3.2.4 and the appropriateness of the reference to s 6(e) RMA in paragraph 3.2.6 of the Revised Version. Ms Murchison provided a supplementary brief of evidence in response.²² We have considered that supplementary evidence and accept that the further amendments recommended by her are appropriate and have incorporated these in the Decision Version.

[18] We have considered the Introduction Joint Memorandum and the written submissions of those submitters who did not sign. We are satisfied that the changes in the Revised Version generally are the most appropriate, accurately reflect the overall content and purpose of the CRDP notified in Stage 1 and are consistent with the Higher Order Documents. We are also satisfied that the references to the Mahaanui Iwi Management Plan do not improperly raise the status of that Plan, as was the concern of submitters Ray Wood, Radford Family, Quaifes Road Development Limited, Kristy Inwood and Halswell Trust. We are satisfied that the drafting is clear and concise and that the Introduction aids the users of the CRDP to understand its context and content. In our Decision Version we have incorporated the Revised Version²³ with the following drafting changes:

- (a) relocated Appendices 1.1 and 1.2 to the end of the Chapter;
- (b) included reference to Controlled Activities in the table at 10.2.7 (now 6.2.7) as a consequence of the changes we have made in the various chapter-specific decisions;
- (c) made amendments to Ngāi Tahu terms ‘Customary purposes or uses’ (3.1.2), ‘Kaitiakitanga’ (3.1.6 (now 3.1.5)) and ‘Mana Whenua’ (3.1.9 (now 3.1.8)), and included reference to s 6(e) RMA ‘to recognise and provide for, as a matter of national importance, the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga under s 6(e)’ in 3.2.6.;

²² Supplementary evidence of Lynda Murchison on behalf of Ngāi Tahu.

²³ The terminology used in the Decision Version is that provided in the Revised Version attached to the Joint Memorandum of Counsel Regarding Agreement Reached in Relation to the Introduction Proposal (Part) dated July 2015.

- (d) added reference to s 32AA to section 4.1.2;²⁴ and
- (e) corrected a number of typographical, grammatical and numerical formatting errors, which has resulted in the renumbering of some paragraphs.

Chapter 2 Definitions

[19] The Definitions proposal is an important part of the CRDP. In opening legal submissions the Crown (495) submitted:²⁵

Definitions are important because, as the Environment Court observed in *Nigro v Far North District Council*, “in a very real sense definitions are rules or contain elements of rules in that they determine the scope of rules within which the defined terms appear”.²⁶ It is therefore critical that definitions say what they mean and use language which is clear and easy to understand. A definition will not be satisfactory “if it relies on an exercise of statutory interpretation”.²⁷

[20] The Environment Court has held that terms in a district plan do not need to be defined and will carry their ordinary meaning if there is no special definition.²⁸

[21] The definitions in the Notified Version and the submissions we have received on them have been a matter that we have considered at each Stage 1 proposal hearing. In some cases submitters have elected to be heard at the specific proposal hearings to address their submissions on a particular definition in the context of the specific chapter where it is relied upon. 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. For example, in our Strategic Directions decision, we included a definition for ‘Strategic Infrastructure’ which was necessary for the implementation of the relevant Strategic Directions objectives. A list of definitions notified in Stage 1, which we have already decided in earlier decisions, is included in Schedule 3 (‘decided definitions’). In other cases, notwithstanding that we heard some evidence and/or submissions about a particular definition, we did not address the definition in the specific proposal decision, because it was of wider application or arose more specifically

²⁴ Transcript, page 125, lines 26–37.

²⁵ Opening submissions for the Crown at 4.2.

²⁶ *Nigro v Far North District Council* [2012] NZEnvC 76 at [16].

²⁷ *Monk v Queenstown Lakes District Council* [2013] NZEnvC 12 at [24].

²⁸ *Cash for Scrap Ltd v Manukau City Council* EnvC Auckland A198/05, 6 December 2005 at [95].

in another context. An example of this was the definition of ‘Education Activity’ which was addressed in the submission of the Ilam Upper Riccarton Residents Association (‘IURRA’) (738, FS1427) in the Strategic Directions hearing, but also arises in the context of other proposals.

[22] 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 1, because they relate more closely to other proposals notified in Stages 2 and 3. A list of those definitions, where we have decided that it is more appropriate to defer our decision to a later stage, are set out in Schedule 4 (‘deferred definitions’).

[23] Except for the definitions listed in Schedule 4, this decision considers all remaining Stage 1 definitions that have not already been decided.²⁹ We have also given consideration to whether we need to reconsider the decided definitions in Schedule 3 as a consequence of other amendments to Definitions. We have not found it necessary to revisit the substance of any of those definitions at this stage, except to the extent that we have made a number of minor corrections to improve clarity.

[24] Although we are making a decision on all remaining Stage 1 definitions (unless otherwise deferred or decided), we reserve the ability to revisit those definitions (and those already decided) at later Stages pursuant to cl 13(5) and (6) of the OIC. A number of the Stage 1 definitions are also relied on in the provisions notified in the Stage 2 and 3 proposals, and in some cases further amendments to Stage 1 definitions were notified in Stages 2 and 3.³⁰ We will consider any such definitions in due course.

Submissions on definitions

[25] A number of submitters advised before the hearing that they sought to rely on evidence that they had filed in relation to specific Stage 1 Proposal hearings, and did not seek to call any additional evidence. A number of agreements were also reached between the Council and submitters on deletions, additions and amendments to various definitions. We received various joint memoranda on various definitions throughout Stage 1. Due to the degree of agreement

²⁹ In our decisions on Stage 1 Chapter 14 Residential (part), Chapter 15 Commercial and Chapter 16 Industrial and Chapter 8 Subdivision we have not addressed definitions related to those chapters but have deferred our decision on them to this decision.

³⁰ Evidence in chief of Ivan Thomson, Appendix 8.

reached on the various definitions, most submitters on definitions did not attend the hearing. The submitters and witnesses who attended the hearing or filed submissions or evidence in support of their submission, are listed in Schedule 5. We received opening legal submissions from the Crown, the Council, Lyttelton Port Company Limited (‘LPC’) (915, FS1444) and Ngāi Tahu.

[26] Notwithstanding the agreements that had been reached between the parties, the hearing took place on 13 July 2015 because the Hearings Panel had a number of questions of Council officers regarding the Revised Version and their evidence. In a number of cases, Council witnesses requested time to consider the questions raised by the Hearings Panel and we granted leave for them to file further supplementary evidence to support any further changes to definitions. We received supplementary evidence from Council witnesses, Mr Ivan Thomson,³¹ Ms Janice Carter,³² Mr David Falconer³³ and Mr Mark Stevenson.³⁴ We then received closing legal submissions from the Council,³⁵ the Crown,³⁶ and Ngāi Tahu.³⁷ The Council provided an updated Revised Version with its closing legal submissions on 23 July 2015, which incorporated the amendments addressed by Council witnesses in their supplementary evidence.³⁸ Later, we requested clarification from the Council regarding the definition of the word ‘site’ which arose in the context of our hearing of Stage 1 Subdivision and Residential proposals.³⁹ The Council filed a memorandum responding to our questions, which we consider further below.⁴⁰

[27] Following our consideration of evidence, legal submissions and the original submissions and further submissions on Stage 1 definitions, we have generally accepted the changes set out in the updated Revised Version, but have made a number of drafting changes to improve clarity, consistency and usability.

³¹ Supplementary evidence of Ivan Thomson dated 16 July and 23 July 2015.

³² Supplementary evidence of Janice Carter dated 16 July and 22 July 2015.

³³ Supplementary evidence of David Falconer dated 16 July 2015.

³⁴ Supplementary evidence of Mark Stevenson dated 16 July 2015.

³⁵ Closing submissions for CCC, 20 July 2015, in relation to the Introduction and definitions excluding those in the Residential proposal and ‘infrastructure’; and closing submissions for CCC, 23 July 2015, in relation to the Residential proposal and ‘infrastructure’.

³⁶ Closing submissions for the Crown, 17 July 2015; further closing submissions for the Crown in response to the supplementary evidence of Janice Carter and Ivan Thomson, 24 July 2015.

³⁷ Closing legal submissions on behalf of Ngāi Tahu dated 17 July 2015.

³⁸ The Revised Version did not include definitions proposed in the Stage 1 Subdivision hearing, but we have included them in our Decision Version as noted below at [61].

³⁹ Minute of Hearing Panel on definition of ‘Site’, 21 August 2015.

⁴⁰ Memorandum of Counsel for CCC on the definition of ‘Site’ dated 28 August 2015.

[28] A number of definitions were recommended by the Council to be deleted because they were no longer considered to be relevant, did not need to be deferred for the purposes of the plan, were shifted to the Introduction, or moved to the abbreviations part of the Definitions. We have considered legal submissions, submitter statements, evidence, the agreements reached with parties and all relevant submissions. The definitions that we have decided can be deleted are set out in Schedule 6 ('deleted definitions').

[29] A number of amendments were also made to definitions in response to submissions and evidence, and were generally uncontroversial. These were recorded in the Revised Version. We accept those amendments, except to the extent we discuss below, and have included them in the Decision Version.

[30] Where we have made further changes to the definitions or otherwise disagreed with the parties' agreed positions, we set out our reasons for our changes 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, we also set out our reasons below.

Activity or Facility

[31] During the course of the hearing, we asked the Council's planning witnesses about the defined terms that included the word 'facility' or 'activity'.⁴¹ We noted that, with some exceptions discussed with Mr Ivan Thomson, the definitions are reasonably consistent in the way that 'activity' and 'facility' are defined. 'Activity' refers to the 'use of land and buildings' and 'facility' refers to the 'land or buildings'. We issued a Minute, asking the Council to review the provisions in the pCRDP to ensure that these terms are consistently used in the rules.⁴² In response, the Council proposed that the use of the words 'activity' and 'facility' could be further clarified by adding to the opening statement of the Definitions proposal the following.⁴³

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

⁴¹ Transcript, page 105, line 43 to page 106, line 16.

⁴² Minute dated 30 October 2015.

⁴³ Memorandum of counsel for Christchurch City Council in Response to Panel's Minute dated 30 October 2015, dated 5 November 2015.

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.

[32] We are satisfied that the suggested addition provides adequate clarification to address the issue we raised. We have also included this statement in each decided zone as suggested by the Council.

Meaning of Ancillary (and related definitions of Ancillary office activity, Ancillary retail activity and Ancillary showroom activity)

[33] The Notified Version defined the terms ‘ancillary office activity’ and ‘ancillary retail activity’.

Ancillary office activity

means any office activity that is incidental to a permitted or consented activity on the same site, and which forms an inseparable part of the business occupying the site.

Ancillary retail activity

means any retail activity that is incidental to a permitted or consented activity on the same site, and which forms an inseparable part of the business occupying the site.

[34] Those terms were included in the Notified Version because there are rules in the Stage 1 Commercial and Industrial Proposals that provide for ancillary office and ancillary retail activities in some circumstances; for example in the Industrial General Zone Rule 16.2.2.1 P7 ‘ancillary retail’ and P14 ‘ancillary office’. A number of submissions questioned various aspects of the definitions, including a number of requests for a generic definition of ‘ancillary’.⁴⁴ As we discuss below, the term ‘ancillary’ is also used throughout the pCRDP.

[35] We have decided, on the evidence we have heard throughout the Stage 1 proposal hearings that, for the purposes of the CRDP, the term ‘ancillary’ should retain its ordinary dictionary meaning which is:⁴⁵

Subservient, subordinate; auxiliary, providing support

⁴⁴ Foodstuffs (South Island) Properties Limited and Foodstuffs South Island Limited (705), Bunnings Limited (725), Progressive Enterprises Limited (790), Higgins Contractors Limited (827), Gelita NZ Limited (1014), Goodman Property Trust (977), Toni Carter (1028) and IURRA (738, FS1427).

⁴⁵ Shorter Oxford English Dictionary.

[36] We have decided that for the purposes the CRDP that ‘ancillary’ should only describe what it is not as follows:

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

[37] The range of submissions that were made on the definition of ‘ancillary’ illustrate the difficulty, and the potential for uncertainty, that can arise with attempts to draft a generic definition that materially departs from the ordinary meaning. For example, in her written submission, Toni Carter (1028) submitted that the term ‘ancillary office’ and ‘ancillary retail’ are just two examples of ancillary activities in the plan, and the rules around what constitutes an ancillary activity are not clear. She requested that we consider the alternative of a generic definition of ancillary activity, as follows:

Ancillary activity means any activity that is incidental to a permitted or consented activity on the same site and which forms an inseparable part of the principal or main activity on the site.

[38] IURRA also requested a definition of the word ‘ancillary’, because the term is used in other definitions such as ‘tertiary education and research activity’, which encompasses a range of activities ancillary to that principal activity. Bellavista Property Consultants (776) requested the introduction of ‘ancillary showroom activity’.⁴⁶

[39] Gelita New Zealand Limited (1014) (‘Gelita’) submitted that the definition ought to include reference to ‘lawfully established activities’ along with ‘permitted or consented’.

[40] Although the Notified Version does not have a separate definition of the term ‘ancillary’, it defines ‘ancillary office activity’ and ‘ancillary retail activity’, in terms that reflect the commonly understood meaning of those terms. Those definitions are important to related rules (and relevant assessment matters, objectives and policies) in the Commercial and Industrial proposals. These definitions are also used in policies in the Residential proposal.⁴⁷ A number of definitions expressly include ancillary activities as part of the defined activity. In addition to ‘tertiary education and research activity’, a number of other activities or facilities defined in the Revised Version have an ‘ancillary’ component and are reliant on the meaning of the word ‘ancillary’. These include ‘accessory building (non-residential activity)’, ‘accessory building

⁴⁶ Submission 776.

⁴⁷ Supplementary Evidence of Mark Stevenson dated 16 July 2015 at 3.4.

(residential activity)', 'education activity', 'food and beverage outlet', 'garage', 'gymnasium', 'health care facility',⁴⁸ 'hotel', 'landscaping', 'motor servicing facility', 'port activities', 'public transport facility', 'service station', 'spiritual activity', 'student hostel accommodation', 'temporary buildings and activities', 'tertiary education and research activity', and 'trade and industry training facility'. A number of other definitions do not use the term 'ancillary', but imply an intention to include an ancillary aspect. For example these definitions use words such as 'principally for', 'primarily for', or are expressed in terms of 'inclusive', e.g. 'recreational activities' and 'addiction services' and 'automotive and/or marine supplier'.

[41] A new definition of 'ancillary', was proposed by Mr Stevenson in his evidence in the Commercial and Industrial hearing, in relation to submissions on the definitions of 'ancillary office activity' and 'ancillary retail activity'.⁴⁹ In response to Panel questions and discussion during the Definitions hearing, the Council offered the following refined definition in the Revised Version attached to its closing submissions.⁵⁰

Ancillary

means any activity that is incidental to, and a part of, the principal activities and/or businesses permitted or consented and on the same site as the principal activities.

(A principal activity for the purpose of this definition is the dominant activity on the site in terms of the proportion of the site and/or the quantum of floor space used for that activity).

Any Ancillary office activity shall also provide necessary support to the functioning of the principal activities on the site. Any ancillary retail activity shall also be limited to the display and sale of goods produced, processed or stored on the site.

[42] In light of this revised definition of 'ancillary', Mr Stevenson considered it unnecessary to include other definitions for specific ancillary activities such as 'ancillary showrooms'.

[43] IURRA requested the inclusion of specific reference to the scale of activity in the definition, with reference to the effects on the environment being no more than minor.⁵¹ Mr

⁴⁸ It is noted that the definition of health care facility at j. refers to 'accessory' offices and retail activity' which appears to be an error, and which we have corrected in the Decision Version.

⁴⁹ Evidence in chief of Mark Stevenson on the Stage 1 Commercial and Industrial proposals, dated 13 April 2015, at page 13 of Attachment E; and further amended in Rebuttal evidence on the Stage 1 Commercial and Industrial proposals, dated 1 May 2015, at para 18.9, in response to evidence of Mr Bligh for Gelita NZ Limited. A further revised version was included in Closing submissions for the Council on the Stage 1 Commercial and Industrial proposals, at 5.11.

⁵⁰ Closing submissions for the Council.

⁵¹ Rebuttal evidence of Peter Harding on behalf of IURRA at 4–10.

Stevenson considered that unnecessary. However he acknowledged that scale is important in determining whether an activity is ancillary or not. Mr Stevenson preferred that the definition of ancillary include the word ‘incidental’ to make it explicit that, ancillary activity is a minor part of what is undertaken. However, he considered that issues of scale and effects would be better addressed in the relevant rules.⁵²

[44] While maintaining IURRA’s preferred position, Mr Harding offered a further amended wording as follows:

Ancillary means small scale, intimately inter-related and on the same site as the primary activity. Any ancillary activity shall be of such a scale that its impacts on the surrounding environment are less than minor.

[45] Mr Harding submitted that the definitions of ‘ancillary’, ‘site’ and, in the case of the University of Canterbury, ‘tertiary education and research activity’ may need to be revisited when issues relating to Chapter 21 Specific Purpose Zones are brought before the Panel. We understood Mr Harding’s submission to refer to the Panel’s relevant OIC powers as to the revisiting of its prior decisions. However, we make no findings on whether or not we should do so, at this time.

[46] At the Definitions hearing, Judge Hassan sought further clarification from Mr Stevenson on the intended application of the definition of ‘ancillary’.⁵³ Mr Stevenson accepted that where an activity is stated in a plan to be permitted, the general law provides that even though some things are not specified, if they are necessary and ancillary for a permitted activity then it can be implied that they are part of it, unless explicitly excluded. He also accepted that ‘ancillary’ is generally characterised as something that is subordinate to and necessary to support the principal activity. We questioned why these concepts were not used consistently in the Notified Version for the definitions of ‘ancillary office activity’ and ‘ancillary retail activity’. The former relied on the concept of ‘support’ but the latter did not. Mr Stevenson considered that in the context of ancillary retail activities, the retail element, for example for a ‘factory shop’, may not necessarily be ‘supporting’ the principal use, but may be an incidental service.

⁵² Transcript, page 54, lines 5-16.

⁵³ Transcript, page 60, line 44 to page 62, line 3.

[47] There are a number of Environment Court,⁵⁴ and High Court,⁵⁵ decisions which have considered the meaning of ‘ancillary’. Those cases turn on the way in which the particular district plan defines the term and the specific factual circumstances. The cases illustrate a range of approaches to defining ancillary activities has been adopted by different local authorities. Some plans include definitions for ‘ancillary activities’, or in different district plans ‘ancillary’. Other plans define specific ancillary uses such as offices or retail activities. Other plans apply a combination of those approaches and others do not provide a definition. Cases have been determined on the principles of statutory interpretation as applied to the specific definitions or on the plain ordinary meaning in the absence of a definition. The case law also illustrates that there are a variety of ways the definitions are drafted, some align themselves to the plain and ordinary meaning, and others supplement this with prescription around the scale of activity (for example floor areas or percentages of trade). The body of case law serves to illustrate that, if a definition is included in the plan, it needs to be drafted clearly and applied consistently so as to avoid uncertainty to the users of the plan.

[48] In *Iniatus Limited v Palmerston North City Council*, the Environment Court considered whether accommodation activities available to tertiary students and other people, that were located off site, were ancillary to the institutional activity.⁵⁶ There was no relevant definition of ‘ancillary’. The Court relied on the Concise Oxford Dictionary definition of ‘ancillary’ which refers to something which supports a central service or is subordinate or subservient to something else. The Court held that an activity ceases to be ancillary when it becomes physically and functionally separate. This is a question of fact and degree.⁵⁷ This accords with our understanding of the ordinary meaning of ancillary.

[49] If we are to accept a general definition of ‘ancillary’, it becomes difficult (and arbitrary) to try and specify a generic scale of ancillary activity. A definition that incorporates a specified floor area or percentage of trade may be arbitrary and does not necessarily guarantee a level of ‘nexus’ or connection that is anticipated in the concepts of ‘subservience’ or ‘secondary to wider purpose’. We agree with Mr Stevenson that the level of prescription should be left to

⁵⁴ For example *O’Brien v Dunedin City Council* [2002] NZEnvC 116 and *Mobil Oil New Zealand Ltd v Auckland City Council* (1992) 2 NZRMA 57 (PT) and *Iniatus Limited v Palmerston North City Council* [2007] NZEnvC 377.

⁵⁵ For example *Queenstown Lakes District Council v McAulay* [1997] NZRMA 178 (HC).

