

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

AND

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

Date of hearing: 31 March and 1 April 2016

Date of decision: 16 December 2016

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

DECISION 63

Supplementary Definitions Decision and Minor Corrections to Decision 58 – Definitions

Outcomes: Proposals changed as per Schedule 1

COUNSEL APPEARANCES

As recorded on page 2 of Decision 58.

TABLE OF CONTENTS

Introduction	4
<i>Effect of decision and rights of appeal</i>	5
<i>Identification of parts of existing district plans to be replaced</i>	5
<i>Conflicts of interest</i>	6
Reasons	6
Statutory Framework	6
<i>Underlining of defined terms</i>	7
<i>Other consequential changes</i>	12
<i>Minor corrections to Decision 58</i>	14
Additional corrections raised by the Council to specific chapters	17
Directions as to Minor Corrections	19
Overall evaluation and conclusions	21
Schedule 1	23
Schedule 2	1985
Schedule 3	1989
Schedule 4	1993
Schedule 5	2001

INTRODUCTION

[1] This supplementary decision ('supplementary decision') is one of a series of decisions made by the Independent Hearings Panel ('Hearings Panel'/'Panel') concerning the formulation of a replacement district plan for Christchurch City (including Banks Peninsula) ('Replacement Plan'/'Plan').¹ It concerns Chapter 2 Definitions and consequential changes to Chapters 1-21 arising from Decision 58.

[2] In Decision 58 at [12] we recorded that we would issue a supplementary decision to address the following matters:

- (a) updated definitions decided by Decision 58;
- (b) definition related consequential changes to each decided chapter, including those identified by the Council in Appendix C to its closing submissions² that we accepted in Decision 58 and the Panel's changes explained in Schedule 2 to Decision 58;
- (c) removal of any defined terms that are no longer required as a consequence of all decisions;
- (d) underlining of defined terms in all objectives, policies and rules (including assessment matters);
- (e) style and format changes for consistency; and
- (f) any other minor corrections or changes of minor effect necessary to give effect to the Statement of Expectations and Strategic Directions.

We now make those changes having satisfied ourselves that they are of minor effect, do not alter the substance of our earlier decisions, and do not affect the status of activities already

¹ Members of the Hearings Panel who heard and determined this proposal are set out on the cover sheet. In the course of the hearing, it was identified on various occasions that submitters were known to members of the Panel. In some cases, that was through previous business associations. In other cases, it was through current or former personal associations. Those matters were recorded in the transcript, which was available daily on the Hearings Panel's website, <http://www.chchplan.ihp.govt.nz>. No issue was taken by any submitter.

² Closing legal submissions for CCC, 11 August 2016.

decided. Rather, the changes made improve the clarity and usability of the CRDP and accord with the Statement of Expectations and the Strategic Objectives of the CRDP.

[3] Where we refer to ‘Final Decision Version’, it is to our minor corrections, consequential and consequential definition related changes to each decided chapter, as set out in Schedule 1, which will become operative upon release of this decision and the expiry of the appeal period. The Final Revised Version also includes all minor correction decisions made as at the date of this decision.

[4] This decision follows our hearing of submissions and evidence. 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.

Identification of parts of existing district plans to be replaced

[6] The OIC requires that our decision also identifies the parts of the Existing Plan⁵ that are to be replaced by each Chapter. In Decision 58 we recorded:

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 OIC cl 6(1)(b) that are available on the Council’s website. In our earlier decisions we have only replaced those parts of the Existing Plan where it is clear that the replacement was necessary to give effect to our decision once operative, without compromising the ongoing application of the Existing Plan. In our Supplementary Decision we will make a determination that all remaining provisions and definitions in the Existing Plan are to be replaced as a consequence of this decision, once all remaining provisions in the CRDP become operative.

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

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

⁵ Banks Peninsula District Plan and Christchurch District Plan.

⁶ Definition of ‘existing district plans’. OIC, cl 3.

[7] We now make that determination and direct all remaining provisions in the Existing Plan to be replaced by the Final Decision Version, once they all become operative in accordance with the OIC, cl 16.

Conflicts of interest

[8] We have posted notice of any potential conflicts of interest on the Independent Hearings Panel website.⁷ No submitter raised any issue in relation to this.

REASONS

STATUTORY FRAMEWORK

[9] We have set out the statutory framework that forms the basis of our decision in Decision 58 and have applied it to this supplementary decision.⁸

[10] In making the corrections and consequential changes as outlined above at [2] to the Final Decision Version we have exercised our powers of reconsideration and correction under OIC, cl 13(5) and (6)(a) and Schedule 3, cl 16 (1) and (2). Those provisions provide:

clause 13

- (5) While the hearings panel is considering a proposal, it may reconsider any decision it has already made on another proposal if it considers it is necessary or desirable to do so to ensure that the replacement district plan is coherent and consistent.
- (6) If the hearings panel considers, after reconsidering a decision under subclause (5), that an earlier proposal or a part of the replacement district plan requires change, the panel may direct the council—
 - (a) to make changes of no more than minor effect.

Schedule 3, clause 16

- (1) The hearings panel may, at any time, issue an amendment to a decision to correct a minor mistake or defect in a decision of the panel.

⁷ The website address is www.chchplan.ihp.govt.nz.

⁸ Decision 58 Chapter 2 and 3 Definitions at [16].

- (2) This power includes the power to amend or correct a proposal, provided that the amendment or correction is made before the proposal becomes operative in accordance with clause 16 of this order.

Underlining of defined terms

[11] We have throughout the Final Decision Version shown defined terms with green text which is underlined (‘underlined’/’underlining’) for ease of reference (‘defined terms’/’defined meaning’). **Wherever a term is underlined the defined term shall apply. In the absence of underlining, the ordinary meaning shall apply.**

Our approach to identifying and underlining defined terms

[12] We have made a number of minor corrections to the drafting of provisions as shown in the Final Decision Version to align the drafting to include the relevant defined term where the context requires it to have that defined meaning.

[13] For example, in some cases the term ‘recreational activities’ had been used, whereas, the defined term in Chapter 2 is ‘recreation activity’. We have also added the word ‘activity’ or ‘facility’ to follow the use of term ‘residential’ ‘commercial’, ‘industrial’ or ‘community’ ‘in appropriate cases to align with the defined term.

[14] In undertaking the underlining exercise we have, however, taken care not to inappropriately narrow or widen the use of the term within the context that it is used. An example is, the defined term ‘industrial activity’. It has a narrow definition for the purposes of the rules. For example, ‘industrial activity’ excludes ‘heavy industrial activity’, ‘high technology industrial activities’ and other mining and quarrying industrial uses. In various provisions throughout the CRDP, particularly in the objectives and policies, the terms ‘residential, commercial and industrial activity’ are grouped together in a general sense, rather than individually, so as not to exclude particular types of activities. The word ‘farming’ is another term which is used generally in some cases rather than its narrower defined meaning, which excludes ‘intensive farming’. We have, in those circumstances, not underlined the terms.

[15] A number of terms (such as ‘site’ and ‘access’), are used throughout the CRDP, but in many cases the context is such that they do not attract the defined meaning. We have taken

care to identify the different uses of those terms. We have not underlined the term ‘site’ where it is used to refer to a general location or area, rather than an area of land or volume of space on a plan with defined boundaries, whether legally or otherwise defined. We have also not underlined ‘site’ where it is used in the context of identifying scheduled historic heritage, scheduled trees, sites of ecological significance or sites of Ngāi Tahu cultural significance in Chapter 9. That is because those terms are clearly defined by their inclusion in the relevant schedules, notwithstanding that they may also be identified on a plan. In Chapter 6.1 Noise – Temporary Activities, reference is made to ‘sites’ in Table 4. However, Table 4, refers to ‘locations’. We have, therefore, amended the reference to ‘site’ within Table 4 to ‘locations’ for consistency.