⁵⁶ *Iniatus Limited v Palmerston North City Council* [2007] NZEnvC 377.

⁵⁷ *Iniatus Limited v Palmerston North City Council* at [41]–[43], referring to *Burdle v Secretary of State for the Environment* [1972] 3 All ER 240 and *Centrepont Community Growth Trust v Takapuna City Council* [1985] 3 NZLR 702 (CA).

the rules, where it becomes possible to undertake a targeted assessment of effects in individual cases. We also reject the IURRA suggestion of referencing ‘effects’ because it is not sufficiently certain for the purposes of a definition.

[50] Mr Stevenson had a clear preference for the definition of ‘ancillary’ to include the term ‘incidental’. That word means:⁵⁸

Occurring as something casual or of secondary importance; not directly relevant to; following (up)on as a subordinate circumstance

[51] Using the word ‘incidental’ may create an inconsistency with the concept of ‘support’, that is an essential element of ‘ancillary’. We have considered Mr Stevenson’s concern that a factory shop, for example, may not have a necessary supporting element, but be more in the nature of an ‘incidental service’.⁵⁹ We disagree with his view on this because we consider that a factory shop is more likely to provide a supporting element to, and be subordinate to the principal factory activity undertaken on the site and would therefore be consistent with the ordinary meaning of an ‘ancillary’ activity.

[52] Having considered the ordinary meaning, case law, and the evidence and submissions made on the definition in Stage 1, we have concluded that the key elements of a definition of ‘ancillary’ include:

- (a) that it does not attempt to redefine the plain ordinary meaning of the word ‘ancillary’ and that it, therefore, clearly articulates the concepts of being ‘subservient’ or ‘subordinate’ and a supporting part of the principal activity being undertaken;
- (b) that it is limited to activities on the same site, to ensure the necessary connection to the principal activity;
- (c) that it does not seek to specify matters of scale as those matters are more appropriately addressed in rules that apply to activities within specific zones or locations.

⁵⁸ Shorter Oxford English Dictionary.

⁵⁹ Transcript, page 62, lines 1-3.

[53] Applying those key elements to the Revised Version of the definition of ‘ancillary’ we have found that the Revised Version does not satisfy the requirements of the Statement of Expectations and does not achieve Strategic Directions Objective 3.3.2 (c). We find that it is more appropriate to rely on the ordinary meaning of ‘ancillary’, with the clarification that it does not include activities, or parts of activities, occurring on another site. Accordingly, we have declined the specific relief requested in submissions seeking to extend the definition beyond the ordinary meaning.

Available (parking)

[54] IURRA requested the inclusion of the definition of ‘available (parking)’. IURRA submitted that a definition of ‘available’ was needed in relation to ‘car parking’ because, while car parking may technically be provided, it was not ‘available’ to its intended users because the use was frustrated by car parking charges.⁶⁰ Mr Harding provided photographs of examples of car parking occupancy around the College of Education. Mr Falconer’s evidence for the Council was that car parking charges did not mean car parks were not available.⁶¹ Although we understand the issues of concern, we agree with Mr Falconer that an amendment to the definition does not address the concerns regarding the provision of car parking, and that if controls are warranted then this is a matter for a rule in the plan or other car parking management responses outside of the CRDP.⁶² Therefore, we reject the relief requested by IURRA. We have accepted changes to the definition of ‘parking space’ as agreed by the Council and the Crown.

Boarding house and Boarding room

[55] The Revised Version incorporated changes to address the submission of IURRA. We have accepted those changes with some minor corrections for drafting clarity.

Cultural concepts

[56] The Notified Version included a number of Ngāi Tahu cultural concepts. Ngāi Tahu requested certain definitions be deleted and replaced with explanations of the relevant concepts in the Introduction. That was in view of the difficulty in translating the concepts into English

⁶⁰ Statement of evidence of Peter Harding on behalf of IURRA, dated 23 June and 7 July 2015.

⁶¹ Evidence in chief of David Falconer dated 9 June 2015 at para 4.6-4.9.

⁶² Rebuttal evidence of David Falconer dated 2 July 2015, para 3.7-3.11.

and the fact that, as concepts, they were not amenable to strict definition. Ngāi Tahu also requested the addition of explanations for other concepts of Ngāi Tahu significance. The Council agreed with Ngāi Tahu, and no other party was opposed. We agree with those changes, subject to the addition of the matters set out above at [18](b)–(e).

Education activity

[57] The Revised Version proposed a number of drafting changes to the definition of ‘education activity’ in response to submissions and evidence heard in the Stage 1 Residential and Subdivision proposal hearings. IURRA submitted (at the Strategic Directions hearing) that the definition of ‘education activity’ should be amended so as to separately define tertiary activities. That was in view of IURRA’s concern that the impacts of tertiary education activities are significantly different from pre-school, primary and secondary school activities.⁶³ Mr Harding pointed to the differences in scale and sometimes more ‘commercial’ elements of tertiary activities. He gave an example of a definition of ‘education facilities’ from the Auckland Unitary Plan.

[58] We note that the pCRDP has separate definitions for ‘education activity’, and ‘tertiary education and research activities’, and that those definitions are in turn used in the context of particular provisions that address the effects of those activities. IURRA raised a similar issue in relation to tertiary student accommodation.⁶⁴ The changes requested by IURRA would not address that submitter’s underlying concerns about the different environmental effects of different scales of activities. Those matters are addressed in the relevant rules regarding built form, traffic management and the like.

[59] We do not find there is a sufficient evidential basis to support the IURRA submission, and reject it accordingly. We accept the changes proposed in the Revised Version as the most appropriate. We note that education activities are also to be addressed in the context of the Stage 2 Specific Purpose education zones. However, the definition is required to enable the implementation of the Stage 1 decisions. We note that there is a submission from the Crown

⁶³ Statement of evidence of Peter Harding on behalf of IURRA, 28 November 2014 (Strategic Directions hearing) at 28-32.

⁶⁴ IURRA requested separate definitions for ‘tertiary education student’ and ‘tertiary education student accommodation’ to address environmental effects from tertiary education student hostels; see Stage 1 Residential Transcript, page 1444, line 34 to page 1445, line 3.

requesting the addition of a definition for ‘education facilities’, that we have deferred consideration of until Stage 2.

Elderly person’s housing unit and Older person’s housing unit

[60] In our decision on Stage 1 Residential provisions, we have re-introduced provision for elderly person’s housing, but have renamed those provisions as ‘older person’s housing,’ for the reasons set out in that decision.⁶⁵ Therefore we have provided a cross-reference in the definition of elderly person’s housing units. The term ‘elderly person’s housing unit’ is still required, because of the rules in the plan relating to the conversion of existing elderly persons housing units, which we have retained until 30 April 2018. We have also included a definition for ‘older person’, as follows:

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 and extends to include the partner, spouse, dependants or caregiver of such a person, notwithstanding that the partner, spouse or caregiver may be under the age of 60 years.

Electricity distribution line definitions

[61] During the hearing of Stage 1 Chapter 8 Subdivision, the Council agreed with the request from Orion New Zealand Limited (‘Orion’) (922, FS1339) to include definitions for ‘electricity distribution’, ‘electricity distribution line’, ‘electricity distribution line corridor’, and ‘support structure’.⁶⁶ The expert witnessing conferencing statement for the transmission line recommended a decision on the distribution line definitions be deferred until Stage 2. That was because Stage 2 is where other relevant provisions that are proposed would be addressed.⁶⁷ We have not found it necessary to defer our decision, and note further that the definitions, with the exception of ‘electricity distribution line corridor’, are necessary to implement our decisions on the Stage 1 chapters. We reserve our ability to revisit these definitions if later evidence supports that course.

⁶⁵ Decision 10 Chapter 14 Residential (Part) Stage 1, 10 December 2015 at [332]-[334].

⁶⁶ Stage 1 Chapter 8 Subdivision hearing rebuttal evidence of Andrew Long, 21 May 2015, at 6.1 to 6.3.

⁶⁷ Planning Witness Conferencing Statement Chapter 8 — transmission and distribution lines, 26 June 2015.

Electrical switch and Window control

[62] The Revised Version retained definitions of ‘electrical switch’ and ‘window control’ on the basis that the Council and the Crown agreed that consideration of these definitions could be deferred to Stage 2. In closing submissions, the Crown submitted that the definitions could be deleted on the basis that Mr Thomson, the Council’s planning witness, accepted that the ordinary meaning could be relied upon if reliance upon those definitions was required.⁶⁸ In our Stage 1 Residential Decision we have removed the ‘life stage’ provisions, which means these definitions are now redundant in any event. In the Decision Version we have deleted the definitions of electrical switch and window control.

Freight depot, Light manufacturing and servicing, Manufacturing, Repair and maintenance and warehousing distribution activities consistent with Plan Change 84.

[63] Christchurch International Airport Limited (‘CIAL’) (863, FS1359) requested the inclusion of a number of definitions related to business activities located at the airport. Mr Bonis, the planning witness for CIAL, accepted that a definition of ‘freight depot’ was no longer required.⁶⁹ Mr Bonis did not address the definitions of ‘light manufacturing and servicing’, ‘manufacturing’ or ‘repair and maintenance’ in his evidence. These definitions are addressed through Plan Change 84, which was a change to the Existing Plan to provide for a Special Purpose (Airport) Zone that was notified before the commencement of the OIC. Once Plan Change 84 is made operative by the Council under Schedule 1, cl 20 of the RMA it is deemed to be part of the CRDP.⁷⁰

Full-time equivalent student

[64] We found the drafting of the term ‘full-time equivalent student’ overly complex and lacking clarity. We have therefore redrafted the definition, retaining the elements that were proposed in the Revised Version.

Greenfield

[65] The Notified Version included a definition for ‘greenfield’ as follows:

⁶⁸ Transcript, page 67, lines 35-40 (Thomson).

⁶⁹ Evidence in chief of Matt Bonis on behalf of CIAL, para 55.

⁷⁰ OIC, cl 4(3).

means land not previously or currently used for urban activities and which is generally rural land.

[66] The Crown’s planning witness, Ms Wendy Hickey, gave evidence that the definition of ‘greenfield’ in the Notified Version lacked clarity and should align with the definition contained in the LURP for consistency, as follows:⁷¹

Land at the urban edge, currently used for rural activities, that has been identified for future urban residential or business development.

[67] Mr Thomson, the Council’s planning witness, responded in his rebuttal evidence that there was an issue as to whether the definition of ‘greenfield’ should be confined to land that is identified as a Greenfield Priority Area in the Higher Order planning documents. His evidence was that the Notified Version was too broad. He accepted that Ms Hickey’s definition was more concise and would bring it in line with similar definitions in the CRPS and the LURP. However Mr Thomson raised an issue about how to deal with ‘greenfield’ land outside of the LURP because there was no definition for ‘greenfield’ land in the wider region.⁷² We understood Mr Thomson’s concern to be about undeveloped rural land outside of the Greenfield Priority Areas on Map A.

[68] Mr Thomson considered that there is an important distinction, because the restrictions on greenfield development contained in Chapter 6 of the CRPS and the LURP did not apply to land outside of those areas. He said that it is for the territorial authorities to develop their own policies for those other areas within the framework of Chapter 5 of the CRPS.⁷³ Mr Thomson suggested an alternative wording to address that distinction. The Crown initially accepted Mr Thomson’s suggestion, and agreed to an amended definition to provide for either Greenfield Priority Areas identified in Chapter 6 of the CRPS on Map A, or land outside that area which is generally rural land.⁷⁴

[69] At the hearing, the Panel questioned Mr Thomson about the possibility that users of the plan may be confused by the use of the term ‘greenfield’, and that it may inadvertently lead to users of the plan interpreting the second element as encouraging development in a way that did not give effect to Chapter 6 of the CRPS.⁷⁵ Mr Thomson assured the Panel that the references

⁷¹ Evidence in chief of Wendy Hickey on behalf of the Crown at 7.6.

⁷² Rebuttal evidence of Ivan Thomson at 4.6-4.8.

⁷³ Ibid at 4.9.

⁷⁴ Joint Memorandum of Counsel for the Crown and CCC on the Definitions Proposal, 10 July 2015.

⁷⁵ Stage 1 Definitions Transcript at page 87, line 30 to page 88, line 20.

to ‘greenfield’ in policies in the Stage 1 proposals would not cause concern. However, he accepted that the drafting could be improved. The final Revised Version defined greenfield as:

means either;

- a. undeveloped urban land that is located in a Priority Greenfield Area⁷⁶ for future urban residential or business development on Map A in Chapter 6 of the Canterbury Regional Policy Statement; or
- b. land outside of the area covered by Map A and which is generally rural land.

[70] Mr Thomson noted in his supplementary evidence that there would also need to be an amendment to Objective 3.3.7(c)(ii) to reflect that distinction.⁷⁷ The Crown submitted, having reflected on the Panel’s questions, and in response to Mr Thomson’s supplementary evidence, that the definition would not give effect to the CRPS and Strategic Directions Objective 3.3.7(c)(ii). The Crown was concerned about the wider implications of the definition and submitted that it ought to be confined to the Greenfield Priority Areas shown on Map A, submitting that to do otherwise would create confusion. The Crown submitted that any definitions relating to urban extensions to urban areas and/or to rural residential development outside of existing urban areas or Greenfield Priority Areas in Greater Christchurch shown on Map A should be left until Stage 2.⁷⁸

[71] We have considered the evidence and legal submissions of the Council and the Crown and agree with the Crown’s legal position on the drafting of the definition. Our finding differs from Mr Thomson’s supplementary evidence in view of this being a matter of legal interpretation. We find that it is more appropriate to confine the definition to the Greenfield Priority Areas on Map A. We find that on the evidence we have heard in the Stage 1 Residential and Commercial/Industrial proposals in relation to Chapter 6 of the CRPS, supports that conclusion. We are satisfied on the evidence heard in Stage 1 that confining the definition in this way is consistent with the way which ‘greenfield’ is used in the relevant Objectives, Policies and Rules in Stage 1 and gives effect to the Higher Order Documents. We have amended the definition of ‘greenfield’ accordingly to read:

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

⁷⁶ This reflects the Revised Version, however we understand that it should refer to ‘Greenfield Priority Area’ not ‘Priority Greenfield Area’.

⁷⁷ Supplementary evidence of Ivan Thomson at 12.1–12.4

⁷⁸ Further closing legal submissions on behalf of the Crown, 24 July 2015, at 3.7–3.11.

Guest accommodation

[72] In the Decision Version we have accepted the definition of ‘Guest accommodation’ as proposed in the Revised Version, except that we have added the following for clarity:

For the avoidance of doubt, guest accommodation excludes bed and breakfast.

[73] That is in response to the addition of a separate definition of ‘bed and breakfast’ included in the Revised Version and our Stage 1 Residential Decision that provided for specific rules relating to the regulation of bed and breakfast activities. Mr Thomson in his supplementary evidence recommended to the Panel that it may be an appropriate amendment to make for those reasons.⁷⁹ We have accepted that evidence, however we note ‘guest accommodation’ is also a definition that is relevant to the Accommodation and Community Facilities Overlay which is part of the Stage 2 Residential proposal. On that basis we are likely to revisit the definition in the Stage 2 and 3 Definitions proposal hearing to ensure that the term is used in a consistent and coherent manner throughout the CRDP.

Health care facility

[74] We have added a new category of ‘integrated family health centre’, to provide clarity and consistency with the definitions, because integrated family health centres are a type of health care facility.

Infrastructure limited to Rule 5.5.1

[75] We accept the evidence of the Council’s planning witness, Ms Janice Carter, and the Council’s submissions that it is not appropriate to adopt the RMA definition of ‘infrastructure’, which has its own meaning in a particular context.⁸⁰ In our decision on Natural Hazards, we included a definition of infrastructure for the purposes of Rule 5.5.1. In all other cases we have determined that the plan should rely on the ordinary meaning in light of the context that it is used.⁸¹

⁷⁹ Supplementary evidence of Ivan Thomson dated 23 July 2015 at 13.1.

⁸⁰ Evidence in chief of Janice Carter dated 9 June 2015 at para 5.15.

⁸¹ *Brownlee v Christchurch City Council* [2001] NZRMA 539; *Powell v Dunedin City Council* [2004] NZRMA 49 (HC); *Powell v Dunedin City Council* [2005] NZRMA 174 (CA).

Local centre

[76] We note that the ‘local centre’ is defined in the Revised Version to mean:

those areas zoned Commercial Local.

[77] The use of the term ‘local centre’ in Chapter 15 Commercial includes land that is zoned Commercial Local, except in the case of local centres located at Wainoni and Peer Street where they are zoned Commercial Core.⁸² There are two other exceptions, where Beckenham and Wigram are zoned Commercial Local, but are categorised as ‘neighbourhood centres’. For consistency, we have amended the definition of ‘local centre’ to read:

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 including Wainoni and Peer Street that are zoned Commercial Core.

Natural Hazards Definitions and requested amendments to Stage 1 Chapter 5 Natural Hazards Introduction

[78] The Crown requested that we include in Definitions a number of Natural Hazard related definitions. The Crown’s position was supported by the evidence of Dr Wendy Saunders.⁸³ Ms Janice Carter, in her capacity as the Council’s planning witness for the Stage 1 Natural Hazards hearing, did not agree that the terms needed definition. Dr Saunders accepted that this was the case for a number of technical terms where the plain and ordinary meaning could be relied upon, or where they were otherwise defined in the RMA.⁸⁴ While the terms ‘acceptable’, ‘unacceptable’, ‘tolerable’ and ‘intolerable’ remained in issue, Dr Saunders considered that those terms would not need separate definition provided that we included in the Introduction to Chapter 5 Natural Hazards further explanatory text that she recommended. The Council and Crown resolved these differences in a joint memorandum. This included agreed text for the Chapter 5 Introduction.⁸⁵

[79] In order to implement the recommended relief, we would need to revisit our Natural Hazards decision. The Crown and the Council also invited us to reconsider the wording of Objective 3.3.6 of our Strategic Directions decision in light of their proposed clarification of the terms ‘acceptable’, ‘unacceptable’, ‘tolerable’ and ‘intolerable’.

⁸² Chapter 15, Table 15.1.

⁸³ Evidence in chief of Dr Wendy Saunders on behalf of the Crown.

⁸⁴ Evidence in chief of Dr Wendy Saunders at para 4.2

⁸⁵ Joint Memorandum of Counsel on behalf of the CCC and Crown dated 10 July 2015, Appendix B.

[80] We have considered the evidence of Dr Saunders and Ms Carter and the suggested text for the Chapter 5 Introduction. We do not consider that it is necessary to revisit the Chapter 5 Introduction. There is nothing in the evidence of Dr Saunders or Ms Carter that we consider needs to be addressed further. We are satisfied that, in the context of the Natural Hazards Chapter the plain ordinary meaning of the terms used, considered in light of their purpose and the context that they are used, is the most appropriate way to address these terms. The suggested additions would not materially improve the clarity or usability of the Natural Hazards Chapter.

Net site area

[81] The Revised Version definition of ‘net site area’ provides:

In relation to a site or allotment, means the total area of the site or allotment less any area subject to a designation for any purpose; and/or any entry/exit strip of land 6m or less in width; and or any area of land where that land is the shared access for more than one site.

[82] We were concerned that the reference to ‘subject to a designation for any purpose’ may not accurately reflect the intended application of the definition. We can understand the sense of referring to a designation in the context where the designation is a forerunner to acquisition of the designated land under the Public Works Act 1981. But designations can be, and often are, imposed without land being acquired.

[83] We issued a Minute to the Council seeking clarification as to the intended meaning, and whether the words ‘intended to be taken under the Public Works Act’ should be added after the word ‘designation’.⁸⁶

[84] The Council filed a memorandum in response and accepted that there was some ambiguity in the Revised Version. The Council agreed that the addition of the words ‘intended to be taken under the Public Works Act’ after the word ‘designation’ would improve clarity.⁸⁷ We have made that change in the Decision Version.

[85] We have also made some changes to the structure of the definition to improve clarity.

⁸⁶ Minute dated 2 December 2015

⁸⁷ Memorandum of Christchurch City Council in response to the Panel’s Minute of 2 December 2015, dated 7 December 2015.

New Neighbourhood definitions and Meadowlands Exemplar definitions

[86] A number of definitions in the Notified Version are integral to the implementation of the Residential New Neighbourhood Zone (‘RNNZ’) provisions in the Chapter 8 Subdivision and Chapter 14 Residential proposals. Those provisions have been deferred to a separate hearing which is to take place early in 2016.⁸⁸ In the circumstances we have also deferred consideration of the associated definitions.

[87] In our decision on the Meadowlands Exemplar Housing project (‘Decision 4’)⁸⁹ we included a set of definitions that were annotated with ‘(M.E.D.)’, (‘M.E.D. Definitions’). The M.E.D. Definitions were in effect duplicates of the definitions in the Notified Version that were required to enable Decision 4 to become operative as a ‘spot zone’ with a discrete set of provisions, recognising the priority status required by our Terms of Reference. Once we have heard and decided the RNNZ provisions, it may be that the M.E.D. provisions could merge with the RNNZ provisions. The Crown and the Council submitted that, as part of our Definitions decision we could now delete most of the M.E.D. Definitions and instead rely on the core definitions in the Revised Version.⁹⁰

[88] Deletion of the M.E.D. Definitions would require us to exercise our power to revisit an earlier decision under cl 13(5) of the OIC. Although the Council and Crown appear to consider that this is a relatively minor matter, most of the M.E.D. Definitions are in fact embedded into the provisions relating to the Meadowland Exemplar in Chapters 8 and 14. We consider that it would be premature to delete the definitions, other than as follows, at this time.

[89] A few of the M.E.D. definitions included in Decision 4 (as requested by the Council and Danne Mora Holdings Limited (‘Danne Mora’) (1134), are not used in Decision 4. The following definitions can therefore be deleted on the basis that they are a minor correction. Those redundant definitions are: ‘new neighbourhood hectare (M.E.D.)’; ‘new neighbourhood net density (M.E.D.)’; ‘accessory building (M.E.D.)’; ‘density uplift areas (M.E.D.)’; ‘development plan (M.E.D.)’; ‘guest accommodation (M.E.D.)’; ‘neighbourhood block area

⁸⁸ Minutes of Panel dated 16 July 2015 and 20 and 26 August 2015

⁸⁹ Decision 4 ‘Rezoning for Exemplar Housing Areas under Action 8 of the Land Use Recovery Plan (North Halswell) that are publicly notified in the Stage One proposals’ dated 26 February 2015

⁹⁰ Joint Memorandum of Counsel regarding the definitions proposal on behalf of the Council and Crown dated 10 July 2015, Appendix A.

(M.E.D.)'; 'net site area (M.E.D.)', and 'residential activity (M.E.D.)'. We are satisfied that these can be deleted.

[90] Before we go further we consider that we would need to receive further submissions from the Council and at least Danne Mora, before we considered undertaking those further changes. We are concerned that without more detailed consideration there is a risk that the requested deletions could have unintended consequences that may frustrate the implementation of Decision 4.

New urban zonings

[91] The Crown proposed a new definition for 'new urban zonings'. Ms Carter for the Council gave evidence that the inclusion of the definition was unnecessary and that the ordinary meaning could be relied upon.⁹¹ The definition is not referred to in evidence or submissions by the Crown. We agree with Ms Carter's evidence and decline the Crown's request.

Outdoor room

[92] A submission from Grant Miles (160) and the ADNZ Canterbury/Westland Region (1142) requested the inclusion of a definition for outdoor room. The submitters did not attend the Definitions hearing or call evidence to support their request. We have no basis upon which to consider the request further so have declined the request.

Residential activity

[93] For clarity and consistency we have included 'student hostel'.

Residential unit

[94] For clarity and consistency we have added 'or unit' after 'self-contained building'.

Reverse sensitivity

[95] We first considered the concept of reverse sensitivity in our Strategic Directions decision. In that decision we noted that:⁹²

⁹¹ Evidence in chief of Janice Carter on behalf of the Council.

⁹² Strategic Directions decision at [271].

Inherently, the provision is dealing with the risks of conflicts occurring between activities, within a proximate area of influence.

[96] In the Strategic Directions hearing, we heard evidence from Gelita (NZ) Limited (1014)⁹³ and from the Strategic Infrastructure providers about the concepts of ‘reverse sensitivity’. Gelita requested that we amend the definition in that hearing to better encapsulate the concerns it has regarding encroachment of more sensitive activities into the industrial zones. We did not make any changes to the definition at that time.

[97] We heard evidence at the Stage 1 Commercial and Industrial hearing and the Stage 1 Residential hearing about ‘reverse sensitivity effects’ in relation to heavy industrial activities at Belfast,⁹⁴ in relation to the National Grid,⁹⁵ and radio infrastructure.⁹⁶ We also heard evidence on those matters from the Lyttelton Port Company (‘LPC’) (915, FS1444) and CIAL. LPC suggested an alternative drafting of the term which expressly referred to both the introduction of new sensitive activities into the same environment and the intensification of the use of existing sensitive activities in the same environment.⁹⁷ The Council’s planner, Mr Stevenson, proposed a further amendment at the hearing, as follows:⁹⁸

Means the effect on existing **lawful** activities from the introduction **or intensification** of **sensitive new** activities **into in** the same environment, ~~where the new activities may raise concerns or complaints regarding the effects of existing activities which could lead to~~ **and may take the form of** restrictions ~~being placed on the existing~~ **lawful** activities **as a consequence of complaints.**

[98] Mr Stevenson preferred this to the version of Mr Purves, the planning witness for LPC, because it was “more succinct and clearer”.⁹⁹ We are concerned using the term ‘sensitive activities’ within the definition of reverse sensitivity. That is because ‘sensitive activities’ is also defined and has a particular meaning in the context of provisions relating to Strategic Infrastructure. Mr Stevenson explained his intention is not to narrow the application of reverse sensitivity effects, but rather to describe the relationship of sensitivity between the new activity or the intensified activity and an existing lawful activity.¹⁰⁰ He filed supplementary evidence

⁹³ Strategic Directions decision at [264]–[268].

⁹⁴ Ms Aston for Silver Fern Farms Limited (686, FS1369) and Lowe Corp and Colyer Mair Assets Limited (772).

⁹⁵ Transpower NZ Limited (832, FS1339).

⁹⁶ Radio NZ Limited (596, FS1361).

⁹⁷ Opening submissions on behalf of LPC at 7.

⁹⁸ Exhibit 2.

⁹⁹ Transcript, page 54, lines 31–44.

¹⁰⁰ Transcript, page 63, lines 6–18.

to address our concerns.¹⁰¹ Mr Stevenson also suggested that, as an alternative, there be no definition of ‘reverse sensitivity’ and case law be relied upon.

[99] We have considered the evidence and submissions relevant to the definition of ‘reverse sensitivity’. We consider that it is appropriate to include a definition in the CRDP to provide certainty for the users of the plan, rather than leave the definition to evolve through case law. We consider that the further changes suggested by Mr Stevenson, in response to the concerns we raised, to generally be the most appropriate, and have included those changes in the Decision Version, with some minor changes for clarity. The definition now provides:

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, and that may lead to restrictions on the existing lawful activities as a consequence of complaints.

Sensitive activities

[100] The Notified Version of the definition of sensitive activities was refined by the parties during the course of the Stage 1 Commercial and Industrial hearing and in evidence at the Definitions hearing.¹⁰² This was in response to submissions, including from the Crown, Liquigas Limited (774, FS1333), Transpower New Zealand Limited (‘Transpower’) (832, FS1331), CIAL, KiwiRail Holdings Limited (‘KiwiRail’) (897), LPC, Orion and Gelita. We have accepted the Revised Version, which we find is supported by the evidence, subject to making a minor correction to re-order the words ‘*but, in relation to airport noise excludes:*’.

Site

[101] The Panel issued a Minute after the Definitions hearing, seeking clarification from the Council as to its intended interpretation of ‘site’ to be included in the pCRDP.¹⁰³ The term ‘site’ is relied on in a number of other definitions including ‘Net site area’ and ‘Site boundary’ and site is referred to in ‘boundary’, ‘internal boundary’, ‘road boundary’ and ‘coverage’. The definition of ‘site’ is also relied on in various activity and built form standards within the Stage 1 proposals. The Council proposed an amended definition in its closing submissions.¹⁰⁴

¹⁰¹ Supplementary evidence of Mark Stevenson dated 16 July 2015 at 6.1–6.4.

¹⁰² Rebuttal evidence of Mark Stevenson dated 2 July 2015 at 3.3-3.4.

¹⁰³ Minute in relation to Stage 1 Chapter 8 Subdivision and Chapter 14 Residential in relation to the Definition of Site dated 21 August 2015.

¹⁰⁴ Closing submissions for the Council dated 20 July 2015.

[102] We asked the Council how the definition was intended to apply to land subdivided under the cross-lease or company lease systems and under the Unit Titles Act 2010. Our concern was as to the lack of clarity in the Council’s proposed definition concerning whether a ‘site’ was intended to encompass the whole area of land underlying the entire complex of buildings plus the exclusively occupied and common areas, or just refer to the individual areas of land containing separately occupied building(s) together with its accessory building(s) and exclusively occupied land.

[103] Our initial understanding was that the latter was what was intended.

[104] We received a memorandum from the Council that provided further clarification.¹⁰⁵ The Council agreed with our initial understanding, and submitted that the definition of ‘site’ should not include reference to common areas in sub paragraph (e). The Council advised that the reliant definitions and associated activity and built form standards have been based on that interpretation. The Council advised that, if a different interpretation of ‘site’ was intended to be used in a specific provision, the provisions should include a specific exemption from that interpretation. The Council provided an example in Rule 15.5.3.6 (as notified) which includes a note that states:

Any landscaping required by rule 15.5.3.6 may be located in common areas, where the development comprises land and/or buildings in separate unit titles.

[105] We are satisfied with the Council’s clarification, and find that the further amendment to the definition, offered by the Council, is the most appropriate having regard to the intended application of ‘site’ in the CRDP.

Social housing complex

[106] We have made minor drafting corrections for clarity.

Spiritual activity

[107] We have made minor drafting corrections for clarity.

¹⁰⁵ Memorandum of Counsel on behalf of the Council regarding the definition of ‘site’ dated 28 August 2015

Urban activities

[108] We have replaced ‘new’ with ‘greenfield’ and deleted ‘for development’ to improve clarity and consistency.

Other new Definitions requested by submitters, but rejected

[109] Environment Canterbury (342) requested definitions be included for ‘workers’ temporary accommodation complex’ and ‘workers’ temporary accommodation unit’. We have already addressed these matters in the definition of ‘multi-unit development’ which has been decided in the Decision on Chapter 6 General Rules and Procedures (Temporary Activities 6A, 6B, and 6C)¹⁰⁶ for the purpose of workers’ accommodation.

[110] Mr Ross Divett (181) requested the addition of a definition for ‘residential business’. We understand that this is to distinguish the effects of retirement complexes from residential dwellings. Rules relating to retirement villages are addressed in our Stage 1 Residential Decision. The definition is not required on that basis and we decline the relief requested.

[111] Akaroa Civic Trust (340) requested a definition of ‘scale and form’ to aid the interpretation of related objectives, policies and rules. We do not agree that a definition is necessary, because the plain ordinary meaning can be relied upon. We decline the relief for that reason.

Coastal Hazards definitions

[112] On 20 November 2015, the Council filed a memorandum of counsel asking that the Panel not replace the Existing Plan definitions relating to coastal hazards.¹⁰⁷ This was in light of the Canterbury Earthquake (Christchurch Replacement District Plan) Amendment Order (No. 2) 2015. We have already determined that we should not replace any definitions in the Existing Plan at this stage, due to the fact that those definitions remain applicable for the remaining Existing Plan provisions.

¹⁰⁶ Decision 9 Temporary Activities 6A, 6B and 6C, 3 September 2016 (as amended pursuant to Decision making minor corrections dated 22 October 2015).

¹⁰⁷ Memorandum of counsel for Christchurch City Council regarding clause 5A (2) of the Canterbury Earthquake (Christchurch Replacement District Plan) Amendment Order (No 2) 2015 dated 20 November 2015.

Lyttelton Port Recovery Plan definitions

[113] Since the hearing of this matter the Lyttelton Port Recovery Plan has been gazetted. It contains definitions relating to ‘Port activities’ and ‘Port quarrying activity’. We have included these definitions in the Decision Version.

Changes to the structure of Definitions chapter

[114] The Notified Version included references to ‘Related Definitions’. Related definitions were not referenced directly to the core definition, but were included by the Council to assist users of the plan. An example of how the related definitions were intended to assist is whether a site is considered a ‘front site’ is assisted not only by the definition of ‘front site’, but of ‘rear site’ and ‘corner site’ as well. It was apparent throughout the hearing that the ‘related definitions’ did not assist and were confusing for the users of the plan. The Council accepted that they should be deleted.

Abbreviations

[115] In the Revised Version, the Council separated terms that are abbreviations into a separate section. We consider this improves the clarity and usability of the Definitions and have retained that structure in the Decision Version.

Decided definitions

[116] A number of the decided definitions were not correctly identified, or were omitted by the Council in the Revised Version. For example the definition of ‘infrastructure’ had not been updated to reflect our Natural Hazards decision, and ‘multi-unit development’ from our Temporary Activities decision was omitted. In some cases, the Revised Version identified further changes to the decided definitions. In the Decision Version we have incorporated the decided definitions and have only revisited those definitions for the purposes of making minor corrections to improve clarity and consistency.¹⁰⁸

¹⁰⁸ OIC, cl 13(5) and (6).

Section 32

[117] We refer to the necessary principles set out in our earlier decisions.¹⁰⁹

Section 32AA

[118] We have already referred in earlier decisions to the matters we must address.¹¹⁰

[119] 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.

[120] We have summarised the reasons for deciding to make the changes we have.

[121] We consider that ss 32(1)(c) and 32AA(1) have been met by our amendments.

[122] 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).

[123] 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).¹¹¹ Except to the extent that those recommendations have been modified by this decision, we accept the Council's recommendations.

Overall evaluation and conclusions

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

¹⁰⁹ Strategic Directions decision at [63]–[70].

¹¹⁰ Above, at [13].

¹¹¹ The Council's ("Accept/Accept in Part/Reject Table"), for Introduction evidence in chief of Alan Matheson, 9 June 2015, Annexure B; and for Definitions, evidence in chief of Ivan Thomson, 9 June 2015, Appendix 5, and as updated in rebuttal evidence of Ivan Thomson, 2 July 2015.

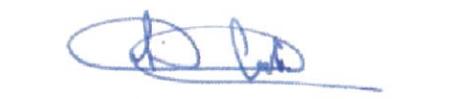
For the Hearings Panel:



Hon Sir John Hansen
Chair



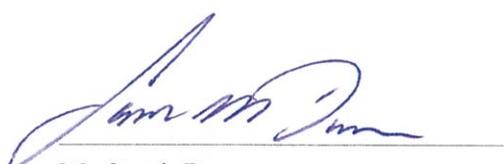
Environment Judge John Hassan
Deputy Chair



Mr Martin Udale
Panel Member



Ms Jane Huria
Panel Member



Ms Sarah Dawson
Panel Member

SCHEDULE 1A

Introductions proposal

Chapter 1 Introduction

1 What is a District Plan?

- 1.1 A district plan is a document prepared under the Resource Management Act 1991 in conjunction with the community. It sets a framework for development and the management of resources in the district in a manner that meets the goal of sustainable management of those resources. It includes objectives, policies and rules to manage the environmental effects of land use activities. It defines the various zones and the rules for what activities are permitted to occur in each zone. In this way a district plan has a very strong influence over all activities that occur in the district.
- 1.2 This Operative Christchurch District Plan ("the Plan") applies to all areas above the line of mean high water springs within the territorial boundaries of Christchurch district and to all users of land and the surface of water bodies within the district.
- 1.3 The relationship between district plans and other Resource Management Planning Documents is set out in Sections 4 and 5 of this chapter.
- 1.4 The Plan replaces the district's two previous operative plans, namely the Christchurch City Plan and the Banks Peninsula District Plan.

2 Background

- 2.1 In 2010 and 2011 a series of seismic events devastated Christchurch, resulting in the death of 185 people. Widespread damage and destruction was caused to thousands of homes and businesses, most of the central business district, and much of the city's infrastructure.
- 2.2 The Plan responds to the recovery needs following those seismic events. It also provides a focus for longer term development that will help rebuild Christchurch and make it a great place to live and work in the years ahead. Section 3.2 (Strategic Directions) provides additional description of the context within which:
- a. The Proposed Christchurch Replacement District Plan was prepared; and
 - b. Decisions on the provisions of the Operative Christchurch District Plan were made.
- 2.3 The Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 ("the Order") modified the Act by providing a process for the review of the previous district plans and preparation of a comprehensive replacement district plan for the Christchurch district. The Order includes a Statement of Expectations (Schedule 4) that sets out the expectations that both the Minister for Canterbury Earthquake

Recovery and Minister for the Environment seek within the Replacement District Plan. In summary, the Ministers' expectations are that the Plan will:

- a. reduce significantly the reliance on the resource consent process, along with reduction in development controls, design standards and notification/written approvals;
- b. clearly state the intended outcomes in objectives and policies;
- c. provide for the effective functioning of the urban environment;
- d. facilitate an increase in the supply of housing;
- e. ensure sufficient and suitable land is provided for commercial, industrial and residential activities;
- f. provide for a range of temporary and construction activities;
- g. set out transitional provisions for temporary activities;
- h. avoid or mitigate natural hazards; and
- i. use clear, concise language and be easy to use.

2.4 Because of the need to facilitate the recovery, the Council, in consultation with its key statutory partners, decided to prepare the Plan in three stages. The first stage dealt with all or part of those chapters most directly related to earthquake recovery. These are:

- Strategic Directions
- Residential
- Commercial
- Industrial
- Transport
- Contaminated Land
- Subdivision, Development and Earthworks
- Natural Hazards

2.5 The second and third stages of notification dealt with the remaining proposals for the replacement plan.

2.6 Many of the wide range of issues identified in the Plan are also managed and influenced to some degree by other organisations, including through their planning documents. A collaborative partnership approach was taken to the drafting of the Plan. This included the Council, Canterbury Regional Council, Canterbury Earthquake Recovery Authority, New Zealand Transport Agency, Te Rūnanga o Ngāi Tahu, and the adjoining Selwyn and Waimakariri District Councils. This process ensured that the Plan is consistent with and gives effect to the relevant

statutory plans and documents, and integrates with the responsibilities of other affected organisations.

3 Ngāi Tahu Mana Whenua

3.1 Explanation of Ngāi Tahu Values and Terms

3.1.1 The Ngāi Tahu framework for managing natural resources originated from a distinct Polynesian world view which acknowledges that people are part of the world around them and not masters of it. It then evolved and developed through more than 40 generations of collective experience in Te Waipounamu (South Island). The following description of terms when considered as a whole, outlines the core tenets of that framework for Ngāi Tahu. Some of the terms are used in the Plan and their description will assist in understanding and administering the Plan provisions.

Customary purposes or uses

3.1.2 The expression of many of the concepts and values described in other terms occurs through customary uses of freshwater, land and associated natural resources, and maintaining a physical and spiritual connection to that land, water body or other resource. Mahinga kai is a common customary use, but other uses include access to waipuna (springs) or water bodies for rituals such as baptism, to exercise customary authority and to maintain ahi kā roa (continuous occupation) and mana whenua status.

Customary access

3.1.3 Customary access is a term used in some of the provisions of this plan. It describes the provision for access of mana whenua to or along water bodies and other sites of cultural significance for customary purposes or to carry out customary uses.

Kaitiaki

3.1.4 Traditionally, kaitiaki were the non-human guardians of the environment (e.g. birds, animals, fish and reptiles) which, in effect, communicated the relative health and vitality of their respective environments to local tohunga (experts) and rangatira (leaders) who were responsible for interpreting the ‘signs’ and making decisions accordingly. In essence, there is no real difference to scientific practices of today, which continue to use specific indicator species and observe their behaviours to measure the state of the environment.

Kaitiakitanga

3.1.5 Kaitiakitanga is the inherited responsibility of mana whenua to manage the environment and natural resources within their takiwā (area of customary authority),

in accordance with Ngāi Tahu resource management traditions. The responsibility of those exercising kaitiakitanga is twofold:

- first, the aim of protecting the mauri of the resource; and
- second, there is a duty to leave the environment and natural resources for successive generations in as good or a better state than currently.

Ki Uta Ki Tai

- 3.1.6** The principle of Ki Uta Ki Tai (from mountains to sea) reflects the holistic nature of traditional resource management, particularly the inter-dependent nature and function of the various elements of the environment within a catchment.

Mauri ora ana te wai, kirimaia ai te kai, ki uta ki tai
Quality water flowing, abundant foods growing, mountains to sea.