[16] We have not underlined ‘access’ where it is used as a verb rather than an area of land over which vehicular and/or pedestrian access to a legal road is obtained.

[17] In most cases we have found it appropriate to underline the word ‘building’ given its contextual and broad meaning in Chapter 2.

[18] In a number of instances we found the terms ‘site’ and ‘building’ to be used as an adjective, however, it is clear that the meaning is the same as the defined term so we have underlined those uses of ‘site’ and ‘building’.

[19] A number of terms have been used in the CRDP, which are defined but should not be. That is because the context in which they are used is such they ought not attract the defined meaning. However, rather than leave them without underlining, we have made a consequential change to the definition by adding a qualifier, to make it clear how the defined term is applied. We address these below.

Adjoining

[20] In Stage 1, the Council included an extended definition of ‘adjoining’ in the definitions proposal as follows:

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

[21] The ordinary meaning of ‘adjoining is:

Lie close, be contiguous to.⁹

[22] Butterworths Law Dictionary defines ‘adjoining’ as:¹⁰

Having a common boundary or edge; touching.

[T]he primary and exact meaning of ‘adjoining’ is ‘conterminous’. At the same time it cannot be disputed that the word is also used in a looser sense as meaning ‘near’ or ‘neighbouring’” (per Lord Macmillan, *New Plymouth Borough v Taranaki Electric-Power Board* [1933] AC 680 (PC) at 682). See *Paki v Attorney-General* [2011] 1 NZLR 125 (CA).

[23] The Chapter 2 definition of ‘adjoining’ takes no account of the width of a ‘road, railway, drain, water race, river or stream’ and captures any sites or properties separated by any road, railway, drain, water race, river or stream. As such some sites are treated as adjoining, notwithstanding that they are not ‘near’ to the site or property being considered.

[24] The term ‘adjoining’ is used throughout the CRDP, and in most contexts the ordinary meaning clearly applies. We requested clarification from the Council as to the circumstances where the extended meaning is intended to apply. As an alternative approach, we suggested the Council consider a qualified definition as follows:¹¹

has its ordinary dictionary meaning but may, if the context requires, include land separated from other land only by a road, railway, drain, water race river or stream.

[25] The Council responded by way of memorandum¹² and agreed that there were a number of unintended consequences that arise in underlining all instances of the word ‘adjoining’, and therefore capturing the defined meaning.

[26] The Council, submitted that “on reflection” the definition of ‘adjoining’ should be amended to:

has its ordinary dictionary meaning ~~but may, if the context requires,~~ and includes land separated from other land only by a road, railway, drain, water race river or stream.

[27] The Council expressed concern that the alternative approach we suggested would introduce a discretion through the words ‘may’ and that this would not be sufficiently certain

⁹ Shorter Oxford Dictionary.

¹⁰ Butterworths New Zealand Law Dictionary 7ed 2011.

¹¹ Minute in relation to the meaning of ‘adjoining’, 5 December 2016.

¹² Memorandum of counsel for Christchurch City Council responding to the Panel’s Minute in relation to the definition of adjoining Definitions (Stage 2 and 3), 8 December 2016.

and clear. In addition the Council considers that the words ‘may, if the context requires’ appear unnecessary because:

if the context does not require (i.e. there is not land separated from another land by those specified items), then the words following would not be considered relevant in any event.

[28] The Council’s preference is that where the defined term has this wider meaning it is underlined and where only the ordinary meaning applies no underlining is applied. On that basis, the Council has reviewed the rules and objectives and policies where the term is used. The Council has identified where the wider meaning should be applied. The Council agrees that, in the absence of the identification of specific circumstances where an extended meaning is to apply, the term ‘adjoining’ should prima facie retain its ordinary meaning. The Council attached to its memorandum a schedule of the relevant provisions that use the term ‘adjoining’ and has identified those that the extended meaning should apply and those to which only the ordinary meaning applies.¹³

[29] We have reviewed the Council’s Appendix A and find that the Council has, through the exercise applied a judgement, based on the context of individual rules. The Council does not identify the evidential basis for making that judgement. In the absence of evidence, we must assume that in making its submission as to the appropriate context the Council would have applied the principles in *Powell*¹⁴ and given a purposive meaning to the relevant provisions. That appears to be the case on our reading of the explanations given for each election in Appendix A to the Council’s memorandum. In doing so, the context of the relevant provision must be considered. The amended definition that we suggested in our Minute intended to capture that contextual element.

[30] At this late stage we are not in a position to make a determination that the Council’s review is appropriate in all instances. Although we are mindful that it is preferable that the defined terms are certain and do not require an exercise in statutory interpretation¹⁵, in this case we find that even the ordinary meaning of ‘adjoining’ is contextual, and there are some

¹³ *ibid*, Appendix A. The Council also filed a further memorandum addressing the use of the term within defined terms. See Memorandum of Counsel for Christchurch City Council further response to the Panel’s minute in relation to the definition of adjoining. 13 December 2016.

¹⁴ *Powell v Dunedin City Council* [2004] 3 NZLR 721 at [35] (CA).

¹⁵ *Monk v Queenstown Lakes District Council* [2013] NZEnvC 12 at [24].

circumstances where a physical separation between two sites may be sufficiently close by or near to be treated as ‘adjoining’.

[31] We have not, therefore, endeavoured to separately identify where the term is intended to have an extended meaning or otherwise. We have amended the definition of ‘adjoining’ to refer to both its ordinary meaning and the contextual element where an extended meaning applies. We have amended the wording to remove ‘may’ but find the reference to the contextual element is essential due to the manner in which the term has been used. We have underlined all instances of ‘adjoining’ on that basis and defined ‘adjoining’ as follows:

has its ordinary dictionary meaning but, if the context requires, includes land separated from other land only by a road, railway, drain, water race river or stream.

Heritage values and Historic heritage

[32] We have identified that in a number of places in chapters other than sub-chapter 9.3 the term ‘heritage values’ has been used, where the context is clear that it is not intended to capture just the values of ‘heritage items’ and ‘heritage settings’ in Appendix 9.3.7.2. In those cases we have added the word ‘historic’ before heritage’ values and only underlined ‘historic heritage’ which has the same meaning as s 2 RMA.

Minor residential unit

[33] We have deleted this definition on the basis it is no longer required for the reasons set out in the Council’s Memorandum in relation to discrete definition matters.¹⁶

Street

[34] The CRDP uses ‘street’ and ‘road’ interchangeably. We have, therefore, added ‘Street’ to Chapter 2 and cross referenced with ‘(see Road)’ for clarity reasons.

Window

[35] ‘Window’ is defined in Chapter 2 as:

means a glazed section within any exterior wall of a building where the sill is less than 1.6 metres vertically from the floor

¹⁶ Memorandum of Counsel for the Council regarding discrete definition matters, 25 May 2016.

[36] We have found that the term ‘window’ is used throughout the CRDP in a range of contexts including, acoustic treatment, window displays, urban design requirements and privacy related built form standards (including setbacks and separation distances). The first part of the definition accords with the ordinary meaning of ‘window’ and is appropriate for all contexts. However the latter part “...where the sill is less than 1.6 metres vertically from the floor” relates only to built form standards addressing privacy issues.

[37] We considered whether the definition ought to be qualified so that it has general application to all provisions relating to windows, but that it is only in relation to privacy related built form standards that the latter part applies. The definition would be amended to provide:

means a glazed section within any exterior wall of a building, except in the case of rules relating to minimum building, window and balcony setbacks, impacts on adjoining neighbours and the overlooking of streets in Sub-chapter 6.4 of Chapter 6 General Rules and Procedures, Chapter 14 Residential, Chapter 15 Commercial, and in Sub-chapter 21.13, it excludes windows where the sill is greater than 1.6 metres vertically from the floor.