Mahinga Kai

- 3.1.7** The Ngāi Tahu Claims Settlement Act 1998 describes mahinga kai as “the customary gathering of food and natural materials and the places where those resources are gathered.” Mahinga kai is central to Ngāi Tahu culture, identity and relationship with the landscapes and waterways of Christchurch and all of Te Waipounamu.

Mana Whenua

- 3.1.8** The term mana whenua describes the customary authority given to whānau or hapū within a takiwā to make decisions concerning the resources and people in that takiwā in accordance with Ngāi Tahu resource management traditions. Mana whenua can also be used as a term to describe those who hold that authority. Mana (respect, standing, authority) is derived from and passed on via whakapapa and is protected and secured through continued occupation of ancestral lands (ahi kā roa), the continued use of resources (eg mahinga kai) and the protection of the mauri of resources and the environment — Mō tātou, ā, mō kā uri ā murī ake nei.

Mātaimai and Taiapure

- 3.1.9** Since settlement, Ngāi Tahu have also established a number of customary fisheries protection areas (i.e. mātaimai and taiapure) under the Fisheries Act 1996 and the Fisheries (South Island Customary Fishing) Regulations 1999. The intent of these legislative mechanisms is to give effect to the obligations stated in the Treaty of Waitangi Fisheries Claims Settlement Act 1992 and enable Tangata Tiaki (i.e. local Ngāi Tahu fisheries managers) to exercise greater rangatiratanga over customary fishing grounds.

Mauri

- 3.1.10** Mauri is often described as the ‘life force’ or ‘life principle’ of any given place or being. It can also be understood as a measure or an expression of the health and vitality of that place or being. The notion embodies Ngāi Tahu’s understanding that there are both physical and metaphysical elements to life and that both are essential to our overall wellbeing.
- 3.1.11** It also associates the human condition with the state of the world around it. Mauri, therefore, is central to kaitiakitanga; that is, the processes and practices of active protection and responsibility by mana whenua for the natural and physical resources of the takiwā.
- 3.1.12** Mauri can change either naturally or through intervention and Ngāi Tahu use both physical and spiritual indicators to assess its relative strength. Physical indicators include, but are not limited to, the presence and abundance of mahinga kai fit for consumption or cultural purpose (e.g. disease free bull-kelp that can be used for the long-term storage of preserved foods). Spiritual indicators are the kaitiaki referred to in the explanation of this term.
- 3.1.13** They are often recalled in kōrero pūrākau (oral traditions) to explain the intrinsic connection between the physical and metaphysical realms of our world.

Nohoanga

- 3.1.14** Traditional nohoanga (seasonal ‘camp’ sites) were found throughout Te Waipounamu, giving Ngāi Tahu access to mahinga kai from season to season. Their value was recognised in the Canterbury Purchase agreement (Kemp’s Deed) 1848 which reserved and protected both nohoanga and mahinga kai for the present and future needs of Ngāi Tahu whānau in Canterbury. The Ngāi Tahu Claims Settlement Act 1998 identifies 72 traditional nohoanga sites throughout the Ngāi Tahu takiwā, providing tribal members with temporary rights to occupy.

Rāhui

- 3.1.15** A rāhui is a temporary prohibition placed on an area or resource as either:
- a. a conservation measure; or
 - b. a means of social and political control.
- 3.1.16** With respect to the former, a rāhui will effectively separate people from any ‘polluted’ area of land or water, preventing the ability to harvest potentially contaminated products from these areas. Rāhui are initiated by someone of rank and were placed and lifted with appropriate karakia (ceremony) by a tohunga (expert).

Wāhi Tapu and Wāhi Taonga

- 3.1.17** Wāhi tapu are places of particular significance that have been imbued with an element of sacredness or restriction (tapu) following a certain event or circumstance (e.g. death). Wāhi tapu sites are treated according to local customs (tikanga and kawa) that seek to ensure that the tapu nature of those sites is respected. Of all wāhi tapu, urupā (burial sites) are considered to be the most significant.
- 3.1.18** Wāhi taonga are “places treasured” due to their high intrinsic values and critical role they have in maintaining a balanced and robust ecosystem (e.g. spawning grounds for fish, nesting areas for birds and fresh water springs). They are prized because of their capacity to shape and sustain the quality of life experience and provide for the needs of present and future generations.

Whakapapa

- 3.1.19** Whakapapa (genealogy) is the central pillar of the mana whenua framework, setting out and effectively explaining the relationships between the various elements of the world around us, including human beings.

Wakawaka

- 3.1.20** Access to mahinga kai was managed through the division of natural resources (lakes, rivers, islands, etc) into wakawaka, defined areas within which a particular whānau had exclusive rights to “work the food” (mahi ngā kai) and responsibilities to uphold the associated cultural values.

3.2 Te Tiriti o Waitangi/ Treaty of Waitangi

- 3.2.1** The Crown first recognised and provided for Ngāi Tahu mana whenua in 1840 with the signing of Te Tiriti o Waitangi ("Te Tiriti"). With respect to the right to exercise authority over natural resources, Article II of Te Tiriti states:

English Text:

“Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof *the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties* which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession...” (emphasis added in italics).

Māori Text:

“Ko te Kuini o Ingarani ka wakarite ka wakaae ki Ngā Rangitira ki Ngā hapu – ki Ngā tangata katoa o Nu Tirani *te tino rangatiratanga o ratou wenua o ratou kainga me o ratou taonga katoa...*” (same emphasis added in italics).

Translation:

“The Queen of England agrees to protect the chiefs, the sub-tribes and all the people of New Zealand in *the unqualified exercise of their chieftainship over their lands, villages and all their treasures...*” (same emphasis added in italics).

- 3.2.2** The legitimacy of Ngāi Tahu mana whenua in the South Island was reiterated through the contracts for sale and purchase of traditional Ngāi Tahu lands to the Crown from 1844 to 1864, including (within the Canterbury region):
- The Canterbury Purchase 1848
 - The Port Cooper Purchase 1849
 - The Port Levy Purchase 1849
 - The Akaroa Purchase 1856
 - The North Canterbury Purchase 1857
 - The Kaikōura Purchase 1859
- 3.2.3** In total, the Crown purchased around 34.5 million acres of Ngāi Tahu land (80% of the South Island and more than half of the land mass of NZ) for just over £14,750. While this amounted to less than a penny per acre, it was encumbered with a number of commitments that included setting aside ‘adequate’ reserves for the present and future needs of Ngāi Tahu.
- 3.2.4** When considering Te Kerēme (the Ngāi Tahu Treaty Claim), the Waitangi Tribunal found that in acquiring this land the Crown had repeatedly breached its Treaty obligations and its actions left Ngāi Tahu with insufficient land to maintain its way of life and for the tribe to fully participate in subsequent economic development.
- 3.2.5** Article II of Te Tiriti records the Crown’s recognition and protection of rangatiratanga. For Ngāi Tahu, rangatiratanga includes the ability to exercise kaitiakitanga – an inherited obligation to manage and protect the natural resources within a tribal area, including land, waterways and springs, natural features, flora and fauna and wāhi tapu and taonga.
- 3.2.6** The Resource Management Act 1991 requires the principles of the Treaty (s8) to be taken into account and particular regard be had to kaitiakitanga (s7(a)) and to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga under 6(e), in achieving the purpose of the Act. Council recognises the significance of the principles of Te Tiriti and the importance of its relationship with ngā rūnunga and Te Rūnanga o Ngāi Tahu.

3.3 Mandated Representatives

- 3.3.1** The entire area of Christchurch district lies within the traditional boundaries of Ngāi Tahu¹ which run south from Te Pari-nui-o-Whiti (White Bluffs) on the East Coast of the South Island, around the southern coastline and off-shore islands and then back up the West Coast to Kahurangi Point (between Karamea and Farewell Spit).
- 3.3.2** Ngāi Tahu is the largest iwi (tribe) in the South Island, comprising of hundreds of hapū (sub-tribes) and whānau (extended families). They continue to express their mana whenua within their respective areas (takiwā) through the following key actions:
- a. Protection and perpetuation of their whakapapa (genealogy);
 - b. Continued occupation of their ancestral lands (ahi-kā-roa);
 - c. Continued use of traditional and contemporary natural resources (customary use and mahinga kai);
 - d. Taking responsibility to protect and maintain the mauri of their environment for the benefit and enjoyment of future generations.
- 3.3.3** Following the confinement of Ngāi Tahu property rights to native reserves, local Ngāi Tahu communities began to establish ‘rūnanga’ (i.e. an assembly or council) to facilitate the representation of their rights and interests in the evolving new system of local governance and resource management.
- 3.3.4** Pāpatipu rūnanga are the organisations who represent those who hold mana whenua over particular areas within the takiwā of Ngāi Tahu. Mana whenua represents the ability to influence and exercise control over a particular area or region and to act as kaitiaki. Inevitably, with mana comes responsibility.
- 3.3.5** Six pāpatipu rūnanga hold mana whenua within Ōtautahi (Christchurch City), Nga Pakihi Whakatekateka o Waitaha (Canterbury Plains) and Te Pātaka o Rākaihautū (Banks Peninsula), being:
- Ngāi Tūāhuriri Rūnanga;
 - Te Hapū o Ngāti Wheke Rūnanga (Rāpaki);
 - Te Rūnanga o Koukourārata;
 - Ōnuku Rūnanga;
 - Wairewa Rūnanga; and
 - Te Taumutu Rūnanga.

¹ The term ‘Ngāi Tahu’ literally means “the descendants of Tahu” and refers to the collective of families (whānau) who descend from the 5 primary hapū (sub-tribes) of Ngāi Tahu as described in Section 2 of the Te Rūnanga o Ngāi Tahu Act (1996), namely: Ngāti Kurī, Ngāi Tūāhuriri, Ngāti Irakehu, Ngāi Te Ruahikihiki & Ngāti Huirapa.

- 3.3.6** The takiwā or areas over which mana whenua is held overlap geographically within, and in some cases extend beyond, the territorial boundary of Christchurch District. The figure below shows the names and locations of pāpatipu marae within the Canterbury region.



- 3.3.7** Christchurch City Council recognises the mana whenua of Ngāi Tahu through its relationship and consultation with Ngā Rūnanga of the Canterbury Region and Te Rūnanga o Ngāi Tahu.

Refer also to Chapter 3, section 3.2.3 "Ngai Tahu Mana Whenua" for additional information.

3.4 Consultation with Ngāi Tahu Mana Whenua

- 3.4.1** In matters of consultation under the Resource Management Act 1991 (RMA), Te Rūnanga o Ngāi Tahu is the iwi authority established under the Te Rūnanga o Ngāi Tahu Act 1996. Under that Act, Te Rūnanga is required to consult with pāpatipu rūnanga in relation to district plan (and other) matters. Te Rūnanga encourages councils to consult directly with pāpatipu rūnanga on planning matters and considers the views of pāpatipu rūnanga when taking a position on such matters as the iwi authority.
- 3.4.2** For Ngāi Tahu, consultation between the Crown and Ngāi Tahu is a cornerstone of the principles of Te Tiriti. The RMA requires the principles of Te Tiriti and any iwi management plan to be taken into account when developing the district plan. In addition the Council must consult with the iwi authority in preparing a plan or plan change under the RMA (Schedule 1) and the Order. The Council recognises the

significance of the principles of Te Tiriti and the importance of its relationship with Ngāi Tahu.

3.5 Iwi Management Plans

3.5.1 Sections 74 and 75 of the Act list matters which the Council must consider in preparing a district plan and these are set out at Section 5 of this chapter.

3.5.2 The preparation of district plans must take into account relevant iwi documents. For the Christchurch District, Ngāi Tahu has set out its resource management values, issues, objectives and policies in a number of documents. These documents have been prepared in order to facilitate the exercise of Ngāi Tahu rangatiratanga over their lands, villages and all their treasures as per Article II of Te Tiriti, including the exercise of their kaitiaki responsibilities as mana whenua. The relevant documents include the following:

- Te Whakatau Kaupapa – Ngāi Tahu Resource Management Strategy;
- Ngāi Tahu Freshwater Policy; and
- Mahaanui Iwi Management Plan.

3.5.3 Mahaanui Iwi Management Plan identifies objectives, issues and policies for natural resource and environmental management for the six pāpatipu rūnanga and seeks to ensure that the taonga and resources of Ngāi Tahu mana whenua are recognised and protected in the decision-making of statutory agencies. Accordingly, the Mahaanui Iwi Management Plan is a particularly relevant document to the preparation of the Plan.

3.6 Statutory Acknowledgements

Introduction

3.6.1 Areas of statutory acknowledgement are areas formally recognised by the Crown as being of cultural significance to iwi and can include an area of land, a landscape feature, a lake, a river or wetland, or a specified part of the coastal marine area. The association of an iwi with a statutory area is outlined in the schedules to a claims settlement act.

3.6.2 The Ngāi Tahu Claims Settlement Act 1998 records the apology given by the Crown to Ngāi Tahu in a deed of settlement executed on 21 November 1997 and gives effect to the provisions of that deed. It includes areas of statutory acknowledgement within the takiwā of Ngāi Tahu as well as the vesting of some land areas as tribal property and other forms of statutory recognition.

3.6.3 The Council is legally obliged to have regard to statutory acknowledgements and to record them on statutory plans. The Council must have regard to an area of statutory

acknowledgement in forming an opinion as to whether Te Rūnanga o Ngāi Tahu is an affected party in relation to resource consent applications for activities within, adjacent to or impacting directly on an area of statutory acknowledgement.

Statutory Acknowledgements within Christchurch District

3.6.4 There are two statutory acknowledgements within Christchurch District being:

- Wairewa (Lake Forsyth); and
- Te Tai o Mahaanui (Selwyn-Banks Peninsula Coastal Marine Area).

3.6.5 Descriptions of the two areas of statutory acknowledgement are included as Appendices 1.1 and 1.2 respectively for public information only.

3.6.6 The Ngāi Tahu Claims Settlement Act 1998 (s208) requires that where Council is forming an opinion on a resource consent application as to whether Te Rūnanga o Ngāi Tahu may be adversely affected by the granting of the resource consent, it must consider activities within, adjacent to or impacting directly on a statutory area.

Other Relevant Forms of Recognition

3.6.7 Ripapa Island is within Christchurch District. It is recognized as a 'tōpuni' under the Ngāi Tahu Claims Settlement Act 1998. Tōpuni status imposes obligations on Conservation Authorities, Conservation Boards and the Minister of Conservation (refer s239 - 252 of the Ngāi Tahu Claims Settlement Act 1998).

3.6.8 In addition much of the bed of Te Waihora (Lake Ellesmere) is now vested in Te Rūnanga o Ngāi Tahu as an estate in fee simple.

Mo tātou, a, mo ka uri a muri ake nei
(For us and our children after us)

4 Statutory Context

4.1 The Resource Management Act 1991 (the "Act")

4.1.1 The Act sets out those matters which must be addressed by councils in the preparation of district plans, to meet their obligations and functions under the Act. The key provisions are contained in Part 2 (Sections 5, 6, 7 and 8) and Sections 31, 72, 74 and 75 of the Act. In summary, the Council's functions under the Act are:

- a. To achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources;

- b. Control effects of the use, development or protection of land, including for the purpose of:
 - i. Avoiding or mitigating natural hazards;
 - ii. Managing hazardous substances and the use of contaminated land; and
 - iii. Recognising and providing for a range of matters of national importance;
- c. Control the emission and effects of noise; and
- d. Control effects of activities on the surface of lakes and rivers.

4.1.2 As part of preparing a district plan, Council is also required under section 32 and 32AA of the Act to examine all objectives, policies and rules in its district plan to ensure they are necessary, efficient, effective and do not impose costs on the community that exceed their benefits. The Plan has been prepared in accordance with this requirement and the costs and benefits of each provision have been assessed. The evaluations prepared under section 32 and 32AA² are not part of the Plan itself, but are available on the Council's website at: <http://www.ccc.govt.nz/thecouncil/policiesreportsstrategies/districtplanning/districtplanreview/index.aspx>

4.1.3 There are other sections of the Act which are important in plan preparation; readers of this document are referred to the Act itself for the details of these provisions.

4.2 Integration of the District Plan with Other Plans and Documents

4.2.1 The District Plan is one tool available to Council to assist in the sustainable management of the natural and physical resources of Christchurch district. There are a range of other plans and documents that are either implemented through the Plan or taken into account during its preparation.

4.2.2 Earthquake Recovery Plans and Documents

Canterbury Earthquake Recovery Act 2011

4.2.2.1 In addition to those national and regional plans and documents described in Section 5 of this chapter, the preparation of the Plan has been undertaken within the context of strategies, plans and programmes prepared under the Canterbury Earthquake Recovery Act 2011 (CER Act).

4.2.2.2 The CER Act conferred powers on the executive to achieve the full social, economic, cultural and environmental recovery (in its widest sense) of Greater Christchurch. Recovery is defined in the CER Act as including "restoration and

² Section 32AA evaluations are contained in the Decisions of the Hearing Panel on the notified proposals..

enhancement". Rebuilding is defined to include "extending, repairing, improving, subdividing, or converting any land, infrastructure, or other property; and rebuilding communities." The scale of the rebuild and recovery required a change to the planning and regulatory environment to address the unique challenges that faced Greater Christchurch. The Plan is one of the documents prepared under the CER Act that sets the foundation that will provide for the long term recovery of Christchurch district from the Canterbury earthquakes.

Recovery Strategy for Greater Christchurch – Mahere Haumanutanga

4.2.2.3 The Recovery Strategy for Greater Christchurch – Mahere Haumanutanga was prepared under the CER Act to provide a high level approach to recovery, including guiding principles, a vision and goals for recovery. All goals in the Recovery Strategy (including social, economic, cultural, environmental and built) are inextricably linked, and most importantly, focussed on the outcomes for the greater Christchurch community.

4.2.2.4 The Recovery Strategy is to be read with, and forms part of, plans prepared under the RMA, including the Plan. The guiding principles of the Recovery Strategy are:

- work together;
- take an integrated approach;
- look to the future;
- promote efficiency;
- use best available information;
- care about each other;
- innovate;
- aim for balanced decision making; and
- keep it simple.

4.2.2.5 The Recovery Strategy states that the recovery of the built environment will leave the greatest legacy. Decisions made during the life of the Plan about urban form, investment in infrastructure, and resource consents for activities and buildings that should have a life extending many decades or more, will all influence the long term sustainability of the city, and the health and wellbeing of residents. The Recovery Strategy for Greater Christchurch can be viewed at: cera.govt.nz/recovery-strategy.

Recovery Plans

4.2.2.6 Section 24 of the CER Act provides that a Recovery Plan can require a council to amend its district plan in a manner directed by the Recovery Plan. The following Recovery Plans had been approved by the Minister for Canterbury Earthquake

Recovery. The Plan has been prepared in a manner that is not inconsistent with these Recovery Plans.

Christchurch Central Recovery Plan 2012 - Te Mahere 'Maraka Ōtautahi'

4.2.2.7 The Christchurch Central Recovery Plan 2012 – Te Mahere 'Maraka Ōtautahi' ('CCRP'). The vision is for central Christchurch to become the thriving heart of an international city. It will draw on its rich natural and cultural heritage, and the skills and passion of its people to embrace opportunities for innovation and growth. Building on the Christchurch City Council's draft Central City Plan, and on over 106,000 ideas submitted by the community during the public consultation process, the CCRP sets out how that vision can be achieved. The CCRP defines the form of the central city, sets out the location of key anchor projects and outlines block plans which show what the city could look like in the future. The Plan must also not be inconsistent with the CCRP and any amendments to it. The CCRP includes the following addendums:

- An Accessible City Te Taone Wātea – addresses issues with the transport system;
- Noise and Entertainment Provisions He tikanga pūoru, he tikanga whakangahau – contains specific noise provisions that relate to the entertainment and hospitality industry;
- South Frame Pūtahi Whakatetonga – includes specific provisions to enable the development of the Health and Innovation Precincts; and
- A Liveable City He tāone e whai wāhi ai te whānau – includes provisions to enable the centre of Christchurch to be a highly desirable place to live for people who seek an urban lifestyle.

Land Use Recovery Plan

4.2.2.8 The Land Use Recovery Plan 2013 ('LURP') identifies critical actions required in the short and medium term to coordinate and advance decision making about land use and who is responsible for those actions, and sets a timetable for when they must be completed. The Plan must not be inconsistent with the LURP. The LURP contains 15 specific 'Actions' that have been provided for in the review of the Plan. These relate to provisions for housing, enhancing centres and providing for community facilities, zoning greenfield priority areas, providing for the development of Māori reserves, providing for business (commercial and industrial needs), integrating land use and infrastructure, supporting an integrated transport network, avoiding hazards, establishing a clear planning framework, promoting a quality urban environment and an overall requirement to reduce consenting requirements.

Lyttelton Port Recovery Plan

4.2.2.9 The Lyttelton Port Recovery Plan ('LPRP') has been prepared by Environment Canterbury. The relevant provisions of the LPRP have been incorporated into the Plan within the "Specific Purpose (Lyttelton Port) Zone".

4.3 The Relationship with Other Plans and Documents

4.3.1 Section 74 of the Act requires the Council, when developing its Plan, to have regard to management plans and strategies prepared under other Acts. Some of these are summarised below.

The Summit Road (Canterbury) Protection Act 2001

4.3.2 This local Act applies to an area of land in the vicinity of the Summit Road, broadly defined as being the area from the summit to 30 vertical metres below the road. The Summit Road (Canterbury) Protection Act provides for:

- a. the preservation and protection of the scenic amenity associated with the Summit Road and other roads, walkways, paths, and public open spaces within the protected land;
- b. the preservation and protection of natural amenities associated with land within the protected area; and
- c. the improvement of facilities for the public enjoyment of the scenic amenity and the natural amenities.

4.3.3 Within this area, the development of structures, planting of trees, quarrying and subdivision are subject to the provisions of the Summit Road (Canterbury) Protection Act and consent must be sought from a Summit Road Protection Authority.

Long Term Plan, the 3 Year Plan and Annual Plan

4.3.4 The Local Government Act 2002 requires councils to consult with their local communities to determine what public goods and services the community wants provided. Through this process a council will adopt community outcomes that form part of the Long Term Plan. The Long Term Plan is a 10 year strategic planning document that covers all council functions and sets out how they will be paid for.

4.3.5 A Long Term Plan does not override a district plan, nor is there any requirement that a district plan must comply with the requirement of a Long Term Plan. However, because the Long Term Plan records outcomes identified by the community and describes how the Council will contribute to these, there is an expectation that the Council will use this process to inform other plans and strategies.

- 4.3.6** In 2013 the Council and Government agreed to delay Christchurch City Council's Long Term Plan until 2015, so an earthquake recovery cost-sharing method could be worked out together. It was considered that the city needed a more appropriate planning mechanism with more immediate goals than the 10 year framework of a Long Term Plan. The Christchurch City Three Year Plan 2013-2016 was developed after consultation with the public. This plan sets out the community outcomes that the Council aims to achieve, the projects and services the Council will provide over the three financial years, how much they will cost and where the money will come from. The community outcomes describe what the Christchurch City Council aims to achieve.
- 4.3.7** The Annual Plan sets out what the Council will do over the next year, how much it will cost and where the money will come from.

Christchurch Transport Strategic Plan

- 4.3.8** This non-statutory plan updates Christchurch's local transport policy, having regard to relevant statutory plans - in particular the Canterbury Regional Land Transport Strategy, the Canterbury Regional Policy Statement, the Greater Christchurch Urban Development Strategy and the Regional Public Transport Plan - placing a strong emphasis on travel choice by establishing strong networks for all transport options during the next 30 years.

Council Strategies and Policies

- 4.3.9** The Council has developed a large number of strategies and policies to which regard must be had in preparing the Plan. These strategies can be viewed at: www.ccc.govt.nz/thecouncil/policiesreportsstrategies/

Other Strategies

- 4.3.10** A number of regional and other strategies are relevant to, and have been considered in, the preparation of the District Plan. They include:
- a. Greater Christchurch Urban Development Strategy 2007 which provides the long term direction for enhancing the economic, social, environmental, and cultural conditions of the greater Christchurch area.
 - b. Canterbury Regional Land Transport Strategy 2012 -2042 which sets the strategic direction for land transport within the Canterbury region over a 30 year period. It identifies the region's transport needs and the roles of all land transport modes. It identifies how planning, engineering, education, encouragement and enforcement methods are to be utilised to provide for the future land transport system of Canterbury.
 - c. Greater Christchurch Transport Statement 2012 was prepared by key government agencies and councils together with the strategic transport agencies operating within Christchurch. It provides an overarching framework to enable a consistent, integrated approach to planning,

prioritising, implementing and managing the transport network and services in the greater Christchurch area.

5 The relationship between District Plans and other Resource Management Planning Documents

District Plans form part of a group of planning and policy documents from all levels of government that together are required to achieve integrated management of natural and physical resources.

At a national level, the Resource Management Act 1991 provides for:

- i. National Policy Statements which set out objectives and policies for resource management matters of national significance that are relevant to achieving the purpose of the Act. Such statements guide subsequent decision-making under the Act at the national, regional and district levels.

The preparation of a New Zealand Coastal Policy Statement by the Minister of Conservation is mandatory, but other national policy statements, which must be approved by the Minister for the Environment, are optional (for example the National Policy Statement for Freshwater Management, the National Policy Statement for Renewable Electricity Generation and the National Policy Statement on Electricity Transmission). The District Plan must give effect to National Policy Statements.

- ii. National Environmental Standards which are regulations that apply nationally to the use, development and protection of natural and physical resources and which prescribe technical standards, methods or other requirements for implementing the standards in a consistent manner. National standards generally override existing provisions in plans that have a lower standard. Conversely, if a District Plan has a standard that is stricter than a national standard then that plan standard prevails.

At a regional level, the Act provides for:

- i. A Regional Policy Statement required to be prepared by each regional council. These statements enable regional councils to provide broad direction and a framework for resource management within their regions. A regional policy statement must give effect to all national policy statements. The District Plan must give effect to the Canterbury Regional Policy Statement.
- ii. Regional Plans to be prepared by a regional council. These plans focus on particular issues or areas and assist regional councils to carry out their functions under the Act. A regional council must prepare a regional coastal plan (applying below mean high water springs) but other regional plans are optional (subject to any directions in a national policy statement). Regional plans must give effect to national policy statements and regional policy statements. They must also not be inconsistent with water conservation orders and other regional plans for the region. The District Plan must not be inconsistent with regional plans.

6 Guide to the District Plan

6.1 Content of the District Plan

6.1.1 The District Plan has two primary components:

- a. The written text which contains all of the resource management objectives, policies and rules.
- b. The planning maps which indicate in graphic form the area to which certain rules in the written text apply.

6.1.2 The written text should be read as a whole so that the common themes of the Plan and the relationship between the various chapters can be understood.

6.1.3 The District Plan is presented in chapters. These are summarised and described below.

Chapters	Summary
Plan Overview Chapters 1 and 2	General introduction and abbreviations and definitions.
Strategic Policy Framework Chapter 3	District-wide strategic context and direction including direction on implementing activities affecting tangata whenua.
District Wide Provisions Chapters 5–12	Contains rules that apply across the whole district.
Zone Provisions Chapters 4 and 13–21	Contains rules that apply only within the specified areas shown on the planning maps.
Planning Maps	

Plan overview chapters

6.1.4 These two chapters contain material to assist Plan users to understand the Plan. The Introduction Chapter outlines the purpose of the Plan, set outs the statutory context in which it is prepared and provides guidance on how to use it.

6.1.5 A chapter of abbreviations and definitions of words and phrases used in the Plan is included. Definitions are critical to the interpretation of the Plan. Where deemed necessary, they help the Plan achieve the purpose of the Act by enhancing its usability and providing greater certainty to the meaning of objectives, policies and rules. Definitions apply to all rules and on a case by case basis in the objectives and policies where words or phrases warrant definition.

- 6.1.6** Defined words and phrases are shown in the plan as dashed line and can be electronically accessed from the text of the plan.

Strategic policy framework chapter

- 6.1.7** This chapter sets out the strategic context for the Plan and the overarching direction for other chapters, including the strategic direction for implementing activities affecting tangata whenua across the district. They provide information on the impact of the earthquake events in 2010 and 2011, set out the long term vision for the district, describe the key resource management issues and opportunities, summarise the direction provided by Council strategies and other regional and national strategic documents, and set out high level objectives for the future direction of the district.

District-wide provisions chapters

- 6.1.8** This part of the plan contains general rules and procedures as well as objectives, policies and rules that apply across the district. Chapters cover topics such as transport, subdivision, heritage and natural environment, utilities, noise, glare, hazardous substances, signs, financial contributions and designations.

Zone provisions chapters

- 6.1.9** All land within the district is zoned. Zones are areas where common land uses and activities are anticipated. The chapters in this part of the Plan contain objectives, policies and rules relating to each of the Plan's zones.

Planning maps

- 6.1.10** The planning maps of the district spatially identify the various zones in the Plan and features referred to in the text of the Plan, such as the extent of designated land; protected buildings, spaces and trees; the National Grid transmission lines and electricity distribution lines; the boundaries of airport approach slopes and noise contours; and hazard areas.

6.2 Structure of the District Plan

- 6.2.1** District plans must state the objectives for the district, the policies to implement the objectives and the rules (if any) to implement the policies. They may also contain a number of other matters.
- 6.2.2** Objectives are quite general and outcome-oriented (what the city is wanting to achieve) while policies are more specific and means oriented (how it is proposed to implement objectives). Together they establish a framework for the direction the Council intends to take in relation to its functions and responsibilities under the Act,

and guide decision making when there is a departure from rules or where the Council has retained discretion in its decision making.

- 6.2.3** Rules and policies are the methods by which the Council achieves its objectives. In this Plan each chapter, other than chapters 1-3 inclusive, contains a set of rules which require consent for activities or prohibit activities. The term “activity” includes the use and subdivision of land and activities on the surface of water. Broadly speaking, activities are categorised in order of increasing actual or potential adverse effects.
- 6.2.4** The District Plan is divided spatially into various zones and these are shown on the planning maps. Zoning recognises that different areas of the district have different character, levels of amenity, resources and residents’ expectations about environmental outcomes. It also provides opportunities for future development to be in keeping with the character and amenity established in each zone.
- 6.2.5** The maps display features that are referred to in the text of the Plan, such as protected buildings, sites and trees; the extent of designated areas; natural hazard areas; airport noise contours and protection areas; and transmission and transport corridors.
- 6.2.6** In the Plan activities are classified as being permitted, restricted discretionary, discretionary, non-complying or prohibited. There are no controlled activities identified in the Plan.
- 6.2.7** A description of the different activity classes used in this Plan is set out below.

Permitted activities:	are allowed without the need for resource consent providing they comply with the relevant site and zone standards and all general rules.
Controlled activities:	require resource consent and are subject to standards and provisions of the Plan. The Council must grant consent if standards are met. If consent is granted, the Council may impose conditions.
Restricted discretionary activities:	require resource consent and are subject to standards and provisions specified in the Plan. The Council will assess only the matters of non-compliance and may grant or refuse consent. If granting consent conditions may be imposed.
Discretionary activities:	require resource consent and are subject to standards and provisions specified in the Plan. The Council may grant or refuse consent to a discretionary activity and may impose conditions if consent is granted.

Non-complying activities:	require resource consent and are those that cannot comply with a standard in the Plan or which are specified as non-complying because the Plan has anticipated that they would normally be inappropriate. Non-complying proposals require careful justification as to why they should be approved. Resource consent applications are likely to cost more, take longer and have a greater chance of being refused consent.
Prohibited activities:	are those which a rule in the plan expressly prohibits. No application can be made for an activity described as prohibited and resource consent cannot be granted.

6.2.8 Activity tables are used in the Plan to identify activities and the specific standard/s that apply to them. For ease of use activities are grouped by activity class, e.g. permitted, restricted discretionary, discretionary, non-complying or prohibited.

6.2.9 Each chapter of the District Plan has been structured to follow the same layout. The layout is explained in the table below.

Section of Chapter	Purpose
Objectives	set out the environmental outcomes the Council seeks to achieve.
Policies	identify the ways the objectives will be achieved.
Activity Status Tables	identify specific activities and the specific standards (rules) that apply to them.
Built Form Standards Tables	set out for each zone the bulk and location rules that apply to each activity class.
Matters of Discretion	identify the matters that the Council will assess in considering any resource consent application for activities where the Council has reserved its discretion.

6.3 How to use the District Plan

To determine if an activity is provided for by the Plan, or is provided for in a certain area, users of the Plan should take the following steps:

Step 1 - Check the zone that applies

Check the planning maps to locate the property and determine its zoning.

Step 2 - Confirm if any notation, overlay or designation applies

Use the planning maps to confirm whether the property has any special feature or designation on it.

Step 3 – Confirm the activity status

1. Go to the relevant chapters for the zone that the property is located in. Check for any special feature or designation that applies and for any general rules that apply.
2. Check the Activity Status Table and the Built Form Standards for the activity you wish to undertake. Every activity will be indicated as being either a permitted, restricted discretionary, discretionary, non-complying or prohibited activity.
3. Read the Activity Specific Standards and the Built Form Standards that apply to your activity.
4. Determine the activity class.
5. If your activity is permitted you can proceed without obtaining resource consent.

Step 4 – Apply for resource consent

1. If your activity is classified as restricted discretionary, discretionary, or non-complying you will need to apply to the Council for a resource consent.
2. If your activity is classified as restricted discretionary or discretionary the Plan provides guidance on the matters of discretion that the Council will apply in its consideration of the resource consent application. Consideration is also given to the Plan's objectives and policies.
3. Applications for resource consents must be made in writing to the Council. Application forms, and information brochures detailing the information that must accompany an application, are available from Council offices or online at the Council's website. Fees are payable.

APPENDIX 1.1

Schedule 71 Statutory Acknowledgement for Wairewa (Lake Forsyth)

Statutory area

The statutory area to which this statutory acknowledgement applies is the lake known as Wairewa (Lake Forsyth), the location of which is shown on Allocation Plan MD 45 (SO 19839).

Preamble

Under section 206, the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to Wairewa, as set out below.

Ngāi Tahu association with Wairewa

Wairewa is one of the lakes referred to in the tradition of “Ngā Puna Wai Karikari o Rākaihautū” which tells how the principal lakes of Te Wai Pounamu were dug by the rangatira (chief) Rākaihautū. Rākaihautū was the captain of the canoe, Uruao, which brought the tribe, Waitaha, to New Zealand. Rākaihautū beached his canoe at Whakatū (Nelson). From Whakatū, Rākaihautū divided the new arrivals in two, with his son taking one party to explore the coastline southwards and Rākaihautū taking another southwards by an inland route. On his inland journey southward, Rākaihautū used his famous kō (a tool similar to a spade) to dig the principal lakes of Te Wai Pounamu, including Wairewa.

There are place names connected with Wairewa which evoke earlier histories. One example is the mountain which Wairewa lies in the lee of, “Te Upoko o Tahu Mataa”. This name refers to the Ngāi Tahu ancestor Tahu Mataa who lived and fought in Hawkes Bay. Like many other lakes, Wairewa was occupied by a taniwha called Tū Te Rakiwhānoa, whose origins stem back to the creation traditions.

For Ngāi Tahu, traditions such as this represent the links between the cosmological world of the gods and present generations, these histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

The local hapū of this region is Ngāti Irakehu. Irakehu was the descendant of Mako, the Ngāi Tuhaitara chief who took Banks Peninsula with his cohort, Moki. Tradition has it that both Moki and Mako are buried near Wairewa. Poutaiki and Ōtūngākau are two principal urupā associated with Wairewa. Urupā are the resting places of Ngāi Tahu tūpuna and, as such, are the focus for whānau traditions. These are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected by secret locations.

Wairewa has been used by the descendants of Rākaihautū ever since it was formed. It is famous for the tuna (eels) that it holds and which migrate out to the sea in the autumn months. Ngāi Tahu gather here annually to take the tuna.

The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the lake, the

relationship of people with the lake and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.

The mauri of Wairewa represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the lake.

Purposes of statutory acknowledgement

Pursuant to section 215, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are —

- a. to require that consent authorities forward summaries of resource consent applications to Te Rūnanga o Ngāi Tahu as required by regulations made pursuant to section 207 (clause 12.2.3 of the deed of settlement); and
- b. to require that consent authorities, the Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Wairewa, as provided in sections 208 to 210 (clause 12.2.4 of the deed of settlement); and
- c. to empower the Minister responsible for management of Wairewa or the Commissioner of Crown Lands, as the case may be, to enter into a Deed of Recognition as provided in section 212 (clause 12.2.6 of the deed of settlement); and
- d. to enable Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui to cite this statutory acknowledgement as evidence of the association of Ngāi Tahu to Wairewa as provided in section 211 (clause 12.2.5 of the deed of settlement).

Limitations on effect of statutory acknowledgement

Except as expressly provided in sections 208 to 211, 213, and 215, —

- a. this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- b. without limiting paragraph a., no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāi Tahu's association to Wairewa (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of Wairewa.

Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, this statutory acknowledgement does not, of itself, have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Wairewa.

APPENDIX 1.2

Schedule 71 Statutory Acknowledgement for Te Tai o Mahaanui (Selwyn-Banks Peninsula Coastal Marine Area)

Statutory area

The statutory area to which this statutory acknowledgement applies is Te Tai o Mahaanui (Selwyn – Banks Peninsula Coastal Marine Area), the Coastal Marine Area of the Selwyn – Banks Peninsula constituency of the Canterbury region, as shown on SO Plan 19407, Canterbury Land District as shown on Allocation Plan NT 505 (SO 19901).

Preamble

Under section 313, the Crown acknowledges Te Rūnanga o Ngāi Tahu’s statement of Ngāi Tahu’s cultural, spiritual, historic, and traditional association to Te Tai o Mahaanui as set out below.

Ngāi Tahu association with Te Tai o Mahaanui

The formation of the coastline of Te Wai Pounamu relates to the tradition of Te Waka o Aoraki, which foundered on a submerged reef, leaving its occupants, Aoraki and his brothers, to turn to stone. They are manifested now in the highest peaks in the Kā Tiritiri o Te Moana (the Southern Alps). The bays, inlets, estuaries and fiords which stud the coast are all the creations of Tū Te Rakiwhānoa, who took on the job of making the island suitable for human habitation.

The naming of various features along the coastline reflects the succession of explorers and iwi (tribes) who travelled around the coastline at various times. The first of these was Māui, who fished up the North Island, and is said to have circumnavigated Te Wai Pounamu. In some accounts the island is called Te Waka a Māui in recognition of his discovery of the new lands, with Rakiura (Stewart Island) being Te Puka a Māui (Māui’s anchor stone). A number of coastal place names are attributed to Māui, particularly on the southern coast.

There are a number of traditions relating to Te Tai o Mahaanui. One of the most famous bays on the Peninsula is Akaroa, the name being a southern variation of the word “Whangaroa”. The name refers to the size of the harbour. As with all other places in the South Island, Akaroa placenames recall the histories and traditions of the three tribes which now make up Ngāi Tahu Whānui: Waitaha, Ngāti Mamoe and Ngāi Tahu.

Waitaha traditions tell that after Rākaihautū had dug the southern lakes with his kō (a tool similar to a spade)—Tūwhakarōria—he and his son, Rokohouia, returned to Canterbury with their people. On the return, Rākaihautū buried his kō (a tool similar to a spade) on a hill overlooking the Akaroa harbour. That hill was called Tuhiraki (Bossu). Rākaihautū remained in this region for the rest of his life.

For Ngāi Tahu, traditions such as these represent the links between the cosmological world of the gods and present generations. These histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

Because of its attractiveness as a place to establish permanent settlements, including pā (fortified settlements), the coastal area was visited and occupied by Waitaha, Ngāti Mamoe and Ngāti Tahu in succession, who through conflict and alliance, have merged in the whakapapa (genealogy) of Ngāti Tahu Whānui. Battle sites, urupā and landscape features bearing the names of tūpuna (ancestors) record this history. Prominent headlands, in particular, were favoured for their defensive qualities and became the headquarters for a succession of rangatira and their followers.

Ngāti Tahu connections to Akaroa came after the settling of Kaiapoi Pā in North Canterbury. Akaroa harbour was soon allocated to a number of chiefs by Tūrākautahi of Kaiapoi. One chief, Te Ruahikihiki, settled at Whakamoia near the Akaroa Heads at the south east end of the harbour. Te Ruahikihiki fell in love with the elder sister of his wife, Hikaiti. As it was customary at that time for chiefs to have several wives, Te Ruahikihiki took the elder sister, Te Ao Taurewa, as his wife.