[38] The alternative is to move the qualifier part of the definition to the relevant rules in Chapters 6.4 General Rules and Procedures, 14 Residential, Chapter 15 Commercial and in Chapter 21.13 and delete the definition. In the time available we have elected to amend the definition rather than amend individual rules.

Water body

[39] Water body is defined in s 2 of the RMA as follows:

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

[40] This definition has been used in Chapter 2. In some cases we have identified that the term ‘water body’ has been used in a more inclusive manner and is intended to include coastal waters. We have added the words ‘and coastal waters’ in some cases for clarity. This has resulted in minor changes to Chapter 3 and to 9.5.

Other consequential changes

[41] In the course of undertaking the underlining exercise we have identified a number of inconsistencies of drafting, drafting style and some grammatical and typographical errors. We

have taken the opportunity to make those minor corrections and other amendments necessary for clarity and consistency reasons that have minor effect.

Drafting consistency changes.

[42] In Sub-chapter 6.5 of Chapter 6 General Rules and Procedures – Scheduled Activities we have identified that, as a consequence of the defined terms ‘site’ and ‘net site area’ each scheduled activity may contain several certificates of titles or ‘sites’. We have, therefore, included an additional statement to Rules 6.5.5.2 Site coverage and 6.5.5.8 Planting and landscaping so that the standard is calculated over the total area of all sites of that Scheduled activity.

[43] In relation to Sub-chapter 6.7 Aircraft Protection and Rule 6.7.4.1.3, we have noted that reference is made to ‘transmission or distribution towers’. We note that these are ‘support structures’ which is a defined term. We have, therefore, made a consequential change to replace ‘transmission or distribution towers’ with ‘support structures for transmission lines or electricity distribution lines’.

[44] In Sub-chapter 6.8 Signs, we have amended the references to ‘outdoor advertisements’ to ‘Signs’ or ‘signage’ as the context requires.

[45] In Chapter 11 Utilities and Energy and Chapter 14 Residential, we have identified a number of occasions where the term ‘strategic electricity distribution lines’ has been used and should be replaced with reference to the ‘66kV and 33kV electricity distribution lines and the Heathcote to Lyttelton 11kV electricity distribution line’ as a consequence of Decision 58. We have therefore made that change to Policy 11.2.2.2 b and to Objective 14.1.3 a. and Policy 14.1.3.1a.v.

Style and formatting

[46] In Decisions 43, 56 and 57 we included full chapters incorporating changes to the style and formatting of provisions in accordance with cl 13(5) and (6)(a). There were, however, some chapters or parts of chapters which had yet to be updated to make style and formatting changes. We have included updated Chapters 14 and 21 in Schedule 1. We have also integrated Decisions 2 and 9 relating to temporary activities related to earthquake recovery into

Chapter 6 as Sub-chapter 6.4 and made style and formatting changes necessary for consistency and coherency of the CRDP.

Numbering, hyperlinking and colour and format of defined terms.

[47] The Council has made an application to update the numbering in the Final Decision Version for consistency and coherency reasons. This matter has been addressed in the decision making minor corrections to Decision 56.

[48] In the Council's application for minor corrections to Decision 58 it requested that the Panel include in its decision blue text to show a hyperlink to legislation, external statutory documents and internal references in the CRDP. We are satisfied that this is a matter that the Council can attend to following the release of this Final Decision Version. It is largely an administrative matter for the Council.

[49] The Council has also requested that we leave it for the Council to determine the colour and method of underlining text of defined terms (the decision of which terms to underline having already been made by us in this decision). We agree and leave the final colour and format of identifying the terms to the Council. We have amended the introduction to Chapter 1 and 2 to refer only to underlining. The Council can update this clause once it settles on the colour of underlined text.

Consistent use of abbreviated terms

[50] During our review we have identified that some abbreviated terms are not used consistently in the CRDP. For example the Canterbury Regional Council is abbreviated 'CRC', however, in some instances 'ECAN' is used. We direct the Council to check the use of abbreviations to ensure they are consistently used. This can be done as part of the Council's review of numbering.

Minor corrections to Decision 58

[51] The Council has requested a number of minor corrections to Decision 58. Appendix A to the minor corrections memorandum sets out changes required to the Panel's Decision and the Decision Version.

Decision reasoning

[52] As requested by the Council we correct [93] by replacing its quoted text concerning the amended definition of ‘Mass assembly of people’ we replace part of paragraph [93] as follows:

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

Abbreviations

[53] The Council has requested the deletion of a number of abbreviations on the basis that they are commonly known abbreviations that do not need to be defined. We agree and accept the deletion of those abbreviations.

[54] The Council has also requested a number of corrections to abbreviations for consistency, we accept those changes are of minor effect and we have incorporated them into the Final Decision Version.

[55] We have also deleted the requirement to underline the abbreviations for practicality reasons. If the Council wishes to provide a hyperlink in the e plan, then they may do so.

Definitions

[56] We have made the minor drafting corrections identified by the Council in its Appendix A, except we have not accepted the following corrections on the basis we find them to be an error, unnecessary or are matters that the Council can attend to during its renumbering exercise.

Air Noise Boundary

[57] The Council requests that capitalisation is limited to ‘Air’. In Decision 57 we confirmed the full capitalisation of ‘Air Noise Boundary’. We have not, therefore, made any further change.

Farm stay

[58] The Council seeks an amendment to the definition to replace ‘guest accommodation’ with ‘transient accommodation’. That is because the term ‘guest accommodation’ excludes ‘farm stays’. We agree with that change. The Council sought further drafting changes, which we decline to make on the basis that the definition was otherwise decided in Decision 34 and it is unnecessary to make any additional changes to the decided definition.

Subscript for noise related technical terms

[59] The Council requests that the Panel apply subscript to the defined technical definitions in Chapter 2 and in their use throughout the plan. We find that this is a matter that the Council can attend to following the release of this decision and can incorporate those into the CRDP during the renumbering exercise. We direct accordingly.

Hyperlinking of legislation and external documents

[60] The Council has requested that the Panel identify references to legislation and external documents to be shown in blue for hyperlinking purposes. As noted above, that is a matter for the Council. The Council may undertake this during its renumbering exercise.

[61] We have incorporated the corrections into the Final Decision Version.

Corrections to Schedule 2 to Decision 58

[62] Schedule 2 to Decision 58 identified the additional definition related consequential changes to be made by the Panel in its Supplementary Definitions Decision. The Council has identified an incorrect rule referencing number. We agree there has been an error. We have, therefore, reinstated reference to P1 in Rule 18.3.2.1 with some drafting amendments and have reinstated Rule 18.3.2.4 D4 as a consequence.

List of deleted definitions

[63] The Council provided a list of definitions that have been deleted in various decisions issued by the Hearings Panel in Appendix B to its corrections memorandum. The Council requests that the Panel confirm the definitions deleted by Decision 58. We have reviewed the

Council's list and confirm, with minor corrections, that it records all decisions deleted by Decision 58 and in earlier decisions. We attach a copy of that list as Schedule 2 to this decision.

Corrections to Schedule 3 to Decision 58

[64] The Council has identified a number of drafting errors in Schedule 3 to Decision 58. The Council has requested that we include abbreviations previously decided in earlier decisions. At this stage we do not consider it necessary for clarity to include the decided abbreviations. These are clearly identified in Decision 56.

[65] The Council has identified minor drafting inconsistencies in the way in which terms are listed and some decided definitions that were inadvertently omitted from Schedule 3. We have corrected these and include a replacement Schedule in this decision as Schedule 3.

Schedule 4 to Decision 58

[66] Schedule 4 to Decision 58 identified the definitions that we have reconsidered under the OIC, cl 13(5) and (6) (a). The Council has identified minor drafting inconsistencies which we have corrected. We have included a replacement Schedule in as Schedule 4 to this decision.