Hikaiti fell into a deep depression and resolved to kill herself. She arose early in the morning, combed her hair and wrapped her cloak tightly around herself. She went to the edge of the cliff where she wept and greeted the land and the people of her tribe. With her acknowledgements made, she cast herself over the cliff where she was killed on the rocks. The body remained inside the cloak she had wrapped around herself. This place became known as Te Tarere a Hikaiti (the place where Hikaiti leapt). After a long period of lamentation, Te Ruahikihiki and his people moved to the south end of Banks Peninsula to Te Waihora (Lake Ellesmere).

Another one of the senior chiefs within the Akaroa harbour was Te Ake whose hapū was Ngāti Tuhaitara. Ōtokotoko was claimed by Te Ake when he staked his tokotoko (staff) at that end of the bay. Te Ake's daughter, Hine Ao, is now represented as a taniwha that dwells with another taniwha, Te Rangiorahina, in a rua (hole) off Opukutahi Reserve in the Akaroa Harbour. Hine Ao now carries the name Te Waahine Marukore. These taniwha act as (kaitiaki) guardians for local fisherman.

The results of the struggles, alliances and marriages arising out of these migrations were the eventual emergence of a stable, organised and united series of hapū located at permanent or semi-permanent settlements along the coast, with an intricate network of mahinga kai (food gathering) rights and networks that relied to a large extent on coastal resources.

The whole of the coastal area offered a bounty of mahinga kai, including a range of kaimoana (sea food); sea fishing; eeling and harvest of other freshwater fish in lagoons and rivers; marine mammals providing whale meat and seal pups; waterfowl, sea bird egg gathering and forest birds; and a variety of plant resources, including harakeke (flax), fern and tī root.

The coast was also a major highway and trade route, particularly in areas where travel by land was difficult. Travel by sea between settlements and hapū was common, with a variety of different forms of waka, including the southern waka hunua (double-hulled canoe) and, post-contact, whale boats plying the waters continuously. Hence tauranga waka occur up and down the coast in their hundreds and wherever a tauranga waka is located there is also likely to be a nohoanga (settlement), fishing ground, kaimoana resource, rimurapa (bull kelp) with the sea trail linked to a land trail or mahinga kai resource. The tūpuna had a huge knowledge of the coastal environment and weather patterns, passed from generation to generation. This knowledge continues to be held by whānau and hapū and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the coast.

Numerous urupā are being exposed or eroded at various times along much of the coast. Water burial sites on the coast, known as waiwhakaheketūpāpaku, are also spiritually important and linked with important sites on the land. Places where kaitāngata (the eating of those defeated

in battle) occurred are also wāhi tapu. Urupā are the resting places of Ngāi Tahu tūpuna and, as such, are the focus for whānau traditions. These are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected in secret locations.

The mauri of the coastal area represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the coastal area.

Purposes of statutory acknowledgement

Pursuant to section 215 and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- a. to require that consent authorities forward summaries of resource consent applications to Te Rūnanga o Ngāi Tahu as required by regulations made pursuant to section 207 (clause 12.2.3 of the deed of settlement); and
- b. to require that consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Te Tai o Mahaanui, as provided in sections 208 to 210 (clause 12.2.4 of the deed of settlement); and
- c. to enable Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui to cite this statutory acknowledgement as evidence of the association of Ngāi Tahu to Te Tai o Mahaanui as provided in section 211 (clause 12.2.5 of the deed of settlement).

Limitations on effect of statutory acknowledgement

Except as expressly provided in sections 208 to 211, 213, and 215,—

- a. this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaws; and
- b. without limiting paragraph a., no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāi Tahu's association to Te Tai o Mahaanui (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of Te Tai o Mahaanui.

Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, this statutory acknowledgement does not, of itself, have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Te Tai o Mahaanui.

SCHEDULE 1B

Definitions proposal

Chapter 2 Definitions

Abbreviations and Definitions (part)

Abbreviations List

AEP

means annual exceedance probability.

AIFR

means annual individual fatality risk.

CHRM

means community housing redevelopment mechanism.

EDM

means enhanced development mechanism.

FTE

means full time equivalent.

GFA

means gross floor area.

GLFA

means gross leasable floor area.

MED

means Meadowlands Exemplar Development.

PFA

means public floor area.

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).

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. Definitions only apply where identified via underlining/hyperlinking. In all other instances, words and phrases used in the Plan are best defined using their ordinary dictionary meaning.

It also explains, for information purposes only, the abbreviations used with respect to some definitions.

Please note:

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 and quoted for information purposes only. These definitions were current at the time of the notification of the Plan. Users should refer to the latest version of the relevant legislation (hyperlinked). In the event of any difference in wording, the wording of the definition in the legislation shall apply for the purposes of this Plan.
3. Other definitions on which each definition relies (Reliant definitions) are identified for information purposes, to assist their interpretation and to illustrate the interrelationship between some definitions.
4. Please refer to Section 3 Manawhenua of Chapter 1 Introduction for an explanation of Māori terms and concepts relevant to the management of natural resources within the Christchurch District.
5. 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.

[NOTE: a number of definitions decided in Stage 1 are subject to submissions in Stage 2 and 3 and therefore it is likely that a number of definitions will be revisited in Stage 2 and 3]

A

Access

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

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

Reliant definitions

Access lot
Access strip
New neighbourhood
entry lot
Right-of-way
Road

Access (M.E.D.)

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

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

[This was the subject of Decision 4, numbering and text is amended by this decision under Cl 13(5) and (6)(a)]

Accessibility

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

Accessible

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

Access lot

means any separate lot used primarily for access to a lot or lots having no legal frontage. However, if that area of land is wider than 6m and not legally encumbered to prevent the construction of buildings, it is excluded from the definition of access lot.

Reliant definitions

Access
Boundary
Building
Frontage

Accessory building (non-residential activity)

means a building which is incidental to the principal building or buildings on the site. 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.

Reliant definitions

Ancillary
Building
Principal building
Residential activity
Residential unit
Site

Accessory building (residential activity)

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, glasshouse, fence, solar panels and solar water-heating devices not detached from a building and an indoor swimming pool. Accessory building does not include a 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.

Reliant definitions

Ancillary
Balcony
Building
Garage
Principal building
Residential activity
Residential unit
Site
Sleep-out

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. However, if that area of land is wider than 6m and not legally encumbered to prevent the construction of buildings, it is excluded from the definition of access strip.

Reliant definitions

Access
Access lot
Building
Site

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.

Reliant definitions

Access
Reserve
Road
Service lane

Act

means the Resource Management Act 1991.

Active transport

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

Addiction services

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

Reliant definitions

Site

Adjoining

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

Reliant definitions

Road

Allotment

[has the same meaning as s218 of the Resource Management Act 1991]
means—

- a. any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not—
 - i. the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or
 - ii. a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or
 - b. any parcel of land or building or part of a building that is shown or identified separately—
 - i. on a survey plan; or
 - ii. on a licence within the meaning of Part 7A of the Land Transfer Act 1952; or
 - c. any unit on a unit plan; or
 - d. any parcel of land not subject to the Land Transfer Act 1952;
- except that, for the purpose of this Plan, in the case of:
- e. land being subdivided, the word "allotment" shall be extended to include an area of land or volume of space, the boundaries of which are separately shown on a plan submitted with an application for subdivision consent, including two or more areas (whether adjoining or not) which are held, intended to be held, or required to be held together in a single certificate of title, and any balance area;
 - f. land being subdivided under the cross lease or company lease systems or the Unit Titles Act 2010, the word allotment shall be extended to have the same meaning as site.

Lot shall have the same meaning as allotment.

Reliant definitions

Subdivision

Allotment (M.E.D.)

[has the same meaning as s218 of the Resource Management Act 1991]
means—

Reliant definitions

Subdivision (M.E.D.)

- a. any parcel of land under the Land Transfer Act 1952 that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not—
 - i. the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or
 - ii. a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or
- b. any parcel of land or building or part of a building that is shown or identified separately—
 - i. on a survey plan; or
 - ii. on a licence within the meaning of Part 7A of the Land Transfer Act 1952; or
- c. any unit on a unit plan; or
- d. any parcel of land not subject to the Land Transfer Act 1952; except that, for the purpose of this Plan, in the case of:
 - e. land being subdivided, the word "allotment" shall be extended to include an area of land or volume of space, the boundaries of which are separately shown on a plan submitted with an application for subdivision consent, including two or more areas (whether adjoining or not) which are held, intended to be held, or required to be held together in a single certificate of title, and any balance area;
 - f. land being subdivided under the cross lease or company lease systems or the Unit Titles Act 2010, the word allotment shall be extended to have the same meaning as site.

Building (M.E.D.)

Lot shall have the same meaning as allotment.

[This was the subject of Decision 4],

Amenity values

[has the same meaning as in s 2 of the Resource Management Act 1991]

means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

Anchor store

means a supermarket or department store.

Reliant definitions

Department store
Supermarket

Ancillary

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

Reliant definitions

Site

Annual exceedance probability (AEP)

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 or boulder roll or mass movement.

Apartment

in relation to a 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.

Reliant definitions

Residential unit

Apartment (M.E.D.)

in relation to a 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.

Reliant definitions

Residential unit
(M.E.D.)

[This was the subject of Decision 4],

Approved building

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

Reliant definitions

Building

Archaeological site

[has the same meaning as in s 2 of the Historic Places Act 1993]

means any place in New Zealand that-

- a. either-
 - i. was associated with human activity that occurred before 1900; or
 - ii. is the site of the wreck of any vessel where that wreck occurred before 1900; and

- b. is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand.

Arterial roads

means both major and minor arterial roads.

Reliant definitions

Major arterial road
Minor arterial road
Road

Automotive and/or marine supplier

means a business primarily engaged in selling automotive vehicles and/or marine craft, accessories to and parts for such vehicles and craft and 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

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.

Reliant definitions

Building
Outdoor living space
Residential unit

Banks Peninsula

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

Reliant definitions

Christchurch District

Bed and breakfast

means the use of part of a residential unit for the provision of transient residential accommodation, at a tariff and does not include the sale of alcohol.

Reliant definitions

Residential unit

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 2 boarding rooms and is occupied by 6 or more tenants.

Reliant definitions

Boarding room
Building
Site

Boarding room

means accommodation in a boarding house that is used as sleeping quarters by 1 or more people and used only by a person or people whose tenancy agreement relates to that room.

Reliant definitions

Boarding house

Boundary

means any boundary of the net site area of a site. Site boundary or boundaries of a site shall have the same meaning as boundary.

- a. Internal boundary means any boundary of the net site area of a site other than a road boundary.
- b. 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 road or internal boundary, any building setback or recession plane requirement shall apply as if the point strip does not exist

Reliant definitions

Access way
Building
Frontage
Net site area
Road
Road reserve
Service lane
Setback
Site
Site boundary

Boundary (M.E.D.)

means any boundary of the net site area of a site. Site boundary or boundaries of a site shall have the same meaning as boundary.

[This was the subject of Decision 4],

Reliant definitions

Net site area (M.E.D.)

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 in, on, under or over the land;
- 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 does not include:

- d. any scaffolding or falsework erected temporarily for maintenance or construction purposes;
- e. fences or walls of up to 2m in height, not used for advertising or for any purpose other than as a fence or wall;
- f. retaining walls which are both less than 6m² in area and less than 1.8m in height;
- g. structures which are both less than 6m² in area and less than 1.8m in height;
- h. masts, poles, radio and telephone aerials less than 6m above mean ground level;
- i. any public artwork located in that part of the city contained within Bealey, Fitzgerald, Moorhouse, Deans and Harper Avenues;

and in the case of Banks Peninsula only, does not include:

- j. any dam that retains not more than 3m depth, and not more than 20,000m³ volume of water, and any stopbank or culvert;
- k. any tank or pool and any structural support thereof (excluding a swimming pool as defined in Section 2 of the Fencing of Swimming Pools Act 1987), 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 2m above the supporting ground;
- l. stockyards up to 1.8m 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 (M.E.D.)

means as the context requires:

- a. any structure or part of a structure whether permanent, moveable or immovable; and/or

Reliant definitions

Banks Peninsula District
Plan
Ground level
Height
Public artwork
Residential unit

Reliant definitions

Height (M.E.D.)
Residential unit
(M.E.D.)

- b. any use, erection, reconstruction, placement, alteration or demolition of any structure or part of any structure in, on, under or over the land;
- 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 does not include:

- d. any scaffolding or falsework erected temporarily for maintenance or construction purposes;
- e. fences or walls of up to 2m in height, not used for advertising or for any purpose other than as a fence or wall;
- f. retaining walls which are both less than 6m² in area and less than 1.8m in height;
- g. structures which are both less than 6m² in area and less than 1.8m in height;
- h. masts, poles, radio and telephone aerials less than 6m above mean ground level.

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.

[This was the subject of Decision 4],

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 within the area between the building line and the relevant site boundary.

Reliant definitions

Building
Site
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 and, without limiting the generality of this term, 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;

Reliant definitions

Building

- 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’.

C

Café

means a small food and beverage outlet that primarily provides breakfast, lunch, light meals, and snack foods and drinks for sale. A café does not include a restaurant.

Reliant definitions

Food and beverage outlet
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.

Reliant definitions

Building

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.

Reliant definitions

Building

Carriageway

means that portion of the road that is formed and able to be used by vehicles (including cyclists) and 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.

Reliant definitions

Road

Central City

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

Christchurch City Council Datum

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

Reliant definitions

Council

Christchurch District

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

Reliant definitions

Council

Christchurch District excluding Banks Peninsula Ward

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

Reliant definitions

Banks Peninsula
Christchurch District

Civic park

means a public open space, located in conjunction with the civic, retail or other community functions at the core of the city, town or suburban centre, that provides a focus for public activity and interaction.

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.

Reliant definitions

Road

Commercial activities

means retail, office and other commercial service activities but does not include industrial activities.

Reliant definitions

Commercial services
Industrial activity
Office
Retail activity

Commercial centre

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

Reliant definitions

Banks Peninsula
District Centre
Large Format Centre
Local Centre
Neighbourhood Centre

Commercial services

means a business providing personal, property, financial, household, private or business services to the general public and 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. gymnasiums;
- o. optometrists;
- p. movie and game hire; and
- q. animal welfare and/or grooming services.

Reliant definitions

Building
Commercial services
Entertainment activity
Gymnasium
Recreation activity
Retail activity

Community corrections facility

means a building used for administrative and non-custodial services. Services may include probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes, and offices 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 recreation, entertainment, education, health care, safety and welfare, worship, cultural or deliberation purposes. Community facilities include reserves, recreation and entertainment facilities, community infrastructure such as libraries and community halls, education activities, health care facilities, care facilities, emergency service facilities, community corrections facilities, community welfare facilities, and spiritual facilities, but do not include privately (as opposed to publicly) owned recreation and entertainment facilities, or restaurants.

Reliant definitions

Building
Care facility
Community corrections facility
Community infrastructure
Community welfare facility
Education activity
Emergency service facilities
Entertainment facility
Health care facility
Recreation facility
Reserve
Restaurant
Spiritual facility

Community garden

means a privately or publicly held piece of land used collectively by a group of people, whose members are from more than one household, for growing fruit, vegetables and flowers, which are not sold to consumers (including restaurants).

Reliant definitions

Restaurant

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.

Reliant definitions

Council
Residential unit
Social housing

Community infrastructure

[has the same meaning as in s 197 of the Local Government Act 2002]

means the following assets when owned, operated, or controlled by a territorial authority:

- a. community centres or halls for the use of a local community or neighbourhood, and the land on which they are or will be situated:
- b. play equipment that is located on a neighbourhood reserve:
- c. toilets for use by the public.

Community welfare facility

means a building used for providing information, counselling and material welfare of a personal nature. 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.

Reliant definitions

Building
Office

Contaminated land

[has the same meaning as in s 2 of the Resource Management Act 1991]

means land that has a hazardous substance in or on it that-

- a. has significant adverse effects on the environment; or
- b. is reasonably likely to have significant adverse effects on the environment.

Context and site analysis

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).

Reliant definitions

Site

Convenience activities

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

Convenience activities excludes:

- a. booking services for airlines and recreation 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.

Reliant definitions

Accessible
Building
Commercial services
Entertainment activity
Gymnasium
Recreation activity
Retail activity

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.

Reliant definitions

District plan
Key activity centres

Corner site

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

Reliant definitions

Frontage
Intersection
Road
Site

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.

Reliant definitions

Act

Council (M.E.D.)

means the Christchurch City Council or any committee, subcommittee, commissioner, officer or person to whom the Council's powers, duties or discretions under the Resource Management Act 1991 have lawfully been delegated.

[This was the subject of Decision 4]

Coverage

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

Reliant definitions

Accessory building
Building
Site

Critical infrastructure

means infrastructure necessary to provide services which, if interrupted, would have a serious effect on the communities within the 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;

Reliant definitions

Christchurch District
Emergency service facilities
Health care facility
Hospital
Radiocommunications
Road

- 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 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.

[This was the subject of Decision 6, numbering and text is amended by this decision under Cl 13(5) and (6)(a)]

Cycle lane

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

Reliant definitions

Roadway

Cycle route

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

Reliant definitions

Cycle lane
Cycle way

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.

Reliant definitions

Access
Adjoining
Allotment
Roadway

D

Density uplift areas

[Deferred]

Subdivision

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 (M.E.D.)

means any use of land involving the erection, alteration, addition, repair, maintenance, or relocation of a building or buildings on a site.

[This was the subject of Decision 4]

Reliant definitions

Building (M.E.D.)
Site (M.E.D.)

Development contribution

[has the same meaning as in s 197 of the Local Government Act 2002]

means a contribution:—

- a. provided for in a development contribution policy of a territorial authority; and
- b. calculated in accordance with the methodology; and
- c. comprising—
 - i. money; or
 - ii. land, including a reserve or esplanade reserve (other than in relation to a subdivision consent), but excluding Māori land within the meaning of Te Ture Whenua Maori Act 1993, unless that Act provides otherwise; or
 - iii. both.

District Centre

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

District Plan

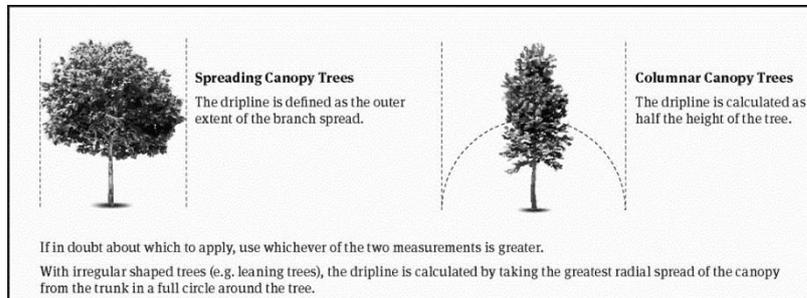
means the publicly notified or operative replacement District Plan for Christchurch District.

Reliant definitions

Christchurch District

Dripline

for the purpose of Rule 5.8.2, 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 in their vehicle. It includes facilities that may form part of another facility, including food and beverage outlets, but excludes service stations.

Reliant definitions

Commercial services
Food and beverage outlet
Retail activity
Service station

Dtr,2m,nTw+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. Also known as the external sound insulation level.

Reliant definitions

Building

Duplex

for the purposes of 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.

Reliant definitions

Building
Habitable space
Residential unit

Duplex (M.E.D.)

means a single residential building containing two residential units each with its own entrance and habitable space on the ground floor.

[This was the subject of Decision 4]

Reliant definitions

Building (M.E.D.)
Residential unit (M.E.D.)

E**Earthworks**

means any filling, excavation, deposition of or other disturbance of earth, rock or soil on a site, including:

- a. raising of the ground level or changes to the profile of the landform; or
- b. earthworks including or inserting other materials into the ground for the purposes of repairing a site damaged by earthquakes or strengthening a site in preparation for the construction of a building; or
- c. earthworks in relation to the installation of services or utilities; or
- d. the construction of tracks, firebreaks and landings; or
- e. root raking and blading.

Reliant definitions

Building
Ground level
Site
Utility

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.

Reliant definitions

Key activity centres

EDM qualifying supermarket

means a self-service retail shop, of not less than 1000m² gross floor area, primarily selling a wide range of fresh produce, meat and other foodstuffs and a wide range of packaged food and non-food grocery items.