ADDITIONAL CORRECTIONS RAISED BY THE COUNCIL TO SPECIFIC CHAPTERS

[67] The Council filed a memorandum on 5 December 2016 in relation to the renumbering of provisions that is required as a consequence of our earlier decisions.¹⁷ At paragraph 2.12 and 2.13, the Council raised a separate issue in relation to the wording adopted by the Panel to address notification requirements. We find that the use of the phrase 'absent written approval', in the context within which it is used throughout the plan, is sufficiently clear. The Council has a preference for an alternative wording. At this late stage, we are not persuaded that the Council's preference is necessary for clarity reasons. We decline to make the change.

¹⁷ Memorandum of Counsel for the Council, to align the numbering and structure of the Christchurch Replacement District Plan, 5 December 2016.

[68] The Council filed a further memorandum on 9 December 2016 requesting a range of minor corrections to earlier decisions ('memorandum in relation to specific chapter corrections').¹⁸ The corrections requested fall into the following categories:

- (a) consequential corrections to the naming of zones, appendices or external document to refer to the correct name and to delete obsolete references;
- (b) minor corrections to planning maps and ODP's to align with decisions already made;
- (c) minor typographical or grammatical corrections; and
- (d) corrections to provisions already decided and now operative that do not directly arise as a consequence of the matters in paragraph [2] above.

[69] We are satisfied that the matters (a) to (c) are minor corrections or otherwise necessary for consistency and coherency and are of minor effect and so make them by this Decision.¹⁹ In Schedule 5 to this decision, we set out the changes we have accepted as being appropriate and have incorporated into Schedule 1 to this Decision. We also include in Schedule 5 directions to the Council to update zone names, relevant planning maps and ODP's.

[70] The matter described in [68](d) relates to four particular issues:

- (a) an inconsistency between rules relating to minimum site size in Chapter 8 Subdivision and Earthworks (Decision 13) and Chapter 14 Residential Stage 2 (Decision 17) relating to the Lyttelton Character Overlay;²⁰
- (b) various minor inconsistencies arising from the integration of the Meadowlands Exemplar provisions (Decision 4) with the Subdivision and Residential New Neighbourhood provisions (Decisions 28 and 29);²¹

¹⁸ Memorandum of Counsel for the Christchurch City Council requesting minor corrections to specific chapters, 9 December 2016.

¹⁹ OIC, cl 13(5) and (6) (a) and sch 3, cl 16.

²⁰ Memorandum of Counsel with specific chapter corrections, 9 December 2016, at 5.1-5.5.

²¹ *ibid* at 5.8-5.16.

- (c) a minor correction to Rule 14.2.2.5 affecting Retirement Villages;²²and
- (d) a minor correction to the ODP in 16.6.9 (i) relating to the Tait Campus.²³

[71] We have not made the change requested in [69](a) because at this late stage we are not able to determine whether the consequences of the change are minor or of minor effect.

[72] In relation to [70][69] (b)–(c), prima facie the changes requested appear to be minor because they do not alter the substance of earlier decisions. We are, therefore, prepared to make the changes subject to the Council providing written confirmation from the submitters affected by those changes that they are agreed to them. We therefore direct the Council to report to the Panel on those matters in its reporting memorandum, as directed below at [78].

[73] In relation to the Meadowlands Exemplar matter we observe that the suggestions provided in the Council’s memorandum in relation to specific chapter corrections at 5.15, appear not to go far enough to provide complete integration of Decision 4 with Chapter 8. For example, we note that the Council has introduced a zone name of ‘Residential New Neighbourhood Meadowlands Exemplar Zone’. In Decision 4, although the parties were seeking a ‘spot zone’, the provisions are more correctly a bespoke set of provisions within the Residential New Neighbourhood Zone that apply to the Exemplar area within that zone. Introducing a new zone has wider consequences for the structure of the CRDP. We urge the parties to utilise the services of a senior planner to undertake a complete review of the structure of the Meadowlands Exemplar provisions so as to ensure consistency with the drafting style of the CRDP, without altering the substance of the provisions.

DIRECTIONS AS TO MINOR CORRECTIONS

[74] In Schedule 1 to this decision, we have included updated and corrected provisions for all Chapters of the CRDP. We have done so using our powers of correction as set out at [10] above.

[75] Our jurisdiction to make decisions on the CRDP comes to an end on 16 December 2016.²⁴ We do, however, anticipate that there may be minor errors in the attached Schedule that,

²² ibid at 8.2-8.5.

²³ ibid at 10.6 -10.13.

²⁴ OIC, cl 13(2) and clause 13(8).

notwithstanding the care taken, need to be corrected as a consequence of this Supplementary Decision. We retain our limited jurisdiction to attend to minor corrections under OIC, Schedule 3, cl 16(1) and (2). On that basis, we grant leave to the Council, and any other submitter, to make an application for minor corrections to this decision and the provisions in Schedule 1 by **4pm Friday 27 January 2017**. Any application for minor corrections shall be limited to the following matters:

- (a) Typographical and grammatical errors (excluding any matters of drafting style or preference);
- (b) Errors in application of underlining; and
- (c) Cross referencing errors that would not otherwise be addressed through the Council's renumbering exercise.

[76] All applications for minor corrections to this decision must be filed with the Secretariat and served on the Council. We encourage any submitter who seeks a minor correction to discuss the matter with the Council in the first instance with the view to the Panel receiving a single memorandum addressing minor corrections.

[77] We then direct the Council to file a further memorandum (corrections memorandum) by **4pm, 3 February 2017** addressing any applications for minor corrections.

[78] The Council's corrections memorandum must:

- (a) be filed in a form showing tracked changes to a word version of the relevant chapter with a clear explanation of the reason for each change;
- (b) confirm that the correction is within our jurisdiction to make;
- (c) Report on corrections made in response to [72] above; and
- (d) include a draft Decision on Minor Corrections for our consideration.

[79] Where any minor corrections are made by the Hearings Panel, the Council will be directed to include these in its updated CRDP incorporating the renumbering of provisions.²⁵

OVERALL EVALUATION AND CONCLUSIONS

[80] We are satisfied that the changes we have made in the Final Revised Version meet the requirements of the OIC cl 13(5) and (6)(a) and Schedule 3 cl 16. We find that the Final Decision Version best give effect to the RMA and the Higher Order Documents. It is also best suited to enable recovery and meet the long-term requirements of greater Christchurch.

²⁵ As directed in the Decisions on Minor Corrections to 56 – Chapter 6: General Rules and Procedures (Part) – excluding Noise, Airport matters and Hagley Park and Chapter 15: Commercial – Lyttelton Master Plan Overlay Area, dated 15 December 2016 at [5]

For the Hearings Panel:



Hon Sir John Hansen
Chair



Environment Judge John Hassan
Panel Member



Alec Neil
Panel Member



Sarah Dawson
Panel Member

SCHEDULE 1

Chapter 1 Introduction

Chapter 2 Abbreviations and Definitions

Chapter 3 Strategic Directions

Chapter 4 Papakāinga/Kāinga Nohoanga Zone

Chapter 5 Natural Hazards

Chapter 6.1 General Rules and Procedures - Noise

Chapter 6.2 General Rules and Procedures – Temporary Activities, Buildings and Events

Chapter 6.3 General Rules and Procedures – Outdoor Lighting

Chapter 6.4 General Rules and Procedures – Temporary Earthquake Recovery Activities

Chapter 6.5 General Rules and Procedures – Scheduled Activities

Chapter 6.6 General Rules and Procedures – Water Body Setbacks

Chapter 6.7 General Rules and Procedures – Aircraft Protection

Chapter 6.8 General Rules and Procedures – Signs

Chapter 6.9 General Rules and Procedures – Late Night Licensed Premises

Chapter 6.10 General Rules and Procedures – Works for the Purposes of Earthquake Recovery

Chapter 6.11 General Rules and Procedures – Appendices

Chapter 7 Transport

Chapter 8 Subdivision, Development and Earthworks

Chapter 9.1 Natural and Cultural Heritage - Indigenous Biodiversity and Ecosystems

Chapter 9.2 Natural and Cultural Heritage – Landscapes and Natural Character

Chapter 9.3 Natural and Cultural Heritage – Historic Heritage

Chapter 9.3 Natural and Cultural Heritage – Historic Heritage – Appendix 9.3.7

Chapter 9.4 Natural and Cultural Heritage - Significant and Other Trees

Chapter 9.4 Natural and Cultural Heritage - Significant and Other Trees – Appendix 9.4.7

Chapter 9.5 Natural and Cultural Heritage - Ngāi Tahu Values and the Natural Environment

Chapter 9.6 Natural and Cultural Heritage – Coastal Environment

Chapter 11 Utilities and Energy

Chapter 12 Hazardous Substances and Contaminated Land

Chapter 14 Residential

Chapter 15 Commercial

Chapter 16 Industrial

Chapter 17 Rural

Chapter 18 Open Space

Chapter 21.1 Specific Purpose (Defence Wigram) Zone

Chapter 21.2 Specific Purpose (Cemetery) Zone

Chapter 21.4 Specific Purpose (Styx Mill Road Transfer Station) Zone

Chapter 21.5 Specific Purpose (Hospital) Zone

Chapter 21.6 Specific Purpose (School) Zone

Chapter 21.7 Specific Purpose (Tertiary Education) Zone

Chapter 21.9 Specific Purpose (Golf Resort) Zone

Chapter 21.10 Specific Purpose (Ruapuna Motorsport) Zone

Chapter 21.11 Specific Purpose (Flat Land Recovery) Zone

Chapter 21.12 Specific Purpose (Burwood Landfill and Resource Recovery Park) Zone

Chapter 21.13 Specific Purpose (Ngā Hau e Whā) Zone

SCHEDULE 2**APPENDIX B****LIST OF DELETED DEFINITIONS THROUGH DECISION 58 TO BE CONFIRMED BY THE PANEL**

Deleted Definition	Method introduced to CRDP	Decision that deleted the Definition
Absorbed power	Notification	58
Access (MED)	Decision 4	58
Accessory building (MED)	Decision 4	16
Accessory building (non-residential activity)	Notification	58
Accessory building (residential activity)	Notification	58
Alcohol licence	Notification	16
Allotment (MED)	Decision 4	58
Alteration of a heritage setting	Notification	45
Ancillary food and beverage	Notified	58
Ancillary office activity	Notification	16
Ancillary retail activity	Notification	16
Apartment (MED)	Decision 4	58
Articulation	Notification	16
Automatic daylight control	Notification	58
BOD ₅	Notification	58
Boundary (MED)	Decision 4	58
Building (MED)	Decision 4	58
Building consent platform	Decision 4	16
Care facilities	Decision 4	58
Certified Minimum finished floor level	Evidence	16
Civic park	Notification	58
Coastal recreation facilities	Evidence	58
Comprehensive consent	Notification	19
Concept plan	Notification	58
Conforming prefabricated sign	Evidence	58
Conservation	Notification	58
Construction work	Notification	58
Control Zone	Notification	58
Corrosive Substance	Notification	58
Council (MED)	Decision 4	58
Cremation	Notification	58
Cultural facility	Notification	58
Cultural heritage	Notification	58
Dampers	Notification	58
Density uplift areas	Notification	58
Density uplift areas (MED)	Decision 4	16
Detailed design statement	Notification	16
Development	Notification	1
Development (MED)	Decision 4	16
Development plan	Decision 4	16
Development plan (MED)	Decision 4	16/58
Domestic	Notification	58
Duplex (MED)	Decision 4	58

Deleted Definition	Method introduced to CRDP	Decision that deleted the Definition
Duration of work	Notification	58
Early childhood education facilities	Evidence	16
Eco-toxic	Notification	58
Edge treatment	Notification	58
EDM qualifying supermarket	Notification	58
Electrical switch	Notification	16
Electricity distribution line corridor	Evidence	58
Electricity transmission network	Notification	1
Emergency Services	Notification	58
Entertainment facility	Notification	58
Event	Notification	58
Explosive substance	Notification	58
Exposed excavation	Notification	34
Farming and agricultural supplier	Notification	16
Fast food outlet	Evidence	16
Finer grain retailing	Notification	16
Flammable/Flammability	Notification	58
Food Court	Notification	16
Footprint of the building	Evidence	58
Future development allotment (MED)	Decision 4	58
Garage (MED)	Decision 4	58
Garden and patio Supplier	Notification	16
Grave	Notification	58
Greater Christchurch area of Christchurch District	Notification	16
Hazardous facility	Notification	58
Height (MED)	Decision 4	58
Historic heritage place	Notification	45
Human scale	Notification	16
Insulation R value	Notification	58
Interface	Notification	16
Kaitiakitanga	Notification	16
Key activity centre (MED)	Decision 4	58
Kotahitanga	Notification	16
Landscape	Notification	38/58
Lane way	Notification	58
Large-scale renewable electricity generation	Notification	40
Legally defined parcel of land	Notification	16
Legibility	Notification	16
Location	Notification	18
Lot	Notification	16
Main Street	Notification	16
Major sports activity	Notification	58
Major use type	Notification	58
Manaakitanga	Notification	16
Master plan	Notification	16
Mātauranga	Notification	16
Mauritanga	Notification	16
Mausoleum/Mausolea	Notification	58
Mineral extraction activity	Notification	16
Minor pruning	Notification	58

Deleted Definition	Method introduced to CRDP	Decision that deleted the Definition
Minor residential unit	Notification	63
Minor sports activity	Notification	58
Minor sports facility	Notification	58
Modulation	Notification	16
Motorised sports activity	Notification	58
Multi-unit development	Decision 9	58
Naturalness	Notification	38/58
Natural surveillance	Notification	16
Neighbourhood block area	Notification	58
Neighbourhood block area (MED)	Decision 4	16
Neighbourhood plan (MED)	Decision 4	58
Nets Site area (MED)	Decision 4	16
Network utility operation	Notification	16
New neighbourhood entry lot	Notification	16
New neighbourhood hectare	Notification	58
New neighbourhood hectare (MED)	Decision 4	16
New neighbourhood net density	Notification	58
New neighbourhood net density (MED)	Decision 4	58
New neighbourhood residential unit types	Notification	58
New neighbourhood target yield	Notification	58
Ngāi Tahu/Manawhenua	Notification	16
Office Activity	Decision 16	58
Office furniture, equipment and systems suppliers	Notification	16
One network approach	Notification	16
Orangatanga	Notification	16
Outdoor advertisement	Notification	58
Outdoor air economy cycle	Notification	58
Passive cemetery activities	Notification	58
Passive recreation activities	Notification	58
Paved impermeable surface	Notification	16
Pedestrian access way	Notification	58
Point strip	Notification	16
Potable water	Notification	16
Preschool activity	Notification	58
Preschool facility	Notification	58
Pressurised injection	Notification	58
Primary explosive substance	Notification	58
Propellant explosive substance	Notification	58
Public area	Decision 16	58
Radioactive material	Notification	58
Rangatiratanga	Notification	16
Residential activity (MED)	Decision 4	16
Residential amenity	Notification	16
Residential unit (MED)	Decision 4	58
Rock fall hazard removal	Evidence	16
Rural activity	Notification	58
Rural selling place	Notification	58
Rural tourism facility	Notification	58
Seasonal high water table	Notification	58
Sensitive area	Notification	58