Reliant definitions

Gross floor area

EDM walking distance

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

Reliant definitions

Accessible

Education activity

means the use of land and/or buildings for the provision of regular instruction or training, or out of school care, including ancillary administrative, spiritual, recreation, health and cultural facilities (all of which may be shared) and boarding/residential accommodation ancillary to education activity on that site. It also includes the use of trade and industry training facilities and pre-schools

Reliant definitions

Ancillary
Building
Pre-school
Recreation facility
Site
Spiritual facility
Trade and industry training facility

Elderly person's housing unit

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

Reliant definitions

Residential Unit

Electrical switch

means an electrical switch to an electric light, or other installed electrical device, where the switch is physically separate from the device itself (e.g. security systems, intercommunication systems and air conditioning controls).

Reliant definitions

Installed

Electricity distribution

means the conveyance of electricity via electricity distribution lines and cables by a network utility operator. For the avoidance of doubt, this includes, but is not limited to, 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. For the avoidance of doubt, this includes, but is not limited to, Orion New Zealand Limited assets shown on the planning maps.

Reliant definitions

Electricity distribution line

Network utility operator

Emergency service facilities

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

Reliant definitions

Support structure

Network utility operator

Entertainment activity

means the use of land and/or buildings principally for entertainment, recreation or leisure other than recreation activity and includes public performances and exhibitions, whether a charge is made for admission or not.

Reliant definitions

Building

Recreation activity

Entertainment facility

means land and/or buildings used for entertainment activities.

Reliant definitions

Building
Entertainment activity

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.

Reliant definitions

Building
Subdivision

Esplanade reserve

[has the same meaning as in s 2 of the Resource Management Act 1991]

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

- a. Which is either—
 - i. a local purpose reserve within the meaning of section 23 of that Act, if vested in the territorial authority under section 239; or
 - ii. a reserve vested in the Crown or a regional council under section 237D; and
- b. which is vested in the territorial authority, regional council, or the Crown for a purpose or purposes set out in section 229.

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 in 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.

Reliant definitions

Residential unit
Site

Family Store

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

Reliant definitions

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.

Reliant definitions

Ground level

Financial contribution

[has the same meaning as in s 108(9) of the Resource Management Act 1991]

means a contribution of—

- a. money; or
- b. land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Maori land within the meaning of Te Ture Whenua Maori Act 1993 unless that Act provides otherwise; or
- c. a combination of money and land.

Reliant definitions

Esplanade reserve

Subdivision

Floor level and fill 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 earthwork rules apply.

Reliant definitions

Major flood event

Food and beverage outlet

means the use of land 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, and excludes supermarkets.

[This was the subject of Decision 7]

Reliant definitions

Ancillary

Building

Café

Restaurant

Site

Supermarket

Tavern

Freeboard

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

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

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).

Reliant definitions

Site

Frontage

(see Boundary).

Reliant definitions

Boundary

Front site

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

Reliant definitions

Frontage
Road
Site

Full-time equivalent student

means one student for a student who is full time, and for a part-time student means 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).

Reliant definitions

Tertiary education and research activity

Future development allotment

[Deferred]

Future development allotment (M.E.D.)

means an allotment encumbered to achieve the density required by the zone.

[This was the subject of Decision 4]

Reliant definitions

Allotment (M.E.D.)

G

Garage

means an accessory building, or part of a building, designed or used for housing motor vehicles and other miscellaneous items and can 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.

Reliant definitions

Accessory building
Ancillary
Building
Residential unit
Site
Sleep-out

Garage (M.E.D.)

means an accessory building, or part of a building, designed or used for housing motor vehicles and other miscellaneous items and can 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.

Reliant definitions

Accessory building
(M.E.D.)
Building (M.E.D.)
Residential unit
(M.E.D.)
Site (M.E.D.)

[This was the subject of Decision 4]

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).

Reliant definitions

Restaurant
Site

Greenfield

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

Gross floor area (GFA)

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, 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.

Reliant definitions

Building
Loading area
Loading space
Parking space

[This was the subject of Decision 7]

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).

Reliant definitions

Garage
Residential unit
Sleep-out

Gross leasable floor area (GLFA)

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 and/or loading areas;
- e. any parking and/or loading areas;

and for the purposes of calculating loading, car and cycle parking requirements and the high trip generator thresholds, in addition to the exclusions above, the following shall also be excluded:

- f. common seating areas (including food court seating areas); and
- g. lobby areas in cinemas.

Reliant definitions

Boundary
Building
Loading
Loading area
Parking area

[This was the subject of Decision 7]

Ground floor area

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

Reliant definitions

Building
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.

Reliant definitions

Building
Filling
Subdivision

Grout

for the purposes of Rule 5.8.2, 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. Guest accommodation includes motels, motor and tourist lodges, backpacker's, hostels, hotels, resorts and camping grounds.

For the avoidance of doubt, guest accommodation excludes bed and breakfast.

Reliant definitions

Building
Hotel

Gymnasium

means a building or room(s) used for organised or instructed indoor exercise, typically 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.

Reliant definitions

Ancillary
Building

H

Habitable building

[Deferred]

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).

Reliant definitions

Garage
Guest accommodation
Residential unit
Sleep-out

Hazard mitigation works

For the purposes of Chapter 5 Natural Hazards in relation to slope instability hazards, means engineering works to prevent and control land instability, rock falls, boulder roll and the extent of debris travel and includes the building of rock fall 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.

[This was the subject of Decision 6],

Health care facility

means land and/or buildings used for the provision of physical and mental health, or health-related, welfare services for people by registered health practitioners (approved under the Health Practitioners Competence Assurance Act 2003), including:

- a. medical practitioners;
 - b. dentists and dental services;
 - c. opticians;
 - d. physiotherapists;
 - e. medical social workers and counsellors;
 - f. midwives;
 - g. paramedical practitioners;
- and including the following facilities:
- h. diagnostic laboratories;
 - i. day care facilities for the elderly and disabled;
 - j. accessory offices and retail activity to the above
 - k. integrated family health centre

but excluding 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 in retirement villages.

Reliant definitions

Accessory building
 Ancillary
 Building
 Care facility
 Gymnasium
 Hospital
 Office
 Retail activity
 Retirement village
 Site

Heavy industrial activity

means:

- a. blood or offal treating, bone boiling or crushing, dag crushing, fellmongering, fish cleaning or curing, gut scraping and treating, tallow melting;
- b. flax pulping, flock manufacture or teasing of textile materials for any purpose, 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; 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 1000kg/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 3,500kg, but does not include a traction engine or a vehicle designed solely or principally for the use of fire brigades in attendance at fires (refer Heavy Motor Vehicle Regulations 1974).

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 including the Special 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 facilities that exceed the allowed zone height by no more than 3m or 20% of the building height (whichever is greater);
- g. any pole or support structure for flood or training lights accessory to a minor or major sports facility, provided that their height does not exceed 40m; and
- h. church spires or bell towers.

Reliant definitions

Building
Ground level
Spiritual facility
Utility

Height (M.E.D.)

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 attached to a residential unit, 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. chimneys (not exceeding 1.1 metres in any direction) except allowed for in the Central City Living and L5 Zones under subclause (3) above.
- d. any utility or part of a utility with a horizontal dimension of less than 55 millimetres.

[This was the subject of Decision 4]

Reliant definitions

Building (M.E.D.)

High flood hazard

means 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 1m, 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.

[This was the subject of Decision 6]

Reliant definitions

Annual exceedance probability

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.

Home occupation

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

Reliant definitions

Residential unit

Hospital

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

Hotel

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

Reliant definitions

Ancillary
Building
Guest accommodation
Restaurant

I

Impervious surface

means a continuous surface of concrete, bitumen or paving with slabs, bricks, 'gobi' or similar blocks, or hardfill that effectively puts a physical barrier on the surface of any part of a site, but excludes shade houses, glass or tunnel houses that do not have solid floors.

Reliant definitions

Site

Indigenous fauna

[Deferred]

Indigenous vegetation

[Deferred]

Indigenous vegetation clearance

[Deferred]

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 and Heavy industrial activity.

Reliant definitions

Building
Heavy industrial activity
High technology
industrial activity

Infrastructure (Rule 5.5.1)

for the purposes of Rule 5.5.1, 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, but does not include services from the street to residential units.

[This was the subject of Decision 6, numbering and text is amended by this decision under Cl 13(5) and (6)(a)]

Reliant definitions

Residential unit
Road
Strategic road network

Installed

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

Reliant definitions

Building

Insulation R value

means the standard measure of thermal resistance used in the building and construction industry (as at the date of public notification of this Plan).

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 can include, but not be limited to, day surgery, a pharmacy, physiotherapy, midwifery, blood collection centre, counselling, community nursing and medical specialists.

Reliant definitions

Building
Health care facility

Intersection

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

Reliant definitions

Roadway

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. The Key Activity Centre in each location includes land zoned Commercial Core and, where applicable Commercial Retail Park.

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

Reliant definitions

Commercial centre
Mixed-use

Key activity centres (M.E.D.)

means the proposed commercial centre adjacent to the Meadowlands Exemplar identified as a focal point for employment, community activities and the transport network, and which suitable for more intensive mixed-use development, as identified in the Canterbury Regional Policy Statement, Chapter 6, on Map A.

[This was the subject of Decision 4]

Key pedestrian frontage

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

Reliant definitions

Frontage

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.

Reliant definitions

Reserve
Road

L**Landscaped area**

(see Landscaping).

Landscaping

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

Reliant definitions

Ancillary

Landscaping strip

(see Landscaping).

Lane way

means a publicly available pedestrian access way, service lane or right-of-way which is secondary to main routes or streets and may include vehicle access between properties and buildings. Ownership may be public, private, or a combination of both via public easements.

Reliant definitions

Access way
Building
Right-of-way
Service lane
Vehicle access

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.

Reliant definitions

Commercial centre

Large format retail/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.

Level crossing

[has the same meaning as in s 4 of the Railways Act 2005]

- a. means any place where –
 - i. a railway line crosses a road on the same level; or
 - ii. the public is permitted to cross a railway line on the same level; and
- b. includes a bridge used for both rail vehicles and road traffic on the same level; but
- c. does not include a railway line on a road that is intended solely for the use of light rail vehicles.

Limit line

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.

Reliant definitions

Roadway

Living area

means habitable space excluding bedrooms.

Reliant definitions

Habitable space

Living space

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

Reliant definitions

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 within which all vehicle loading facilities are accommodated and includes all loading spaces and manoeuvring areas.

Reliant definitions

Loading
Loading space
Manoeuvre area
Site

Loading space

whether covered or not, means that portion of a site clear of any road or service lane upon which a vehicle can stand while being loaded or unloaded. Such loading space shall have vehicular access to a road or service lane.

Reliant definitions

Access
Loading
Road
Service lane
Site

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 including Wainoni and Peer Street, that are zoned Commercial Core.

Local roads

means any road not classified as either an arterial or collector road in Figure 7.17, 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.

Reliant definitions

Arterial roads
Collector roads
Road

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, including, but not limited to, freshwater, energy use and conservation values.

M

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.

Reliant definitions

Arterial roads
Road

Major cycle route

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.

Reliant definitions

Council
Cycle route
Cycle way

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.

Reliant definitions

Annual exceedance
probability

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 and 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.

Reliant definitions

Access
Garage
Loading area
Loading space
Parking area
Parking space
Site
Vehicle crossing

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.

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.

Reliant definitions

Habitable space

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.

Reliant definitions

Arterial roads
Road

Minor upgrading of the existing electricity network

for the purposes of 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, and 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 shall not include an increase in voltage of the line.

[This was the subject of Decision 6]

Mixed modal link

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.

Reliant definitions

Access way
Lane way

Mixed-use

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

Reliant definitions

Building
Commercial activities
Community facility
Residential activity

Mobility parking space

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

[This was the subject of Decision 7]

Reliant definitions

Parking space

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).

Reliant definitions

Ancillary
Building

Multi-unit development

for the purposes of policies and rules for Workers' Temporary Accommodation, "multi-unit development" means a group of two or more residential units to be established and used for the purpose of workers' temporary accommodation.

[This was the subject of Decision 3, numbering and text is amended by this decision under Cl 13(5) and (6)(a)]

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.

Reliant definitions

Residential unit

N

National Grid

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

[This was the subject of Decision 1]

Neighbourhood block area

[Deferred]

Neighbourhood centre

means

- a. the Commercial Core Zone at Addington, Aranui, Avonhead, Bishopdale, Bush Inn/Church Corner, Colombo/Beaumont, Cranford, Edgeware, Fendalton, Ferrymead, Halswell, Ilam/Clyde, Merivale, , 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

[Deferred]

Neighbourhood plan (M.E.D.)

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

[This was the subject of Decision 4],

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, and shall include the net floor area of any accessory building, but shall exclude any floor area used for:

- a. lift wells, including the assembly area immediately outside the lift doors for a maximum depth of 2m;
- b. tank rooms, boiler and heating rooms, machine rooms, bank vaults;
- c. those parts of any basement not used for residential, commercial or industrial activities;
- d. parking and/or loading areas including basement parking which extends no more than 1m 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 800mm in height above ground level and cover less than 15% of the net site area.

The following are excluded for commercial activities (including hotels and guest accommodation) only:

- i. all stairwells (including landing areas);
- j. toilets and bathrooms, provided that in the case of any hotel or guest accommodation the maximum area permitted to be excluded for each unit shall be 3m²; and
- k. that part of a balcony that is within 2m 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.

The following are excluded for residential activities only:

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

Reliant definitions

Accessory building
 Access way
 Balcony
 Building
 Commercial activities
 Garage
 Ground level
 Guest accommodation
 Height
 Hotel
 Industrial activity
 Loading area
 Net site area
 Parking area
 Residential activity

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 6m or less in width; and/or
- c. any area of land where that land is the shared access for more than one site.

Reliant definitions

Access
Allotment
Site

Network infrastructure

[has the same meaning as in s 197 of the Local Government Act 2002]

means the provision of roads and other transport, water, wastewater, and stormwater collection and management.

Network utility operator

[has the same meaning as in s 166 of the Resource Management Act 1991]

means a person who—

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

and the words network utility operation have a corresponding meaning.

New neighbourhood hectare

[Deferred]

New neighbourhood net density

[Deferred]

New neighbourhood residential unit types

[Deferred]

New neighbourhood target yield

[Deferred]

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.

Reliant definitions

Port activities

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 and includes the offices of accountants, solicitors, architects, surveyors, engineers and consultants.

Office activity

means office

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 and extends to include the partner, spouse, dependants or caregiver of such a person, notwithstanding that the partner, spouse 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 advertisement

means any sign or 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.

Outdoor advertisements include any sign, device or display, whether 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 erection of any kind whatsoever, or onto any rock, stone, tree or other object. Outdoor advertisements include any method of illumination, whether by an internal or external non-neutral light source; any advertisement displayed upon any parked vehicle and/or trailer for the express purpose of directing attention to any activity, site or building; and any tethered balloon of more than 0.5m in diameter.

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 and, in the Residential Medium Density Zone, can include indoor communal recreation and leisure areas for the benefit of all residents of the site.

Reliant definitions

Building
Site

Reliant definitions

Residential unit
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.

Reliant definitions

Site

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 a specified period in any year. It excludes yard-based suppliers and vehicle parking associated with an activity.

Reliant definitions

Building

Yard-based supplier

Outline development plan

[Deferred]

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.

Reliant definitions

Parking building

Parking lot

Parking area

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

Reliant definitions

Building

Parking space

Site

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 spaces, manoeuvring areas, access and landscaping areas associated with the parking.

Reliant definitions

Access

Building

Landscaping

Manoeuvre area

Parking space

Site

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 spaces, manoeuvring areas, access and landscaping areas associated with the parking.

Reliant definitions

Access
Ground level
Landscaping
Manoeuvre area
Parking space
Site

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).

Reliant definitions

Site

Pedestrian access way

(see Access way)

Reliant definitions

Access way

Peripheral boundary length

[Deferred]

Place of assembly

means land and/or buildings used principally for the public or private assembly of people for recreational, cultural or deliberation purposes and includes recreation and entertainment facilities, clubrooms, pavilions, and community infrastructure.

Reliant definitions

Building
Community
infrastructure
Entertainment facility
Recreation facility

Plot ratio

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

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

Reliant definitions

Building
Net floor area
Net site area
Site

Pool area

for the purpose of calculating loading, car and cycle loading, car and cycle parking requirements for a swimming pool, means the surface area of water within a swimming pool. The pool area does not include any associated poolside area, changing room facilities or storage areas.

[This was the subject of Decision 7]

Reliant definitions

Loading

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 facilities;
- 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.

[Lyttelton Port Recovery Plan]

Reliant definitions

Ancillary
Building
Earthworks
Food and beverage outlet
Industrial activity
Landscaping
Loading
Office
Parking area
Trade and industry training facility
Utility

Port quarrying activity

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

This may include:

- 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.

[Lyttelton Port Recovery Plan]

Reliant definitions

Building
Earthworks
Landscaping

Pre-school

means the use of land and/or buildings for early childhood education or care of more than four 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.

Reliant definitions

Building
Site

Pressurised injection

for the purposes of Rule 5.8.2, means injection of grout at more than 40 bar at the pump.

[This was the subject of Decision 6]

Reliant definitions

Grout

Primary living level

means the level in a residential unit in which the kitchen is contained.

Reliant definitions

Residential unit

Principal building

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

Reliant definitions

Building
Site

Private car park

means a car park which is not open to the general public or casual users.

[This was the subject of Decision 7]

Private way

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

means any way or passage whatsoever over private land within a district, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the use of the public generally; and includes any such way or passage as aforesaid which at the commencement of this Part exists within any district.

Public area

means those parts of any building and associated outdoor areas normally available for use by the general public, exclusive of any areas used for services or access.

Reliant definitions

Access
Building

Public artwork

means any object, figure, image, character, outline, spectacle, display, delineation, audio or visual installation (including but not limited to 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 or building, or any footpath or pavement (subject to any Council bylaws or traffic management requirement), incorporated within the design of any building (whether by painting or otherwise) and not used as an outdoor advertisement or for any purpose other than as public artwork.

Reliant definitions

Building
Council
Outdoor advertisement

Public floor area (PFA)

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 2m;
- b. stairwells, including landing areas;
- c. toilets and bathrooms;
- d. parking and/or loading areas; and
- e. all areas used exclusively by staff, such as kitchens, storage areas, internal loading/unloading areas, rubbish areas, staff rooms/offices and amenities.

[This was the subject of Decision 7]

Reliant definitions

Boundary
Building
Loading area
Office
Parking area

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.

Reliant definitions

Access way
Lane way

Public transport facility

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

Reliant definitions

Ancillary
Building
Park and ride facilities
Public transport interchange

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.

Reliant definitions

Building
Public transport facility

Q

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.

Reliant definitions

Access
Site boundary
Vehicle control point

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.

Reliant definitions

Access
Industrial activity
Site

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.

Reliant definitions

Access
Access strip
Road
Site

Recreation activity

means the use of land, water bodies and/or buildings principally for 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.

Reliant definitions

Building
Water body

Recreation facility

means land and/or buildings used for recreation activities.

Reliant definitions

Building
Recreation activity

Relocatable building

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

Reliant definitions

Building
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.

Reliant definitions

Building
Site

Repair and maintenance of existing infrastructure

for the purposes of Rule 5.5.1, means repairing and keeping a structure, land or vegetation in good and safe condition and 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.

[This was the subject of Decision 6]

Reliant definitions

Height

Reserve

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

Residential activity

means the use of land and/or buildings, including the construction of buildings, for the purpose of living accommodation and 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 does not include:

- d. guest accommodation;
- e. the use of land and/or buildings for custodial and/or supervised living accommodation where the residents are detained on the site; and
- f. accommodation associated with a fire station.

Reliant definitions

Accessory building
Building
Family flat
Guest accommodation
Residential unit
Sheltered housing

Residential building platform

for the purposes of Rule 5.8.1, means that area of a site equal to the ground floor area of the residential unit plus up to 1.8m extending at ground level beyond its foundations. Note that this definition differs from that of ‘building consent platform’ used in Rule 5.8.2.

Reliant definitions

Building
Ground floor area
Ground level
Residential unit
Site

Residential thoroughfare

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

Reliant definitions

Residential unit

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 unit. 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 in a family flat or a kitchenette provided as part of a bed and breakfast) 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;
 - a. a residential unit may be used as a holiday home provided it does not involve the sale of alcohol, food or other goods; and
 - b. a residential unit may be used as a bed and breakfast.

Reliant definitions

Accessory building
Bed and breakfast
Building
Family flat
Residential activity
Site

Residential unit (M.E.D.)

means a self-contained building (or group of buildings including accessory buildings) used for a residential activity by one or more persons who form a single household unit. 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 in a family flat) 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; and
- d. a residential unit may be used as a holiday home provided it does not involve the sale of alcohol, food or other goods.