Deleted Definition	Method introduced to CRDP	Decision that deleted the Definition
Setback (MED)	Decision 4	58
Sheltered housing (MED)	Decision 4	58
Silent files	Notification	58
Site boundary	Notification	58
Smaller Community – Seale renewable electricity generation	Notification	40
Specific power	Notification	58
Spill containment system	Notification	58
Spiritual facility	Notification	58
Standalone house (MED)	Decision 4	58
Storage	Notification	58
Subdivision (MED)	Decision 4	58
Surface water management structure	Notification	58
Temporary activities	Notification	58
Temporary building and activities	Notification	58
Temporary occupation	Notification	58
Terrace (MED)	Decision 4	58
Theatre	Notification	16
Thermal resistance	Notification	58
Top of the bank	Evidence	58
Trade and industry training facility	Notification	58
Tūrangawaewae	Notification	16
Use	Notification	58
Utility pole	Notification	58
Valuable tree	Notification	58
Wāhi Taonga	Notification	16
Wāhi tapu	Notification	16
Waipuna	Notification	16
Wairuatanga	Notification	16
Whanaungatanga	Notification	16
Window control	Notification	16

SCHEDULE 3

Definitions previously decided in Stage 2 and 3

Decision 12 – Transport (Part) (and relevant definitions)
Transport system

Decision 14 – Specific Purpose (Burwood Landfill and Resource Recovery Park) Proposal – Stage 3
Earthquake waste
Earthquake waste processing activities

Decision 18 – Chapter 12 Hazardous Substances and Contaminated Land – Stages 1 and 2 (and relevant definitions)
Hazardous substance
Location (deleted)
Potentially contaminated
Residual risk
Substance

Decision 19 – Chapter 21 Specific Purposes Zones – Stage 2 (and relevant definitions and associated planning maps)
Cemetery
Comprehensive consent

Decision 32 -Specific Purpose (Ruapuna Motorsport) Zone (and relevant definitions associated planning maps)
Road safety testing
Ruapuna club rooms

Decision 34 – Chapter 17 Rural Stage 2 (and relevant definitions and associated planning maps)
Aggregates-processing activity
Ancillary aggregates-processing activity
Artificial crop protection structures
Boarding of domestic animals
Clean fill
Crop support structures
Equestrian facility
Existing forestry
Exposed excavation (deleted)
Farm stay
Farming
Farm building

Greenhouse
Horticultural structures
Intensive farming
Minor residential unit
Mobile irrigators
Plantation forestry
Property
Quarry
Quarry site rehabilitation
Quarrying activity
Rural produce manufacturing
Rural produce retail
Rural productive activities
Rural tourism activity
Rural tourism facility (deleted)
Templeton rural activity
Templeton strategic infrastructure

**Decision 37 – Papakainga/Kainga Nohoanga Zone and Specific Purpose
(Nga Hau e Wha) Zone (and relevant definitions and planning maps)**

Māori land

**Decision 40 – Chapter 11 Utilities, Energy and Infrastructure including
Stage 3 Rule 11.3.4.1 P1 (and relevant definitions)**

Communication kiosk

Large-scale renewable electricity generation (deleted)

Small or community-scale renewable electricity generation (deleted)

**Decision 44 – Chapter 9 Natural and Cultural Heritage (Part)
Topic 9.4 – Significant Trees**

Dripline

Technician arborist

Works arborist

**Decision 45 – Chapter 9 Natural and Cultural Heritage (Part)
Chapter 9.3 Historic Heritage**

Alteration of a heritage item

Deconstruction

Demolition

Heritage area

Heritage fabric

Heritage investigative and temporary works

Heritage item

Heritage professional

Heritage setting

Heritage upgrade works
Heritage values
Historic heritage
Historic heritage place (deleted)
Maintenance
Partial demolition
Reconstruction
Relocation of heritage item
Repairs
Restoration

Decision 47 – Supplementary Decision to Chapter 11 Utilities, Energy and Infrastructure including minor corrections to Decision 40

Communication facility
Communication kiosk
Small or community-scale renewable electricity generation (deleted)
Telecommunication

**Decision 50 – Chapter 9 Natural and Cultural Heritage (Part)
Sub-chapter 9.1 Indigenous Biodiversity and Ecosystems**

Biodiversity offset
Customary harvesting
Improved pasture
Indigenous biodiversity
Indigenous fauna
Indigenous vegetation
Indigenous vegetation clearance
No net loss
Significant indigenous vegetation

**Decision 51 – Chapter 9 Natural and Cultural Heritage (Part)
Sub-chapter 9.5 Ngāi Tahu Values**

Sites of Ngāi Tahu cultural significance
Spring

**Decision 52 - Coastal Environment and Open Space Coastal Zone
(and relevant definitions and associated planning maps)**

Bach
Marine structures

**Decision 53 – Natural Hazards – Stage 3 (and relevant definitions
and associated planning maps)**

High flood hazard management area

Decision 56 – Chapter 6 General Rules and Procedures (Part) excluding Noise, Airport matters and Hagley Park (and relevant definitions and associated planning maps)
Billboard
Digital sign
Free-standing sign
Guest accommodation
Off-site sign
Primary building frontage
Total area of sign

Decision 57 - Chapter 6 General Rules and Procedures (Part) – Noise, Airport matters and Hagley Park (and relevant definitions and associated planning maps)
AANC
dB
Aircraft operations
Notional boundary
Air Noise Boundary
L_{AE}
L_{AEq}
L_{Amax}/L_{AFmax}
Sign/Signage
Airport operator
Engine testing
L_{dn}

SCHEDULE 4

Decided Definitions Reconsidered under OIC cl 13(5)

Decision 1 – Strategic directions and strategic outcomes	
Definitions reconsidered	Reason
Strategic infrastructure	Standardisation of language and add Orion 66, 33, 15 Kv electricity distribution lines,
Strategic transport networks	Typo/grammar

Decision 4 – Rezoning of exemplar housing areas	
Definitions reconsidered	Reason
Access (M.E.D.)	Not needed MED
Allotment (M.E.D.)	Not needed MED
Apartment (M.E.D.)	Not needed MED
Boundary (M.E.D.)	Not needed MED
Building (M.E.D.)	Not needed MED
Council (M.E.D.)	Not needed MED
Development (M.E.D.)	Not needed MED
Duplex (M.E.D.)	Not needed MED
Future development allotment (M.E.D.)	Qualifier MED
Garage (M.E.D.)	Not needed MED
Height (M.E.D.)	Not needed MED
Key activity centres (M.E.D.)	Not needed MED
Neighbourhood plan (M.E.D.)	Qualifier MED
Residential unit (M.E.D.)	Not needed MED
Setback (M.E.D.)	Not needed MED
Sheltered housing (M.E.D.)	Not needed MED
Standalone house (M.E.D.)	Not needed MED
Subdivision (M.E.D.)	Not needed MED
Terrace (M.E.D.)	Not needed MED

Decision 6 - Natural hazards (Part)	
Definitions reconsidered	Reason
Critical infrastructure	Standardisation of language
Hazard mitigation works	Qualifiers and Standardisation of language
High flood hazard management area	Standardisation of language and amend to High Flood Hazard Management Area
Minor upgrading of the existing electricity network	Qualifiers
Pressurised injection	Not needed as consequence of Decision 28 Subdivision
Repair and maintenance of existing infrastructure	Qualifiers and Standardisation of language

Decision 7 – Transport (Part)	
Definitions reconsidered	Reason
Food and beverage outlet	Standardisation of language
Gross floor area (GFA)	Standardisation of language
Gross leasable floor area (GLFA)	Standardisation of language
Mobility parking space	Qualifiers
Pool area	Qualifiers
Private parking area	Amended to be private parking area for consistency
Public floor area (PFA)	Qualifiers
Student hostel accommodation	Qualifiers and clarity
Yard-based supplier	Standardisation of language
Yard-based supplier parking	Qualifiers

Decision 14 – Specific Purpose Zone (Burwood Landfill and Resource Recovery Park) Proposal	
Definitions reconsidered	Reason
Earthquake waste	Qualifiers and Standardisation of language
Earthquake waste processing activities	Qualifiers and Standardisation of language

Decision 16 – Chapter 1 Introduction (Part) and Chapter 2 Definitions (Part)	
Definitions reconsidered	Reason
Access	Standardisation of language
Access lot	Technical correction
Access strip	Technical correction
Accessibility	Standardisation of language
Accessible	Standardisation of language
Accessory building (non-residential activity)	Combined with Accessory building in Stage 2
Accessory building (residential activity)	Combined with Accessory building in Stage 2
Addiction services	Standardisation of language
Allotment	Technical correction
Amenity values	Technical correction
Ancillary	Amended for clarity ¹
Annual exceedance probability (AEP)	Technical correction
Apartment	Technical correction
Approved building	Standardisation of language
Archaeological site	Technical correction
Automotive and/or marine supplier	Standardisation of language
Balcony	Typo/grammar
Banks Peninsula	Standardisation of language
Bed and breakfast	Standardisation of language
Boarding house	Standardisation of language
Boarding room	Standardisation of language
Boundary	Standardisation of language

¹ Decision 58 at [44].

Decision 16 – Chapter 1 Introduction (Part) and Chapter 2 Definitions (Part)	
Definitions reconsidered	Reason
Building	Standardisation of language
Building line restriction	Standardisation of language
Building supplier	Standardisation of language
Café	Standardisation of language
Carriageway	Standardisation of language
Christchurch City Council Datum	Standardisation of language
Civic park	Not needed
Commercial activities	Standardisation of language
Commercial services	Standardisation of language
Community corrections facility	No change
Community facility	Standardisation of language and add reference to Open Space
Community garden	Amend to include 'not for profit'
Community infrastructure	Technical correction
Community welfare facility	Standardisation of language
Contaminated land	Technical correction
Convenience activities	Typo/grammar
Core public transport route	Consequential change
Cycle lane	Standardisation of language
Development contribution	Technical correction
District Centre	Qualifiers and add Northwood
Dripline	Qualifiers removed
Drive-through services	Standardisation of language
$D_{tr,2m,nTw}+C_{tr}$	Correction
Duplex	Qualifiers
Earthworks	Standardisation of language and clarity
EDM core public transport route	Consequential change
EDM qualifying supermarket	Not needed
EDM walking distance	Typo/grammar
Education activity	Clarity
Elderly person's housing unit	Typo/grammar
Electricity distribution	Standardisation of language and amendments from Utilities
Electricity distribution line	Standardisation of language
Emergency service facilities	Standardisation of language
Entertainment activity	Standardisation of language
Entertainment facility	Not needed
Esplanade reserve	Technical correction
Family flat	Standardisation of language
Financial contribution	Technical correction
Flood management area	Typo/grammar
Freeboard	Standardisation of language
Full-time equivalent student	Qualifiers

Decision 16 – Chapter 1 Introduction (Part) and Chapter 2 Definitions (Part)	
Definitions reconsidered	Reason
Garage	Standardisation of language
Greenfield	Standardisation of language and delete urban
Gross floor area of the habitable space	Typo/grammar
Grout	Qualifier removed
Guest accommodation	Combined with Guest accommodation stage 2
Gymnasium	Typo/grammar
Health care facility	No change
Heavy industrial activity	Typo/grammar
Heavy vehicle	Standardisation of language
Height	Standardisation of language
High technology industrial activity	No Change
Home occupation	Standardisation of language
Hospital	Superseded by Stage 2 definition ²
Hotel	Standardisation of language
Impervious surface	Consequential ³
Industrial activity	Consequential change to include 'aggregates-processing activity'
Infrastructure (Rule 5.5.1)	Qualifier, Standardisation of language and update numbering
Integrated family health centre	Standardisation of language
Key activity centres	Standardisation of language
Key pedestrian frontage	Standardisation of language
Landscaping	Typo/grammar
Lane way	Not needed
Large format retail/Large format retail activity	No change
Level crossing	Technical correction
Limit line	Qualifiers
Loading area	Standardisation of language
Local centre	Typo/grammar
Local roads	Consequential change
Low impact urban design	Standardisation of language
Major cycle route	Qualifiers
Manoeuvre area	Standardisation of language
Mixed modal link	Qualifiers
Mixed-use	Standardisation of language
Neighbourhood centre	Consequential change to include New Brighton
Net floor area	Standardisation of language
Net site area	Standardisation of language
Network infrastructure	Technical correction
Network utility operator	Technical correction

² Decision 58 at [82].

³ Decision 58 at [83].

Decision 16 – Chapter 1 Introduction (Part) and Chapter 2 Definitions (Part)	
Definitions reconsidered	Reason
Office	Standardisation of language
Office activity	Not needed
Older person	Standardisation of language
Outdoor advertisement	Not needed
Outdoor living space	Standardisation of language
Outdoor storage area	No change
Park and ride facilities	No change
Parking building	No change
Parking lot	No change
Pedestrian access way	Not needed
Place of assembly	Standardisation of language
Plot ratio	Standardisation of language
Pre-school	Amended for consistency with Education Act 1989 and removal of hyphen
Primary living level	Standardisation of language
Private way	Technical correction
Public area	Not needed
Public artwork	Standardisation of language
Public transport facility	Typo/grammar
Recreation activity	Standardisation of language
Residential activity	No change
Residential building platform	Qualifiers and consequential change
Residential unit	Standardisation of language and consequential change from Decision 34 to include 'farm stay' ⁴
Retail activity	Standardisation of language
Retirement village	Standardisation of language and technical correction ⁵
Reverse sensitivity	Typo/grammar
Road	Technical correction
Rural selling place	Not needed
Second-hand goods outlet	Standardisation of language
Sensitive activities	Standardisation of language and Stage 2 amendments
Service station	Standardisation of language and consequential changes from General Rules
Show home	Typo/grammar
Site	Standardisation of language and amendments from Decision 19
Site boundary	Not needed
Sleep-out	'Delete' with gross floor area of 25m ⁶
Spiritual activity	No change
Spiritual facility	Not needed
Subdivision	Technical correction

⁴ Decision 58 at [129].

⁵ Decision 58 at [132].

⁶ Decision 58 at [146].

Decision 16 – Chapter 1 Introduction (Part) and Chapter 2 Definitions (Part)	
Definitions reconsidered	Reason
Supermarket	Amend to remove 'with a specified minimum specific area'
Support structure	Standardisation of language
Supportive housing	Qualifiers and Standardisation of language
Tavern	Typo/grammar
Temporary buildings and activities	Not needed
Tertiary education and research activity	No change
Trade and industry training facility	Standardisation of language and amend to activity ⁷
Trade supplier	Typo/grammar
Transmission line	Replaced with stage 2 version
Transport system	Replaced with Decision 12 and standardisation of language
Travel demand management	Qualifiers
Travel plan	Standardisation of language
Urban activities	Typo/grammar
Urban roads	Standardisation of language
Utility	Standardisation of language and consequential amendments from Decision 40
Vehicle control point	Qualifiers
Vehicle crossing	Typo/grammar
Vehicle movement	Typo/grammar
Water body	Standardisation of language
Wetland	Technical correction
Window	Standardisation of language
Work bay	Qualifiers

Decision 18 – Chapter 12: Hazardous Substances and Contaminated Land	
Definitions reconsidered	Reason
Hazardous substance	Consequential change for consistency with Lyttelton Port Recovery Plan ⁸
Potentially contaminated	Standardisation of language
Residual risk	Qualifiers
Substance	Technical correction

Decision 19 – Chapter 21: Specific Purpose Zones – Stage 2	
Definitions reconsidered	Reason
Cemetery	Technical correction

Decision 29 – Residential New Neighbourhood Zone	
Definitions reconsidered	Reason
New neighbourhood net density	Not needed in RNN
New neighbourhood target yield	Not needed in RNN

⁷ Decision 58 at [69].