[This was the subject of Decision 4]

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.

Retail activity

means the use of land and/or buildings for displaying or offering goods for sale or hire to the public and 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 used for a comprehensive residential development that contains two or more residential units, together with

Reliant definitions

Accessory building (M.E.D.)
Building (M.E.D.)
Residential activity (M.E.D.)
Site (M.E.D.)

Reliant definitions

Building

Reliant definitions

Building
Food and beverage outlet
Second-hand goods outlet
Service station
Trade supplier
Yard-based supplier

Reliant definitions

Commercial services
Retail activity

Reliant definitions

Building

services and/or facilities for on-site residents and staff (which may include a care home within a retirement village, nursing, medical and hospital care, recreation, leisure, welfare facilities and activities, and other non-residential activities accessory to the retirement village), predominantly for persons in their retirement or persons in their retirement and their spouses or partners, and is :

- a. a retirement village as defined in s6 of the Retirement Villages Act 2003; or
- b. a rest home defined in s58(4) of the Health and Disability Services (Safety) Act 2001.

A retirement village includes any common areas and facilities to which residents of the retirement village have access under their occupation rights agreements.

Care home within a retirement village
Hospital
Residential unit
Site

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, and that may lead to restrictions on existing lawful activities as a consequence of complaints.

Right-of-way

(see Access)

Reliant definitions

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.

Reliant definitions

Intersection

Road

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

means the whole of any land which is within a district, and which—

- a. immediately before the commencement of this Part was a road or street or public highway; or
- b. immediately before the inclusion of any area in the district was a public highway within that area; or
- c. is laid out by the council as a road or street after the commencement of this Part; or
- d. is vested in the council for the purpose of a road as shown on a deposited survey plan; or
- e. is vested in the council as a road or street pursuant to any other enactment;—

and includes—

- f. except where elsewhere provided in this Part, any access way or service lane which before the commencement of this Part was under the control of any council or is laid out or constructed by or vested in any council as an access way or service lane or is declared by the Minister of Works and Development as an access way or service lane after the commencement of this Part or is declared by the Minister of Lands as an access way or service lane on or after 1 April 1988:
- g. every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;—
but, except as provided in the Public Works Act 1981 or in any regulations under that Act, does not include a motorway within the meaning of that Act or the Government Roading Powers Act 1989.

Road boundary

(see Boundary)

Reliant definitions

Boundary
Road

Road reserve

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

Reliant definitions

Road

Roadway

(see Carriageway)

Reliant definitions

Carriageway

Rural produce

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

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.

Reliant definitions

Adjoining
Christchurch District
Road

Rural selling place

means any land, building or part of a building located in a rural zone, on or in which rural produce is offered for sale by wholesale and/or retail, and includes any land, building or part of a building on or in which rural produce is weighed and packaged.

Reliant definitions

Building
Rural produce

S

Second-hand goods outlet

means a retail activity primarily engaged in selling pre-used merchandise and includes:

- a. antique dealers;
- b. auctioneers;
- c. charity shops;
- d. pawnbrokers;
- e. second-hand shops; and
- f. suppliers of:
 - i. demolition goods and materials; and
 - ii. trade-in goods.

Reliant definitions

Retail activity

Sense of place

means the combination of characteristics (including historic, social, cultural, natural and built characteristics) that make a place unique and distinctive, and the human experience of these characteristics over time.

Sensitive activities

means:

- a. residential activities;
- b. education activities;
- c. guest accommodation; and
- d. health care facilities;
- e. custodial and/or supervised living accommodation where the residents are detained on the site;

but in relation to airport noise excludes:

- f. any residential activities in conjunction with rural activities that comply with the rules in the relevant district plans as at 23 August 2008;

Commercial activities
Education activity
Guest accommodation
Health care facility
Industrial activity
Residential activity
Rural activity
Site
Trade and industry
training facility

- g. flight training or other trade and industry training facilities located on land zoned or legally used for commercial or industrial activities, including the Specific Purpose (Airport) Zone;
- h. guest accommodation which is designed, constructed and operated to a standard to mitigate the effects of aircraft noise on occupants; and
- i. health care facilities with no accommodation for overnight care.

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.

Reliant definitions

Building

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.

Reliant definitions

Access
Council

Service station

means any site where the primary activity is the retail sale of motor vehicle fuels, including petrol, LPG, CNG and diesel, and 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;
- e. the sale of other goods for the convenience and comfort of service station customers;

but shall not include any industrial activity.

Reliant definitions

Ancillary
Heavy vehicle
Industrial activity
Site

Setback

means the distance between a building and the boundary of its site or other specified item.

Reliant definitions

Boundary
Building
Site

Setback (M.E.D.)

means the distance between a building and the boundary of its site or other specified item.

[This was the subject of Decision 4]

Reliant definitions

Boundary (M.E.D.)
Building (M.E.D.)
Site (M.E.D.)

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.

Reliant definitions

Residential unit
Site

Sheltered housing (M.E.D.)

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.

[This was the subject of Decision 4]

Reliant definitions

Residential unit
(M.E.D.)
Site (M.E.D.)

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, may remain on the same site or be relocated).

Reliant definitions

Building
Residential unit
Site

Significant indigenous vegetation

[Deferred]

Site

means an area of land or volume of space shown on a plan with defined boundaries, whether legally or otherwise defined boundaries, and 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;

Reliant definitions

Access
Accessory building
Adjoining
Allotment
Boundary
Building
Council
Education facility
Residential unit
Subdivision

- 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 Purposes (Schools) and Specific Purposes (Tertiary Education) Zones, site means all of the land used by a particular education or tertiary education or research facility, whether or not those parcels of land are contiguous with each other.

Tertiary education or research facility

Site also shall include the access to the site.

Site boundary

(see Boundary)

Reliant definitions

Boundary

Sleep-out

means an accessory building or part of an accessory building with a gross floor area of no more than 25m² 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 40m from the residential unit on the same site, to which it is accessory.

Reliant definitions

Accessory building
Gross floor area
Residential unit
Site

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.

Reliant definitions

Council
Residential unit

Spiritual activity

means the use of land and/or buildings for the public and/or private assembly of people primarily for worship, meditation, spiritual deliberation and may include:

- a. ancillary social and community support services associated with the spiritual activity;
- b. ancillary hire/use of church buildings for community groups and activities;
- c. temporary activities (as defined under “Temporary buildings and activities”, clause (b)).

Reliant definitions

Ancillary
Building
Temporary buildings
and activities

Spiritual facility

means land and/or buildings used for spiritual activities.

Reliant definitions

Building

Spring

[Deferred]

Standalone house

means a single residential unit that is unattached to another residential unit.

Reliant definitions

Residential unit

Standalone house (M.E.D.)

means a single residential unit that is unattached to another residential unit.

Reliant definitions

Residential unit
(M.E.D.)

[This was the subject of Decision 4]

Strategic infrastructure

means those necessary infrastructure facilities, services and installations which are of greater than local importance, and includes infrastructure that is nationally significant.

Explanatory 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; and
- h. public water supply, wastewater and stormwater networks and associated facilities.

[This was the subject of Decision 1]

Reliant definitions

Strategic transport networks

Strategic road network

means state highways and major arterial roads.

Reliant definitions

Arterial roads
Major arterial roads
Road

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.

[This was the subject of Decision 1]

Reliant definitions

Cycle route
Freight hub
Major cycle route
Road
Strategic road network

Student hostel accommodation

for the purpose of calculating parking and loading space requirements, means hostels that are not ancillary and accessory to an education activity, including a tertiary education and research activity.

[This was the subject of Decision 7]

Reliant definitions

Ancillary
Education activity
Loading space
Parking space
Tertiary education and research activity

Subdivision

[has the same meaning as in s 218 of the Resource Management Act 1991]

means—

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

and the term subdivide land has a corresponding meaning.

Reliant definitions

Allotment

Subdivision (M.E.D.)

[has the same meaning as in s 218 of the Resource Management Act 1991]

means—

- a. the division of an allotment—
 - i. by an application to the Registrar-General of Land for the issue of a separate certificate of title for any part of the allotment; or
 - ii. by the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or
 - iii. by a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years; or
 - iv. by the grant of a company lease or cross lease in respect of any part of the allotment; or
 - v. by the deposit of a unit plan, or an application to the Registrar-General of Land for the issue of a separate certificate of title for

Reliant definitions

Allotment (M.E.D.)

any part of a unit on a unit plan; or

- b. an application to the Registrar-General of Land for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by Section 226,—

and the term subdivide land has a corresponding meaning.

[This was the subject of Decision 4]

Supermarket

means an individual retail outlet with a specified minimum specific area 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 which forms part of the electricity distribution network or National Grid that supports conductors as part of an electricity distribution line or transmission line.

Supportive housing

means housing (either individual or shared housing) for individuals supported by the Salvation Army on the Salvation Army site in Addington. Shared housing provides for shared meals and recreation rooms. Individual housing means all inclusive facilities (kitchen, ablutions). Supportive housing includes reintegration housing for recently released inmates supported by the Salvation Army.

Surface water management structure

[Deferred]

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).

Reliant definitions

Building
Guest accommodation
Restaurant

Temporary buildings and activities

outside of the Central City means buildings and activities that are intended not to be permanent. Temporary buildings and activities include:

- a. temporary buildings ancillary to an approved building or construction project;
- b. one-off, occasional or recurring community or special events of short duration, such as carnivals, bazaars, festivals, markets, public meetings and exhibitions including associated vehicle parking and ancillary buildings, tents and marquees;
- c. temporary buildings and activities following, and to assist in recovery from, a natural disaster, such as storage yards, public artworks, recreation and entertainment activities, the temporary raising of buildings for foundation repairs, and the temporary relocation of buildings and activities.

Note: Temporary buildings may still be required to comply with the provisions of the Building Act 2004.

Reliant definitions

Ancillary
Approved building
Building
Central City
Entertainment activity
Public artwork
Recreation activity
Relocation of a building

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.

Reliant definitions

Residential unit

Terrace (M.E.D.)

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.

Reliant definitions

Residential unit
(M.E.D.)

[This was the subject of Decision 4]

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 administrative, cultural, communal, accommodation, retailing, and recreation and entertainment facilities.

Reliant definitions

Ancillary
Building
Entertainment facility
Recreation facility
Retailing

Trade and industry training facility

means land and/or buildings used for occupational training in the skills of engineering, building, aviation, manufacturing and other industrial activities and includes administrative, cultural and recreation activities ancillary to the activity.

Reliant definitions

Ancillary
Building
Industrial activity
Recreation activity

Trade supplier

means a business engaged in sales to businesses and institutional customers (and 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, video, DVD and other similar home entertainment items);
- g. industrial clothing and safety equipment suppliers;
- h. office furniture, equipment and systems suppliers.

Reliant definitions

Automotive and/or
marine supplier
Building supplier

Transmission line

means:

- a. 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.

Reliant definitions

National grid

Transport system

means all infrastructure, services, mechanisms and institutions that contribute to providing for transport.

Travel demand management

means using a range of methods to change travel behaviour (how, when and where people travel).

Travel plan

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 transport systems; 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.

Reliant definitions

Active transport
Site
Transport system

U

Urban activities

means activities of a size, function, intensity or character typical of those in urban areas and includes:

- a. residential units at a density equivalent to more than one residential unit per 4 ha of site area;
- b. industrial 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 within the existing urban area or Greenfield Priority Areas identified in the Canterbury Regional Policy Statement, Chapter 6, on Map A.

Reliant definitions

Commercial activities
Industrial activity
Recreation facility
Residential unit

Urban roads

means all roads within 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).

Reliant definitions

Adjoining
Christchurch District
Road

Utility

means:

- a. transformation, transmission, generation or distribution of electricity provided by network utility operators or requiring authorities including:
 - i. transmission lines and associated equipment; and
 - ii. private connections to such utilities.
- b. telecommunication and radio communication facilities including:
 - i. transmitting/receiving devices such as aerials, dishes, wires, insulators, castings, tunnels and associated equipment; and
 - ii. support structures such as towers, masts and poles and accessory buildings, and private receiving dish antennae;
- c. pipes for the distribution or transmission of petroleum or natural or manufactured gas, and 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 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;
- e. lighthouses, meteorological facilities, navigational aids and beacons including approach control services within the meaning of the Civil Aviation Act 1990.

Reliant definitions

Accessory building
Network utility operator
Transmission line

V

Vehicle access

(see Access)

Reliant definitions

Access

Vehicle control point

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).

Reliant definitions

Site
Parking space
Vehicle access

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 and includes any culvert, bridge or kerbing.

Reliant definitions

Carriageway
Road
Road boundary
Site

Vehicle movement

means a single journey to or from a particular site by a person or persons in a motor vehicle. Vehicle trip has the same meaning.

Reliant definitions

Site
Vehicle trip

Vehicle trip

(See Vehicle movement)

Reliant definitions

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.

Reliant definitions

Building

Visibility splay

means an area to be kept clear from obstruction to allow good visibility of other road users.

Reliant definitions

Road

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.

Reliant definitions

Site

Water body

[has the same meaning as in s 2 of the Resource Management Act 1991]

means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.

Wetland

[has the same meaning as in s 2 of the Resource Management Act 1991]

includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.

Window

means a glazed section in any exterior wall of a building where the sill is less than 1.6m vertically from the floor.

Reliant definitions

Building

Window control

means the device connected to the window that is used to latch and unlatch windows for opening and closing.

Work bay

means the area within a service station or motor-servicing facility used for the repair and/or maintenance of motor vehicles, including access.

Reliant definitions

Access

Motor-servicing facility

Service station

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, for the avoidance of doubt, includes activities such as sale of vehicles and garden supplies), where more than 50% of the area devoted to sales or display is located in 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.

Reliant definitions

Building

[This was the subject of Decision 7]

Yard-based supplier parking

means, for the purpose of calculating parking and loading requirements for yard based suppliers, areas of a site providing rear access and all other areas devoted to customer, staff and service vehicle access and parking (including parking driveways) are excluded from the extent of yard area devoted to sales or display.

[This was the subject of Decision 7]

Reliant definitions

Access
Loading
Site
Vehicle access
Yard-based supplier

Z

SCHEDULE 2

Participants in Mediation for Introduction

Submitter №	Submitter name
495	The Crown
1145	Mahaanui Kurataiao Limited and Te Rūnanga o Ngāi Tahu
818	Fendalton Waimairi Community Board
778	Heritage New Zealand Pouhere Taonga
1195	Peebles Group Limited
832	Transpower New Zealand Limited
FS1339	Orion New Zealand Limited
827	Higgins Contractors Limited
FS1369	Silver Fern Farms Limited
988	Mobil Oil New Zealand Limited
742, FS1270	Scentre (New Zealand) Limited
379	Avonhead Mall Limited
380	Marriner Investments № 1 Limited
385	Maurice Carter Charitable Trust
386	Carter Group Limited
1450	Progressive Enterprises Limited
1351	Memorial Avenue Investments Limited
1152	Lyttelton Community Association
1444	Lyttelton Port Company Limited
340	Akaroa Civic Trust

SCHEDULE 3

Definitions already decided

Decided Definition
Decision 1 - Strategic Directions
National Grid
Strategic infrastructure
Strategic transport network
Decision 3 - Repair and rebuild of multi-unit dwellings
Multi unit development
Decision 4 - Exemplar housing
Access — (M.E.D.)
Allotment — (M.E.D.)
Apartment — (M.E.D.)
Boundary — (M.E.D.)
Building — (M.E.D.)
Council — (M.E.D.)
Development — (M.E.D.)
Duplex — (M.E.D.)
Future development allotment — (M.E.D.)
Garage — (M.E.D.)
Height — (M.E.D.)
Key activity centres — (M.E.D.)
Neighbourhood plan — (M.E.D.)
Residential unit — (M.E.D.)
Setback — (M.E.D.)
Sheltered housing — (M.E.D.)
Standalone house — (M.E.D.)
Subdivision — (M.E.D.)
Terrace — (M.E.D.)

Decided Definition
Decision 6 - Natural hazards
Critical infrastructure
Hazard mitigation works
High flood hazard
Infrastructure
Minor upgrading of the existing electricity network
Pressurised injection
Repair and maintenance of existing infrastructure
Decision 7 - Transport
Food and beverage outlet
Gross floor area (GFA)
Gross leasable floor area
Mobility parking space
Pool area
Private car park
Public floor area
Student hostel accommodation
Yard-based supplier
Yard-based supplier parking

SCHEDULE 4

Definitions Deferred

Deferred Definition
Chapter 2 Definitions Stage 2 and 3
Outline development plan
Relocated building
Removal of a building
Resiting of a building
Chapter 6 General Rules and Procedures
Birdstrike risk activities
Surface water management structure
Habitable building
Chapter 9 Natural and Cultural Heritage
Cultural heritage
Cultural heritage sites
Heritage
Indigenous fauna
Indigenous vegetation
Indigenous vegetation clearance
Significant indigenous vegetation
Site of Ngāi Tahu cultural significance
Spring
Accidental discovery protocol
Chapter 11 Utilities, Energy and Infrastructure
Electricity distribution line corridor
Chapter 21 Specific Purpose Education
Education facility
RNNZ
Density uplift areas
Future development allotment
Neighbourhood block area
Neighbourhood plan
New neighbourhood hectare
New neighbourhood net density
New neighbourhood residential unit types
New neighbourhood target yield
Peripheral boundary length
Stage 2 Chapter 12 Hazardous Substances and Contaminated Land
Hazardous facility
Stage 2 Chapter 14 Residential
FSC certified hardwood

SCHEDULE 5

Submitter appearances and evidence filed for the hearing which took place on 13 July 2015.

Submitter Name	N ^o	Person	Filed/Appeared
Christchurch City Council	310	Mr A Matheson	Filed/Appeared
		Ms A Radburnd	Filed/Appeared
		Ms C Rachlin	Filed/Appeared
		Ms D Hogan	Filed/Appeared
		Mr A Long	Filed/Appeared
		Mr D Falconer	Filed/Appeared
		Ms J Carter	Filed/Appeared
		Mr M Stevenson	Filed/Appeared
		Mr I Thomson	Filed/Appeared
Crown	495	Mr S Timms	Filed/Appeared
		Dr W Saunders	Filed/Appeared
		Ms W Hickey	Filed/Appeared
Christchurch International Airport Limited	863	Mr M Bonis	Filed/Appeared
Te Rūnanga o Ngāi Tahu and Ngā Rūnanga	1145	Ms L Murchison	Filed/Appeared
Akaroa Civic Trust	340	Ms J Cook	Filed
Ilam and Upper Riccarton Residents Association	738	Mr P Harding	Filed
		Mr R English	Filed
Mobil Oil New Zealand Limited, Z Energy Limited and Banks Peninsula Oil New Zealand Limited	723	Ms K Blair	Filed

SCHEDULE 6

Deleted definitions

Definition
Accessory Building — (M.E.D.)
AEP*
Alcohol licence
Ancillary office activity
Ancillary retail activity
Articulation
Building consent platform
Certified minimum finished floor level
CHRM*
Density uplift areas — (M.E.D.)
Detailed design statement
Development
Development Plan
Development Plan — (M.E.D.)
Early childhood education facilities
EDM*
Electricity transmission network
Electrical Switch
Farming and agricultural supplier
Fast food outlet
Finer grain retailing
Food court
FTE*
Garden and patio supplier
GFA*
GLFA*
Greater Christchurch area of Christchurch District
Guest accommodation — (M.E.D.)
Human scale
Interface
Kaitiakitanga

Definition
Kotahitanga
Legally defined parcel of land
Legibility
Lot
Main street
Manaakitanga
Master plan
Mātauranga
Mauritanga
Mineral extraction activity
Minor upgrading
Modulation
Natural surveillance
Neighbourhood block area — (M.E.D.)
Net site area — (M.E.D.)
Network utility operation
New neighbourhood entry lot
New neighbourhood hectare — (M.E.D.)
New neighbourhood net density — (M.E.D.)
Ngāi Tahu / Manawhenua
Office furniture, equipment and systems suppliers
One network approach
Orangatanga
Paved impermeable surface
Point strip
Potable water
Rangatiratanga
Residential activity — (M.E.D.)
Residential amenity
Rock fall hazard removal
Theatre
Tūrangawaewae
Wāhi taonga
Wāhi tapu
Waipuna

Definition
Wairuatanga
WELS*
Whanaungatanga
Window Control

* Relocated to 'Abbreviation List'