⁸ Decision 58 at [79].

Decision 32 – Specific Purpose (Ruapuna Motorsport) Zone	
Definitions reconsidered	Reason
Road safety testing	Standardisation of language
Ruapuna club rooms	No change

Decision 34 – Chapter 17: Rural	
Definitions reconsidered	Reason
Aggregates-processing activity	No change
Artificial crop protection structures	Qualifiers
Existing forestry	Consistency of language
Farming	Consistency of language
Intensive farming	Consistency of language
Minor residential unit	Consistency of language
Mobile irrigators	Consistency of language
Rural produce retail	Typo/grammar
Rural tourism activity	Addition of e. omitted in error

Decision 37 – Papakainga/Kainga Nohoanga Zone and Specific Purpose (Nga Hau e Wha) Zone	
Definitions reconsidered	Reason
Māori land	Consistency of language

Decision 44 – Chapter 9: Natural and Cultural Heritage (Part) 9.4 Trees	
Definitions reconsidered	Reason
Technician arborist	Consistency of language
Works arborist	Consistency of language

Decision 45 – Chapter 9: Natural and Cultural Heritage (Part) 9.3 Historic Heritage	
Definitions reconsidered	Reason
Alteration of a heritage item	Clarity and consistent language
Heritage investigative and temporary works	Typo/grammar
Historic heritage	Consistency of language
Maintenance	Consistency of language
Restoration	Consistency of language

Decision 47 – Supplementary Decision to Chapter 11: Utilities, Energy and Infrastructure	
Definitions reconsidered	Reason
Communication facility	Delete final sentence for consistency

Decision 50 – Chapter 9: Natural and Cultural Heritage (Part) 9.1 Indigenous Biodiversity and Ecosystems	
Definitions reconsidered	Reason
Customary harvesting	Consistency of language
Improved pasture	Consistency of language

Decision 51 – Chapter 9: Natural and Cultural Heritage (Part) 9.5 Ngāi Tahu Values

Definitions reconsidered	Reason
Spring	Consistency of language

Decision 56 – Chapter 6: General Rules and Procedures (Part) – excluding Noise, Airport matters, and Hagley Park

Definitions reconsidered	Reason
Billboard	Panel – clarity and consistent language

Decision 57 – Chapter 6: General Rules and Procedures (Part) – Noise, Airport matters, and Hagley Park

Definitions reconsidered	Reason
Aircraft operations	Panel – remove duplication in e.
Notional boundary	Panel – consistency of language

Lyttelton Port Recovery Plan

Definitions reconsidered	Reason
Port quarrying activity	No change

Plan Change 52 Ruapuna

Definitions reconsidered	Reason
Motor racing vehicle	Typo/grammar
Noise-sensitive activities	Standardisation of language

SCHEDULE 5

Correction requested	Council Memorandum¹	Nature of correction	Correction made in Schedule 1 or Panel Direction
Update Zone names	2.1-2.2	Consequential changes	Council to make correction by 17 February 2017
Chapter 4 Papakāinga Decision 37	3	Grammatical consistency change	Panel has corrected in Schedule 1
Chapter 5 Natural Hazards Decision 53	4	Typographical error	Panel has corrected in Schedule 1
Chapter 8 Subdivision Decision 13 – As consequence of Decision 17 Residential Stage 2 - Lyttelton Character Overlay – Inconsistency between minimum net site density in Chapter 14 Residential Rule 14.4.4.2 and Chapter 8 Subdivision and Earthworks Rule 8.3.3.1	5.1-5.571]	Correction to achieve consistency between standards – not clear if minor	No change as per Decision at [71]
Residential Suburban Residential Zone – Delete reference to zone in Chapter 8 Subdivision and Earthworks.	5.4	Correction to delete obsolete zone reference	Panel has corrected in Schedule 1
Chapter 8 Subdivision Appendix 8.6.6 Residential Suburban and Residential Medium Density – Halswell West Decision 23	5.6-5.7	Correction zone name in ODP	Council to make correction by 17 February 2017
Meadowlands Exemplar Decision 4 and Decisions 28 and 29 Chapter 8 Subdivision and Chapter 14 Residential New Neighbourhood	5.8-5.16	Various changes for consistency arising out of integration of Decision 4 into Chapter 8	Council to review and identify minor consequential changes with consent of affected submitters by 3 February 2016 as per Decision at [72] and [73].
Chapter 10 Designations Decision 5 and 22	6.1-6.4	Correction to names of underlying zones	Council to make correction by 17 February 2017 Council to integrate 3 parts to Chapter 10 arising from Designation Decisions.

¹ Memorandum of Council for Christchurch City Council requesting minor corrections to specific chapters, 9 December 2016.

Chapter 10 Stage 3 Designations Decision 49	6.6-6.8	Mapping error to correct	Council to make correction by 17 February 2017
Chapter 11 Utilities and Energy – 11.4.1 Permitted Activity P4 Decision 40	7.1-7.4	Typo replace 'value' with 'valve'	Panel has corrected in Schedule 1
Chapter 14 Residential – Non complying Activity 14.2.2.5 relating to retirement villages Decision 10	8.2-8.5	Amendment to include 'retirement villages' in Rule	Council to make correction subject to consent of affected submitters by 3 February 2016 as per Decision at [72].
Chapter 14 Residential 14.3.3.6 d ii Day light recession Decision 10	8.6-8.11	Consequential correction - delete reference to the overlay because it is not required	Panel has corrected in Schedule 1
Chapter 14 Residential Rules 14.2.3.7 (6) and 14.4.4.3.4 (3) Decision 10	8.13-8.14	Correction to replace railway line with 'a designated rail corridor – council also deleting 'abutting' and just leaving adjacent	Panel has corrected by replacing 'railway line' with 'designated rail corridor' only. In addition the Panel has applied the correction to: 14.9.3.5.a 6. 14.11.4.1 14.12.3.16 1.
Chapter 14 Residential Rule 14.8.3.1 Site Density Decision 10	8.16-8.18	Delete reference to Outline as Appendix 8.6.10 is not an ODP	Panel has corrected in Schedule 1
Chapter 14 Residential – 14.7.2.1 P2 and 14.8.2.1 P2 Stage 2 Decision 17	8.19-8.23	Change requested for consistency of drafting of rules	Panel has corrected in Schedule 1
Chapter 8 Subdivision Awatea ODP Decision 28 and 29	8.24-25	Correction to ODP for consistency with Decision 11 and 23 extent of commercial zone	Council to make correction by 17 February 2017
Chapter 15 Commercial Decision 11	9.1-9.3	Replace reference to Appendix 15.10.8 which shows an area defined as 'Special Building Height Area' with wording in rule	Panel has corrected in Schedule 1
Chapter 16 Industrial - landscape setback Marshes Road Decision 11	10.1-10.5	Consequential change required to adjust landscape provision to be consistent with building setback on Marshes Road	Panel has corrected in Schedule 1

Chapter 16 Industrial – ODP Tait Campus Decision 11	10.6 – 10.13	Update ODP to show correct landscape set backs and adjust height limits.	Council to make correction subject to consent of affected submitters by 3 February 2016 as per Decision at [72]
Chapter 17 Rural Planning Map 43 and 43 Decision 34	11.1-11.5	Correction to zone shown on map to reflect Decision 34	Council to make correction by 17 February 2017
Chapter 18 Open Space Decision 35	12.1-12.4	Name of Bylaw needs correcting	Panel has corrected in Schedule 1
Chapter 18 Open Space Planning Maps 40 and 47 Decision 35	12.5-12.7	Correction to replace open space water margin zone with Industrial General consistent with decision	Council to make correction by 17 February 2017

